



Council's lifeguards were kept busy during the festive season as a record number of visitors flocked to our beaches.

Wyong Shire Council

Business Paper

ORDINARY COUNCIL MEETING

27 January 2016

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MEETING NOTICE

**The Ordinary Council Meeting
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 27 January 2016 at 5.00pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	5
1.2	Proposed Briefings and Inspections.....	6
1.3	Address By Invited Speakers.....	8
1.4	Confirmation of Minutes of Previous Meeting.....	9
1.5	Notice of Intention to Deal with Matters in Confidential Session.....	54

2 PLANNING REPORTS

2.1	Results of Public Exhibition draft Development Control Plan 2013 Chapter 3.1 - Site Waste Management.....	56
2.2	Draft Natural Assets Management Policy.....	118
2.3	Outcome of Public Exhibition - Minor Amendments Package - DCP 2013.....	131
2.4	Fire Safety Report from Fire and Rescue NSW at 95-97 Scenic Drive, Budgewoi.....	144

3 PROPERTY REPORTS

3.1	Classification of Land at Jilliby, Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704.....	148
3.2	Acquisition of Easements for Drainage over Part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah.....	152
3.3	Proposed Grant of Easement for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay.....	155
3.4	Classification of Land, Lot 229 DP 1213339 at Voyager Street, Wadalba.....	158
3.5	Acquisition of Easement for Drainage over Part of Lot 14 DP 14776 at 8 Norton Avenue, Killarney Vale.....	161

4 CONTRACT REPORTS

4.1	CPA/262748 - In Situ Stabilisation.....	164
4.2	CPA/264742 - Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach.....	168

5 GENERAL REPORTS

5.1	Planning Workshop.....	172
5.2	Sponsorship Program 2016/17.....	175
5.3	Merger Submissions.....	185
5.4	Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley.....	188
5.5	Councillor Attendance - 2016 Australian Institute of Company Directors (AICD) Australian Governance Summit.....	210
5.6	The Entrance Town Centre App Proposed Fees and Charges.....	224
5.7	Future Operation of Pools and Lake Haven Recreation Centre.....	226

5.8	Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee	233
5.9	Review of Meeting Procedures - Amend Code of Meeting Practice	243
6	INFORMATION REPORTS	
6.1	Investment Report for December 2015	329
6.2	Wyong Water Management Committee update	337
6.3	Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 December 2015	339
6.4	Activities of the Development and Rezoning and Building Certification Compliance and Health Units - November and December 2015	347
6.5	Results of Water Quality Testing for Beaches and Lake Swimming Locations	356
6.6	Outstanding Questions on Notice and Notices of Motion.....	360
7	NOTICES OF MOTION	
7.1	Notice of Motion - Busker Encouragement.....	371
7.2	Notice of Motion - Central Coasts New and Innovative Regional Animal Cares Facility.....	373
8	CONFIDENTIAL ITEMS	
8.1	Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale	
8.2	Councillor Outcomes Report	
9	QUESTIONS ON NOTICE ASKED	

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

Rob Noble
ACTING CHIEF EXECUTIVE OFFICER

1.1 Disclosure of Interest

TRIM REFERENCE: F2016/00012 - D12197875

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

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

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

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

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

RECOMMENDATION

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

ATTACHMENTS

Nil.

1.2 Proposed Briefings and Inspections

TRIM REFERENCE: F2016/00012 - D12197883
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

Date	Briefing	Directorate
27 January 2016	Kulnura Poultry farm - 127 Springs Rd Kulnura - DA/1058/2014	Development and Building
27 January 2016	Fees and Charges	CEO Unit
27 January 2016	RZ/6/2015 - Planning Proposal - Beachcomber Hotel, 200-214 Main Road, Toukley	Development and Building
27 January 2016	CONFIDENTIAL - Australia China Theme Park	Property and Economic Development
27 January 2016	CONFIDENTIAL - Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale	Property and Economic Development
27 January 2016	Merger Update	CEO Unit

RECOMMENDATION

That Council receive the report on Proposed Briefings and Inspections.

ATTACHMENTS

- 1 Councillor Proposed Briefings - 27 January 2016 D12206670



Proposed Briefings List to Date



Briefing Title:	Directorate:	Proposed Month:	Proposed Date:
Kulnura Poultry farm - 127 Springs Rd Kulnura - DA/1058/2014	Development and Building		27/01/2016
Fees and Charges	CEO Unit		27/01/2016
RZ/6/2015 - Planning Proposal - Beachcomber Hotel, 200-214 Main Road, Toukley	Development and Building		27/01/2016
CONFIDENTIAL - Australia China Theme Park	Property and Economic Development		27/01/2016
CONFIDENTIAL - Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale	Property and Economic Development		27/01/2016
Merger Update	CEO Unit		27/01/2016
Ourimbah Masterplan	Property and Economic Development		10/02/2016
Rural Land Use Review & Strategy	Development and Building		10/02/2016
RZ/4/2015 - Doyalson RSL Club - Rezoning	Development and Building		10/02/2016
Agreement on financial projections / Councillor submissions	CEO Unit		10/02/2016
Update on CPA/246855 - SPS WS296 & WS30 Vacuum SPS Upgrades and Installation	Infrastructure Management		10/02/2016
CPA/249913 - Upgrade of Sewage Pump Stations BB05 and BB06	Infrastructure Management		10/02/2016
INSPECTION: Bus Tour - Wyong Shire Rural Land Use Review and Strategy	Development and Building		17/02/2016
Q2 Financial Report (1.5hrs)	CEO Unit		24/02/2016
Aurecon - Fixed Wireless Network	CEO Unit		09/03/2016
INSPECTION - Proposed residential rezoning with wildlife corridor - 145 Johns Rd, Wadalba - RZ/1/2013	Development and Building		06/04/2016
Final Draft Plan changes	CEO Unit		13/04/2016
Water, Sewerage and Drainage prices - 1 hour	CEO Unit		25/05/2016
Q3 Report	CEO Unit		25/05/2016
Discuss and Consider Strat Plan Submissions (1 hours)	CEO Unit		08/06/2016
Development Infrastructure - Porters Creek Stormwater Diversion Project	Development and Building	February	

1.3 Address By Invited Speakers

TRIM REFERENCE: F2016/00012 - D12197892
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

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

RECOMMENDATION

That Council receive the amended report on Invited Speakers.

ATTACHMENTS

Nil.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2016/00012 - D12197903

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 9 December 2015.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 December 2015.

ATTACHMENTS

- | | | |
|---|-------------------------------------------------------------------------|-----------|
| 1 | MINUTES - Ordinary Council Meeting - 9 December 2015 (Redacted version) | D12207387 |
| 2 | CONFIDENTIAL MINUTES - Ordinary Meeting - 9 December 2015 - | D12172715 |

WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 09 DECEMBER 2015
COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

Acting Chief Executive Officer, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, Youth Officer, Communications Coordinator and two administration staff.

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

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

Youth Officer, Ms Lyn Cooper, introduced the 2016 Wyong Action Team and presented them with certificates of appreciation.

APOLOGIES

Councillor Best left the meeting at 5.04 pm and returned to the meeting at 5.05 pm during consideration of this item.

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1, 1.2, 1.3, 2.2, 2.1, 2.3, 3.5, 3.7, 3.10, 3.11, 6.2 and 7.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.1 DA/1080/2014 - Section 83B staged mixed use development comprising shop top housing (residential tower) a hotel tower with multi-purpose function space, a restaurant, a shopping centre & parking, including demolition of existing structures at The Entrance

Councillor Best declared a pecuniary interest in the matter for the reason that he is Council's representative on the Joint Regional Planning Panel (JRPP). Councillor Best left the chamber at 6.09 pm, took no part in discussion, did not vote and returned to the meeting at 6.24 pm.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Councillor Eaton declared a non-pecuniary significant conflict in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) as Council's delegate. Councillor Eaton left the chamber at 6.09 pm, took no part in discussion, did not vote and returned to the meeting at 6.24 pm.

2.3 CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training (CCGT). Councillor Best left the chamber at 6.26 pm, took no part in discussion, did not vote and returned to the meeting at 6.27 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is Council's delegate to CCGT and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the Council delegate and therefore no conflict arises."

3.7 Wyong Local Environmental Plan 2013 - Miscellaneous Amendment 2

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because my employment is not related to Delta's Rezoning nor is my employment based on property related matters."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she has signed the special disclosure of pecuniary interest and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Best declared a pecuniary interest in the matter for the reason that he has property in the areas intended for amendment. Councillor Best left the chamber at 6.34 pm, took no part in discussion, did not vote and returned to the meeting at 6.37 pm.

Councillor Eaton submitted a special declaration form for this item.

Councillor Greenwald submitted a special declaration form for this item.

Councillor Matthews submitted a special declaration form for this item.

Councillor Taylor submitted a special declaration form for this item.

Councillor Troy submitted a special declaration form for this item.

Councillor Vincent submitted a special declaration form for this item.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Councillor Webster submitted a special declaration form for this item.

**Scanned copies of special declarations for item 3.7, Wyong Local Environmental Plan 2013 - Miscellaneous Amendment 2, have been placed at the end of this minutes document.*

3.10 Future Management of The Entrance Town Centre

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the Board of The Entrance Town Centre Management (TETCM) and participated in consideration of this matter.

Councillor Taylor stated:

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

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she her daughter works at the Visitor Information Centre at The Entrance and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is the Council delegate to TETCM and participated in consideration of this matter.

Councillor Eaton stated:

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

7.1 Library Management System

Councillor Graham declared a pecuniary interest in the matter for the reason that his daughter is employed in Council's Library. Councillor Graham left the chamber at 7.12 pm, took no part in discussion, did not vote and did not return to the meeting.

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

1287/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

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

1288/15 That Council receive the report on Proposed Inspections and Briefings.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

1.3 Address By Invited Speakers

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

1289/15 That Council receive the amended report on Invited Speakers.

1290/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

1291/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 25 November 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1292/15 That Council consider the following matters in Confidential Session, pursuant to Section 10A (2)(c) of the Local Government Act 1993:

7.1 – Library Management System

1293/15 That Council note its reason for considering Report No 7.1 – Library Management System, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

1294/15 That Council request the Chief Executive Officer to report on these matters in open session of Council.

2.1 DA/1080/2014 - Section 83B staged mixed use development comprising shop top housing (residential tower) a hotel tower with multi-purpose function space, a restaurant, a shopping centre & parking, including demolition of existing structures at The Entrance

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

Councillor Greenwald left the meeting at 6.07 pm and returned to the meeting at 6.08 pm during consideration of this item.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Councillor Best declared a pecuniary interest in the matter for the reason that he is Council's representative on the Joint Regional Planning Panel (JRPP). Councillor Best left the chamber at 6.09 pm, took no part in discussion, did not vote and returned to the meeting at 6.24 pm.

Councillor Eaton declared a non-pecuniary significant conflict in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) as Council's delegate. Councillor Eaton left the chamber at 6.09 pm, took no part in discussion, did not vote and returned to the meeting at 6.24 pm.

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

1295/15 That Council receive the report on DA/1080/2014 for a Section 83B staged mixed use development comprising shop top housing (residential tower) a hotel tower with multi-purpose function space, a restaurant, a shopping centre & parking, including demolition of existing structures at The Entrance Road, Glovers Lane and Taylor Street, The Entrance.

1296/15 That Council make a submission, in support of the proposal, to the Joint Regional Planning Panel regarding the application.

FOR: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CR DV VINCENT

2.2 DA/111/2015 - Proposed Woolworths Retail Premises at Wadalba

Mr Eyal D'vier, MAK Property Investments Legal Counsel, addressed the meeting at 5.19pm, answered questions and retired at 5.35pm.

Mr Marc Lucas, from Property Development Woolworths Limited, addressed the meeting at 5.35pm, answered questions and retired at 5.46pm.

Councillor Taylor left the meeting at 5.28pm and returned to the meeting at 5.29pm during consideration of this item.

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

1297/15 That Council grant consent to DA/111/2015 subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1298/15 That Council advise those who made written submissions of its decision.

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

PROCEDURAL MOTION

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

1299/15 That Council allow meeting practice to be varied.

1300/15 That Council use the exception method to deal with the balance of the Agenda.

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

1301/15 That with the exception of report numbers 2.1, 2.3, 3.5, 3.7, 3.10, 3.11, 6.2 and 7.1 Council adopt the recommendations contained in the remaining reports.

2.3 CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training (CCGT). Councillor Best left the chamber at 6.26 pm, took no part in discussion, did not vote and returned to the meeting at 6.27 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is Council's delegate to CCGT and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the Council delegate and therefore no conflict arises."

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

1302/15 That Council elect to extend for six months the current contract with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) under contract CPA/220296 for provision of Group Training Services at an estimated cost of \$510, 000. Actual expenditure will vary dependent on the number of apprentices and hours worked over the duration.

1303/15 Council endorse a review of the approach to employing apprentices be undertaken by the new organisation (expected to be formed as a result of the voluntary amalgamation between WSC and GCC) prior to the conclusion of the six month extension. If determined to continue to utilise a GTO for the provision of apprentices an open tender for a new panel contract for the provision of GTO services be undertaken to align with the conclusion of the six month extension period.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

- 1304/15 That Council resolves that a satisfactory result would not be achieved by inviting tenders for the provision of apprentices and trainees, due to the extenuating circumstance arising from the proposed amalgamation of the Wyong and Gosford local government areas; the conflicting approaches currently taken by the Council and Gosford City Council in respect to the engagement of apprentices and trainees; and the desirability to resolve those conflicting approaches before inviting tenders. This resolution is made for the purposes of s. 55(3)(i) of the Local Government Act 1993.

3.1 Community Subsidy Program and Sport and Cultural Sponsorship Program

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

- 1305/15 That Council allocate \$902.00 from the 2015-16 Community Subsidy Program as follows:

Applicant	Project	Staff Funding Recommended
Central Coast Country Music Association Inc	Venue hire Colongra Bay Hall and digital printing	\$902.00
Total		\$902.00

- 1306/15 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project	Staff Recommendation
Central Coast Multiple Birth Association	Venue hire, digital printing, insurance and equipment	No evidence applicant is legally constituted not-for-profit, and some items requested not suitable for Community Subsidy Program

- 1307/15 That Council allocate \$6,500.00 from the 2015-16 Sport and Cultural Sponsorship Program as follows:

Applicant	Project	Staff Funding Recommended
Ryan Baxter	Tenpin Bowling Australia Junior National Championships, Melbourne, representing NSW	\$500.00
Gemma Clegg	Australian Futsal Team, United Kingdom, representing Australia	\$1000.00
Brooke McCaffery	World Championships of Performing Arts, America, representing Australia	\$1000.00
Wyatt Gavan	National Indigenous U17 Rugby Union Team, New Zealand, representing Australia	\$1000.00
Cooper Woolley	2015 Pacific School Games Swimming Team, Adelaide, representing NSW	\$500.00
Bethany Kranendonk	Australian All Schools Athletic Championships, Melbourne, representing NSW	\$500.00

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Tahlia Blanshard	9th Pacific School Games, Adelaide, representing NSW	\$500.00
Bryce Calderon	2016 NSW U17 Men's Softball Team, Perth, representing NSW	\$500.00
Clare Billson	World Championships of Performing Arts, America, representing Australia	\$1000.00
Total		\$6,500.00

1308/15 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project	Staff Recommendation
Emily Summerell	420 Open and Youth Nationals, Woollahra NSW, representing NSW	Independent verification from event organisers not supplied
Jo MacGregor	Rugby 7s State Wide Championship, Coffs Harbour, representing NSW	Application not received 30 days in advance
Isabelle Lutze	Lee Academy Dance and Performing Arts USA Tour, America	Application relates to a tour, not a competition as per Community Subsidy Program guidelines
Tyler Jones	2015 World Youth Athletics Championships, South America, representing Australia	Event already completed prior to application being submitted
Nathan Ward	NSW Pacific School Games Swimming Team, Adelaide, representing NSW	Application not received 30 days in advance

3.2 Joint Water Capital Works Budget for 2015/16

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

1309/15 That Council approve a revised 2015/16 Joint Water capital works budget of \$5,322,423.

3.3 Erosion and Sediment Control Policy

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

1310/15 That Council rescind the Wyong Shire Council E1 Erosion and Sedimentation Control Policy.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

3.4 Proposed dates for Employment and Economic Development Committee meetings for 2016

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

1311/15 That Council receive the report on Proposed dates for Employment and Economic Development Committee meetings for 2016 and adopt suitable dates for next year's schedule.

3.5 Councillor Attendance - 2016 Regional Airport Development Conference

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

1312/15 That Council authorise those interested Councillors to attend the 2016 Regional Airport Development Conference in accordance with the Council's Facilities and Expenses Policy for Councillors.

1313/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

A Division was called by Councillor Matthews and Councillor Vincent

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS AND DV VINCENT

3.6 Proposed Councillors' Community Improvement Grants

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

1314/15 That Council allocate an amount of \$10,210 from the 2015-16 Councillors' Community Improvement Grants as follows:

Central Coast Bombers (\$1800)	Uniform for the first women only team.	1,250
Central Coast Sports Federation Inc. (\$2000) (\$400 already allocated)	The Central Coast Sports Federation (CCSF) Awards	1,600
Country Women's Association Long Jetty/The Entrance branch (\$4000)	Repainting the branch hall.	1,650
Lions Club of Gwandalan Inc. (\$2500) (\$550 already allocated)	To assist with costs in hosting a Carols evening.	1,450
Mannerling Park Amateur Sailing Club (\$660) (\$200 already allocated)	To pay for a Yachting Australia Senior Instructor to run an Assistant Instructor Course for students.	460
Mannerling Park Tidy Towns (\$750) (\$500 already allocated)	To purchase screening shrubs to be planted at rear of sports amenities block at Community Oval.	250
Norah Head Ratepayers and Coast Care Association Inc. (\$1000) (\$850 already allocated)	Administration Costs.	150

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Brisbane Waters Secondary College P&C (\$3000)	To stage a unique commemorative remembrance day twilight service at The Entrance.	3,000
Toukley Neighbourhood Centre (\$3840) (\$1250 already allocated)	To provide subsidies art classes after school for children aged 7-14 years.	400

1315/15 That Council note the return of grant funding from Long Jetty RSL in relation to the Evening Remembrance Day Service at the Memorial Park at The Entrance.

1316/15 That Council note the reallocation of \$3,000 to the Parents and Citizens Association of Brisbane Waters Secondary College for the Remembrance Day Twilight Service in 1 above.

3.7 Wyong Local Environmental Plan 2013 - Miscellaneous Amendment 2

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because my employment is not related to Delta's Rezoning nor is my employment based on property related matters."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she has signed the special disclosure of pecuniary interest and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Best declared a pecuniary interest in the matter for the reason that he has property in the areas intended for amendment. Councillor Best left the chamber at 6.34 pm, took no part in discussion, did not vote and returned to the meeting at 6.37 pm.

Councillor Eaton submitted a special declaration form for this item.

Councillor Greenwald submitted a special declaration form for this item.

Councillor Matthews submitted a special declaration form for this item.

Councillor Taylor submitted a special declaration form for this item.

Councillor Troy submitted a special declaration form for this item.

Councillor Vincent submitted a special declaration form for this item.

Councillor Webster submitted a special declaration form for this item.

**Scanned copies of special declarations for item 3.7, Wyong Local Environmental Plan 2013 - Miscellaneous Amendment 2, have been placed at the end of this minutes document.*

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

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

- 1317/15 That Council initiate the Local Environmental Plan “Gateway” process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979.
- 1318/15 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a “Gateway” determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act, 1979.
- 1319/15 That Council advise the Department of Planning & Environment that it does not intend to apply for plan making delegations for the rezoning, pursuant to Section 23 of the Environmental Planning and Assessment Act, 1979.
- 1320/15 That Council refer the Planning Proposal to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act, 1979.
- 1321/15 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process, pursuant to Section 57 of the Environmental Planning and Assessment Act, 1979.
- 1322/15 That Council request the Department of Planning and Environment to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the Plan, subject to there being no significant objections that cannot be resolved by making minor amendments to the Planning Proposal.
- 1323/15 That Council update its Section 149 Certificates accordingly.

FOR: DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

3.8 Procurement of Landfill Compactor and Traxcavator at the Buttonderry Waste Management Facility

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

- 1324/15 That Council approve the acquisition of a new Compactor and Traxcavator for the operation of the Buttonderry Waste Management Facility in the 2016/2017 financial year.
- 1325/15 That Council approve an extension variation of contract “CPA/184718 Hire of Compactor and Traxcavator for the operation of Buttonderry Waste Management Facility” from the contract expiry date of 23rd January 2016 for a period of up to 10 months at an estimated total cost of up to \$892,500.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

3.9 Former Wyong Grove School Site

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

- 1326/15 That Council authorise the Acting CEO to acquire the front portion of Lot 1 DP 123075 North Road Wyong occupied by buildings, as shown in Map 1 in this Report ('Land'), at fair market value.
- 1327/15 That Council authorise the Acting CEO to execute all necessary documentation relevant to the acquisition of the Land.
- 1328/15 That Council resolve to acquire the Land by compulsory process for the purpose of arts and community facilities, pursuant to Section 186 of the Local Government Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the Land with the property owner cannot be satisfactorily resolved.
- 1329/15 That Council resolve to make an application to the Minister and the Governor for approval to acquire the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.
- 1330/15 That Council propose that the Land be classified as Operational land for the purposes of the Local Government Act 1993, when that land is acquired by Council.
- 1331/15 That Council advertise the land classification proposal in accordance with Section 34 of the Local Government Act 1993.
- 1332/15 That Council adopt the land classification if no adverse submissions are received.
- 1333/15 That Council note that nothing in these resolutions relating to the proposed land classification:
- a. *authorises the sale of the Land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of the Council; and*
 - b. *extinguishes or varies the terms of any trust applying to the land.*

3.10 Future Management of The Entrance Town Centre

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the Board of The Entrance Town Centre Management (TETCM) and participated in consideration of this matter.

Councillor Taylor stated:

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

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she her daughter works at the Visitor Information Centre at The Entrance and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is the Council delegate to TETCM and participated in consideration of this matter.

Councillor Eaton stated:

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

Cr Vincent left the meeting at 6.36 pm and did not return.

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

1334/15 That Council agree, in the event that The Entrance Town Centre Management Corporation is dissolved or TETCM Board elects to transfer the operations and functions associated with The Entrance Town Centre Management to Council, in accordance with this report:

- a That Council approve that Council assume responsibility for the assets, operations, maintenance, promotions, events and funding of The Entrance Town Centre as from the date of transfer or dissolution of TETCMC.**
- b That Council accept the transfer of the current Entrance Town Centre and Visitors' Centre employees to Council's employ on a 12 month temporary contract employee basis (at their existing rates of pay and conditions) as from the date of transfer or dissolution of TETCMC, and note that any accrued leave, or other entitlements for those employees, as at the date of transfer or dissolution, will be paid from the Corporation's funds.**
- c That Council approve the organisation structure changes (annexure 1) and an initial increase to the staff establishment of one (1) full time equivalent (FTE).**
- d That Council approve the transfer of the functions of The Entrance Visitors' Centre to Council's Community and Recreation Services department as from the date of transfer or dissolution of TETCMC.**
- e That Council rescind The Entrance Town Centre Management funding agreements.**

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

3.11 Update on Tourism in the Wyong Shire

Councillor Taylor left the meeting at 6.41 pm and returned to the meeting at 6.42 pm during consideration of this item.

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

- 1335/15 That Council note the results of the recent Tourism Forum.
- 1336/15 That Council note the annual report provided by Central Coast Tourism for 2014/15 financial year.
- 1337/15 That Council advise Central Coast Tourism Incorporated that Council currently does not have sufficient information to extend Central Coast Tourism Incorporated's contract.
- 1338/15 That Council receive a further report on this matter at the 27 January 2016 Ordinary Meeting.

4.1 Litter Management in the Wyong Shire

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

- 1339/15 That Council receive the report on Litter Management in the Wyong Shire.

4.2 Draft Minutes of the Employment and Economic Development Committee Meeting - 4 November 2015

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

- 1340/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 4 November 2015.

4.3 Road Capital Works Program

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

- 1341/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

4.4 Outstanding Questions on Notice and Notices of Motion

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

- 1342/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

3.5 Investment Report for November 2015

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

1343/15 That Council receive the Investment Report for November 2015.

6.1 Notice of Motion - Open and Transparent Local Government Decision Making at Wyong Shire Council

The Mayor ruled the Notice of Motion out of order.

6.2 Notice of Motion - Rock Fishing Deaths at "Drowning Rocks", Wybung Head

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

1344/15 That Council recognise rock fishing is one of Australia's most dangerous recreational pursuits accounting for 16 deaths alone on the Central Coast in the past 8 years (no victims were wearing life jackets).

1345/15 That, as a consequence of these deaths, the emotional trauma and the huge cost of recovery, Council calls on National Parks to support suitable multicultural "shock signage" in a desperate effort to curb the rising death toll.

1346/15 That, further to the coroner's recommended initiative of shock signage, Council also investigate and report on the possibility of formalising the unofficial name of "Drowning Rocks" platform located on the south eastern side of Wybung Head.

1347/15 That Council, in consultation with Roads and Maritime Services (RMS), Central Coast Surf Life Saving and key user groups, investigate the feasibility of installing a trial "ocean life buoy" in suitable proximity to the shelf to provide floatation and day/night EPIRB (distress beacon) facility.

1348/15 That Council again lend its support to Central Coast Surf Life Saving for their continuing campaign to make buoyancy vests mandatory when rock fishing.

CONFIDENTIAL SESSION

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

1349/15 That Council move into Confidential Session.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

At this stage of the meeting being 7.12 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

Council resumed in open session at 7.14 pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 Library Management System

Councillor Graham declared a pecuniary interest in the matter for the reason that his daughter is employed in Council's Library. Councillor Graham left the chamber at 7.12 pm, took no part in discussion, did not vote and did not return to the meeting.

1287/15 *That Council reject all tenders on the basis that Council will go into discussions with Gosford City Council following amalgamation and consider a Library Management System solution for the new organisation within six months.*

1288/15 *That Council determine the Tender Evaluation Report in Attachment A remain confidential in accordance with Section 10 A (2) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.*

QUESTIONS ON NOTICE

Nil

THE MEETING closed at 7.20 pm.

CR EATON

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

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This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: **Councillor Doug Eaton**
in the matter of **Wyong Local Environmental Plan 2013 Amendment No 2**
to be considered at a *Council meeting* held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	23 Jennings Road WYONG NSW 2259 (Lot 1 DP 24783)
Relationship of identified land to Councillor: [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor <i>[Tick or cross one box:]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ <i>[Tick or cross one box]</i>	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

Councillor's signature:

Date:

9/12/15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative³ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

CR GREENWALD

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

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Special disclosure of pecuniary interests by: **Councillor Ken Greenwald**
in the matter of **Wyong Local Environmental Plan 2013 Amendment No 2**
to be considered at a **Council meeting** held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	57 Dunrossil Ave Watanobbi (Lot 1212 DP 262111)
Relationship of identified land to Councillor (Tick or cross one box.)	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
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Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

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Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
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MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following if applicable: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain



Councillor's signature:

Date: 9/12/15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
- Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

C.R. MATTHEWS

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Section 451 of the Local Government Act 1993

(Clause 195A)

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Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: **Councillor Lisa Matthews**
in the matter of **Wyong Local Environmental Plan 2013 Amendment No 2**
to be considered at a **Council meeting** held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	77 Kalua Drive Chittaway Bay (Lot 168 DP27390)
Relationship of identified land to Councillor: (Tick or cross one box.)	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ³	360 Lakewood Ave Chittaway Bay 2261
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ <i>[Tick or cross one box]</i>	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

Councillor's signature:

Date: 9/12/15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^A or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
- Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

CR TAYLOR

**Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993**

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: Councillor :Lloyd Taylor
in the matter of **Wyong Local Environmental Plan 2013 Amendment No 2**
to be considered at a *Council meeting* held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	14 Main Road TOUKLEY (Lot 7 DP 14731)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ <i>[Tick or cross one box]</i>	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control (Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land)	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor (Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss")	Appreciable financial gain

Councillor's signature:



Date:

9.12.15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

CR TROY

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: **Councillor Adam Troy**
 in the matter of **Wyang Local Environmental Plan 2013 Amendment No 2**
 to be considered at a *Council meeting* held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	31 Warner Ave Tuggerawong (Lot 155 DP 13019)
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyang LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyang LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.18 to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor [Tick or cross one box]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ <i>[Tick or cross one box]</i>	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	Wyong LEP 2013 R2 Low Density Residential Zone

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

Councillor's signature:

Date: 9/12/15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- 1 Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- 2 Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- 3 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- 4 **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

CR VINCENT

Schedule 3A Form of special disclosure of pecuniary interest
Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: **Councillor Doug Vincent**
 in the matter of **Wyong Local Environmental Plan 2013 Amendment No 2**
 to be considered at a **Council meeting** held on the **9th day of December 2015**.

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	62 Narambi Road Buff Point (Lot 1 DP 547145)
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2: R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor: [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED **an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence**

2. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

3. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land) ¹	
Relationship of identified land to Councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest ²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box.]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	Wyong LEP 2013 R2 Low Density Residential Zone

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	Wyong LEP 2013 Amendment No 2 R2 Low Density Residential Zone Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies
Effect of proposed change of zone/planning control on councillor <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	Appreciable financial gain

Councillor's signature:



Date:

9/12/15

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

- Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.
- Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

CR WEBSTER

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

(Clause 195A)

Form of Special Disclosure of Pecuniary Interest

- 1 The particulars of this form are to be written in block letters or typed.
- 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the Local Government Act 1993. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by: **Councillor Lynne Webster**
in the matter of **Wyang Local Environmental Plan 2013 Amendment No 2**
to be considered at a *Council meeting* held on the **9th day of December 2015**.

ADDITIONAL INTERESTS DECLARED an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence

1. Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	2A CASTLEREAGH CRES. BATEAU BAY.
Relationship of identified land to Councillor [Tick or cross one box.]	<input checked="" type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input checked="" type="checkbox"/> Associated person of Councillor has interest in the land.

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

Section 451 of the Local Government Act 1993

	<input type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
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Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	Appreciable financial gain

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MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

Schedule 3A Form of special disclosure of pecuniary interest

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MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 09 DECEMBER 2015 contd

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Section 451 of the Local Government Act 1993

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Councillor's signature:



Date:

8/12/2015

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- Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2016/00012 - D12197927

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jacque Elvidge; Councillor Services Officer

SUMMARY

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

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

RECOMMENDATION

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

8.1 – Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale

8.2 – Councillor Outcomes Report

- 2 That Council note its reason for considering Report No 8.1 – Proposed Acquisition of Lot 5 DP239691 140 Sparks Road, Warnervale, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That Council note its reason for considering Report No 8.2 – Councillor Outcomes Report, as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.**
- 4 That Council request the Chief Executive Officer to report on these matters in open session of Council.**

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

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

- 2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the Council, or*
 - (iii) reveal a trade secret,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440.”*

ATTACHMENTS

Nil.

2.1 Results of Public Exhibition draft Development Control Plan 2013 Chapter 3.1 - Site Waste Management

TRIM REFERENCE: F2015/01293 - D12097483

MANAGER: Tanya O'Brien, Manager

AUTHOR: Chris Ferry; Strategic Planner

SUMMARY

The purpose of this report is to discuss the results of the public exhibition of the draft *Wyong Development Control Plan (DCP) 2013: Chapter 3.1 Site Waste Management*.

The proposed DCP amendment updates the Waste Management provision to accord with the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021* and defers the requirement for the preparation of a Waste Management Plan in some circumstances.

The draft policy was placed on exhibition for public consultation from 4 November 2015 to 2 December 2015. No public submissions were received during the exhibition period.

This report recommends that *draft Chapter 3.1 Site Waste Management* and its Guidelines be adopted and appropriate public notice be given.

RECOMMENDATION

- 1 That Council adopt the revised *Wyong Development Control Plan 2013 Chapter 3.1 Site Waste Management* and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.**
- 2 That Council forward a copy of the amended *Wyong DCP 2013* to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.**

BACKGROUND

This report discusses the review of the existing DCP 2013 Chapter 3.1 – Waste Management and its guidelines. Changes to the DCP are proposed which require the submission of a Site Waste Management Plan at DA stage if demolition is proposed or at Construction Certificate Stage for other development. This approach defers the timing of the preparation of a Site Waste Management Plan, reducing upfront costs while maintaining appropriate controls. The 2009 Guidelines were also reviewed to ensure they are consistent with the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.

**2.1 Results of Public Exhibition draft Development Control Plan 2013
Chapter 3.1 - Site Waste Management (contd)**

On 9 April 2014 Council considered a range of policies as part of a comprehensive policy review. At this meeting Council;

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

317/14 That Council repeal the following policies:

- A3 Aboriginal Heritage
- C6 Controls on Site Waste Management
- F3 Filling of Land
- F5 Flood Prone Land Development
- P1 Potentially Contaminated Land
- R3 Relatives Accommodation
- W1 Water Catchment Areas

318/14 That Council repeal the following policy but adopt it as an additional Chapter to the Enforcement Policy.

- I1 Incomplete works and Dilapidated buildings.

319/14 That Council adopt the following policies in their new format in accordance with the recommendations contained in this report.

- B1 Bonding of Development Works
- F6 Operation of Temporary Food Premises
- H Hoardings
- L1 Landscape
- M1 Management of Feral Animals
- O2 Outdoor Eating Areas

320/14 That Council amend DCP 2013 as follows:

- 3.1 Chapter 3.1 Controls for Site Waste Management be amended to require the submission of Waste Management Plans prior to demolition (if proposed), or at Construction Certificate Stage rather than at Development Application Stage.
- 3.2 Chapter 3.7 Heritage be amended to incorporate the requirements for protection of aboriginal objects and declared aboriginal places as outlined in the Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW, the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Aboriginal Cultural Heritage Consultation requirements for Proponents, the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW and the Guide to Aboriginal Heritage Impact Permit Processes and Decision Making Documents prepared by the NSW Office of Environment and Heritage.

321/14 That Council review DCP 2013 to consider incorporation of specific requirements for information necessary to assess proposed developments within the Shire's water catchment.

322/14 That Council request the General Manager to provide a report on the investigation on the option of repealing the landscape policy and adding it as a chapter of the DCP.

323/14 That Council make minor amendments:

- a B1 Bonding of development works policy at paragraph D3 sub paragraph 1 by inserting “/or” after “and”; and
- b O2 Outdoor Eating areas policy in paragraph D18 delete the words “by the Proprietor and is”.

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

AGAINST: NIL”

In accordance with resolution 320/14, DCP Chapter 3.1 Site Waste Management has been amended and placed on public exhibition. The revised chapter is Attachment 1 to this report.

CURRENT STATUS

DCP Chapter 3.1 – Site Waste Management and Guidelines provide developers with advice on waste reduction and reuse and assists with the completion of a Waste Management Plan. The 2009 Guidelines have been updated to reflect the latest *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*. The revised Guidelines are an enclosure to this report.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “*Council Decision Making during Merger Proposal Periods*” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONSULTATION

Internal comment has been received from various departments including development planners, environmental management coordinator and building inspectors. The feedback received has been used in revising the draft DCP chapter 3.1.

In accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000* draft DCPs are to be publically exhibited for a minimum of 28 days. The draft DCP amendment was placed on exhibition for public consultation from 4 November 2015 to 2 December 2015. No public submissions were received during the exhibition period.

CONCLUSION

The proposed amendment of DCP Chapter 3.1 – Site Waste Management and Guidelines are a result of the continual review and improvement of Council Policy. The amendments seek to ensure Council's planning documents are clear and concise. The proposed amendments have been publicly exhibited and no submissions were received.

It is recommended that the amended DCP Chapter 3.1 – Site Waste Management and Guidelines be adopted to come into force upon publication of a public notice in a local paper.

ATTACHMENTS

- | | | |
|---|--------------------------------------------|-----------|
| 1 | DCP 2013 Chapter 3.1 Site Waste Management | D12097816 |
| 2 | Waste Control Guidelines | D12099774 |

CHAPTER 3.1 SITE WASTE MANAGEMENT

1.0 INTRODUCTION

1.1 Objectives of this Chapter

- To identify Council's expectations and requirements for the management of waste (not including sewage) on individual sites including information required in development applications
- To identify approaches and techniques which promote waste minimisation in Wyong Shire
- To provide Council's requirements for the management of waste including storage, handling and disposal of waste and recyclable materials on individual sites
- To promote best practice in waste management and quality environmental outcomes

1.2 Land to which this Chapter Applies

This Chapter applies to the whole of Wyong Shire.

1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.1 – Housing and Ancillary Structures
- Chapter 2.2 – Bed and Breakfast Accommodation
- Chapter 2.3 – Dual Occupancy Development
- Chapter 2.4 – Multiple Dwelling Residential Development
- Chapter 2.11– Parking and Access
- Chapter 2.12 – Industrial Development
- Part 4 – Subdivision
- Part 6 – Location Specific Development Provisions (where relevant)
- Council's Waste Control Guidelines
- Council's Civil Works – Design Guideline and Construction Specification

This Chapter and the associated **Waste Control Guidelines** (see Council's website) have been prepared having regard to the provisions of the Waste Avoidance and Resource Recovery Act 2001 and the Protection of the Environment Operations Act, 1997. Different information may be required for different types and scales of development so applicants are encouraged to review the Guidelines and consult with Council staff to determine critical issues and applicable standards prior to the preparation of plans.

Staff of the Central Coast Waste Board are also available to provide advice on waste management issues and techniques, phone: (02) 4323 4343.

In circumstances where there may be any inconsistency between the requirements contained in this Chapter and any other Chapter relating to the management of waste, the provisions of this Chapter shall apply to the extent of the inconsistency.

1.4 What Type of Development does this Chapter Cover?

This Chapter applies to all categories of development including demolition, subdivision, rural, residential, commercial and industrial development. It provides Council's requirements for the management of waste including waste minimisation, storage, handling, recycling and disposal.

2.0 WASTE MANAGEMENT CONTROLS

2.1 When is a Waste Management Plan Required?

- a A Waste Management Plan is required to accompany all development applications for demolition and will be required as a condition of development consent prior to the lodgement of a Construction Certificate Application.
- b Waste Control Guidelines have been prepared by Council to assist applicants with the preparation of Waste Management Plans (including standard Forms).

2.2 Waste Control Guidelines

- a A Waste Management Plan (written document/completed form) shall be prepared in accordance with the Waste Control Guidelines, to provide the following information:
 - i type and amount of waste / recyclable materials which will be generated;
 - ii how waste / recyclable materials will be stored and treated on site;
 - iii how disposal of waste / management or resale of recyclable materials will take place, and
 - iv how ongoing waste management will be accommodated in the design of the building or use.
- b The Waste Management Plan is required to cover the following stages of a development:
 - i Clearing;
 - ii Demolition;
 - iii Site preparation;
 - iv subdivision;
 - v construction; and

vi long term operation.

2.3 Standard Forms

- a A Waste Management Plan form has been prepared to assist with the presentation of the required information. The Waste Management Plan should be submitted on this form with any supporting material or additional information attached.
- b The standard form for completion of the Waste Management Plan can be obtained from Council's Customer Contact Centre, and will be issued with a construction certificate application form for a local development.

2.4 Can I use an Existing Approved Waste Management Plan?

A Waste Management Plan must directly address the development which is the subject of an application. Where alterations and additions or a change of use is proposed to premises where a Waste Management Plan is in place, a new plan is still required. However, that plan may make use of whatever material in the existing plan which is relevant to the new proposal.



Wyong Shire Council
Waste Control Guidelines

Version 0.2
Wyong Shire Council November 2015

1.	INTRODUCTION	1
1.1	Objective - Minimise Waste	1
1.2	Government Responses to Waste Minimisation.....	1
1.2.1	NSW Government	1
1.2.2	Local Government.....	3
1.3	Purpose of these Guidelines	3
1.4	Key Features	4
1.5	Glossary of Terms	4
2.	WASTE MANAGEMENT PLANS.....	7
2.1	What is a Waste Management Plan?	7
2.2	How are Waste Management Plans Assessed?	7
2.3	How to Prepare a Waste Management Plan.....	7
2.3	What Information does Council Require?	7
2.4	When is a Different or Additional Application Needed?.....	11
3.	SUBDIVISIONS AND / OR DEMOLITION OF BUILDINGS (Site Preparation)	11
3.1	Potential for Waste Minimisation.....	11
4.	CONSTRUCTION STAGE	12
4.1	Potential for Waste Minimisation	12
5.	ALL DEVELOPMENTS	13
5.1	Contracts.....	13
5.2	Indemnity	13
5.3	Service Flexibility.....	14
5.4	Collection Point	14
5.5	Access to the Collection Point for the Waste Collection Contractor	15
5.6	On-site collection.....	15
5.7	Noise	16
5.8	Odour.....	16
5.9	Visual Amenity.....	16
5.10	Signs and education	16
6	MULTI-UNIT RESIDENTIAL DEVELOPMENT	17
6.1	Individual Unit Waste Storage and Recycling Areas.....	17
6.2	Communal Waste Storage Facilities.....	17
6.2.1	General.....	17
6.2.2	Storage of Mobile Garbage Bins (MGB).....	18
6.2.3	Storage of Bulk Waste Bins	20
6.3	Multi-Storey Buildings.....	22
7.	MIXED USE DEVELOPMENT	24
7.1	Key problems.....	24
7.2	Provision of services.....	24
7.3	Commercial	24
7.4	Waste Storage and Recycling Area.....	25
7.5	Garbage Chute.....	26
7.6	Foods Shops, Restaurants and Refrigerated Garbage Rooms	26
7.7	Grease Arresters.....	26
8.	INDUSTRY	26
8.1	Waste Storage and Recycling Area.....	26
9.	PUBLIC EVENTS	27
10.	HAZARDOUS WASTE	27
Appendix 1	Sample Waste Management Plan.....	28
A.1.1	Sample Waste Management Plan.....	29
A.1.2	Additional Information	33
A.1.3	Waste Management Plan (Blank Form).....	34
Appendix 2	Waste Generation Rates	38
Appendix 3	Hazardous Waste	39
Appendix 4	Council's Bin Types and Servicing Requirements.....	40
Appendix 5	Bin Specifications and dimensions.....	42
Appendix 6	Collection Vehicle Specifications.....	45

Appendix 7	Location and Design of Waste Storage and Handling Facilities	46
A.7.1	General Principles	46
A.7.2	Location and Access	46
A.7.3	Design of Waste Storage Areas.....	48
A.7.4	Design of Waste Storage and Recycling Rooms	49
A.7.5	Design of Garbage Chute systems and Service Lifts.....	51
A.7.6	Requirements for Waste Chute System:	51

1. INTRODUCTION

1.1 Objective - Minimise Waste

Waste has become a high profile issue at all levels of government as landfill sites become scarce and the environmental and economic costs of disposal rise.

The solutions to the waste problem have been summarised in what is called the waste management hierarchy and is depicted in Figure 1:

- waste avoidance and reduction;
- re-use;
- recycling;
- recover energy;
- treatment; and
- disposal to landfill (as a last resort).

All waste streams contain many resources that may be useful products for our communities. Recovering, recycling and using these as secondary resources are key elements in working towards Ecologically Sustainable Development.

A large proportion of waste can be reduced with action at its source. A further high percentage can be re-used and recycled if time is taken to source-separate, promote local markets and arrange for transportation.

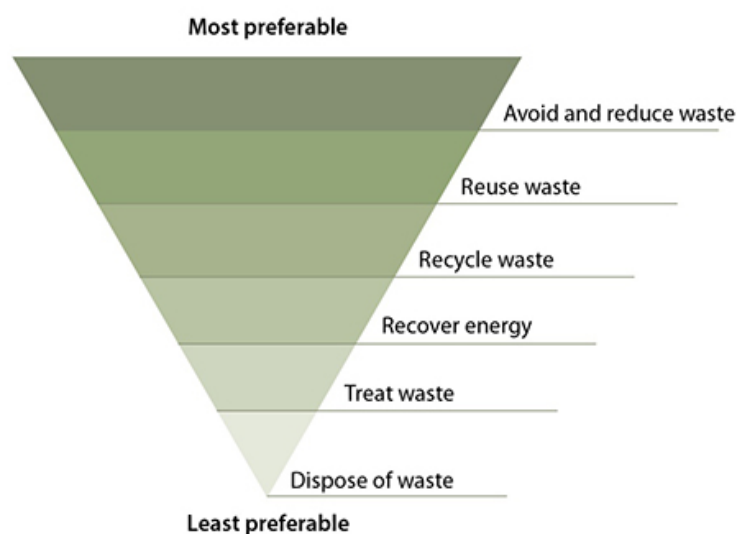


Figure 1: Waste Hierarchy

1.2 Government Responses to Waste Minimisation

1.2.1 NSW Government

The Waste Avoidance and Resource Recovery Act, 2001 became effective 8 October 2001. The objectives of the WARR Act are to encourage the most efficient use of resources, provide for the continual reduction in waste generation and minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste.

The WARR Act requires the introduction of extended producer responsibility (EPR) provisions and for the NSW Environment Protection Authority (EPA) to develop a waste strategy which is to be based on continuous improvement and benchmarked against international best practice. The NSW Waste

Avoidance and Resource Recovery Strategy 2014-2021 (WARR Strategy) includes targets for waste reduction, resource recovery and the diversion of waste from landfill disposal. The WARR provides a framework for minimising environmental harm from waste management and disposal, reducing waste and maximising conservation of our natural resources.

The WARR Strategy identified waste avoidance and resource recovery goals and targets in six key result areas. The targets for the Key Result Areas are detailed in Table 1 which can be identified as the following goals:

- Avoid and reduce waste generation;
- Increase recycling;
- Divert more waste from landfill
- Manage problem waste better
- Reduce litter; and
- Reduce illegal dumping.

Table 1: Broad Targets for each Key Result area

Key Result Area	Target
Avoid and reduce waste generation	By 2010-22 reduce the rate of waste generation per capita.
Increase recycling	By 2010-22 increase recycling rates for: <ul style="list-style-type: none"> • Municipal solid waste from 52% (in 2010-11) to 70% • Commercial and industrial Waste from 57% (in 2010-11) to 70% • Construction and demolition waste from 75% (in 2010-11) to 80%
Divert more waste from landfill	By 2021-22 increase the waste diverted from landfill from 63% (in 2010-11) to 75%
Manage problem waste better	By 2021-22 establish or upgrade 86 drop off facilities or services for managing household problem wastes statewide
Reduce Litter	By 2016-17, reduce the number of litter items by 40% compared with 2011-12 levels and continue to reduce litter items to 2021-22
Reduce illegal dumping	From 2013-14 implement the <i>NSW Dumping Strategy 2014-16</i> to reduce the incidence of illegal dumping statewide. As part of this strategy, by 2016-17: <ul style="list-style-type: none"> • Reduce the incidence of illegal dumping in Sydney and the Illawarra, Hunter and Central Coast regions by 30% compared to 2010-11 • Establish baseline data to allow target-setting in other parts of the state.

The *Protection of the Environment Operations (Waste) Regulation 2014* creates an integrated, streamlined system for 'waste tracking'. 'Waste tracking' is used across Australia to minimise the

possibility that wastes will be transported or disposed of inappropriately. The new regulations have delivered a clear, practical and enforceable system to ensure the appropriate transport and disposal of high-risk wastes.

In addition, a major economic instrument to reduce waste in NSW is the Waste Levy. The waste levy is payable on all waste materials disposed of at landfill. In 2014/15 the levy was \$108.81 per tonne and will increase annually for all Metropolitan Levy Areas of which Wyong is defined. It is expected that the levy will exceed \$118 per tonne by 2018.

1.2.2 Local Government

Councils have a key dual role to play in waste management. Firstly, as a service provider - arranging for the collection of recyclable materials and waste, and secondly, as a regulator - of building and land use activity.

In this latter role Wyong Shire Council prepared Development Control Plan 2013 (DCP) Chapter 3.1 – Controls for Site Waste Management and these Waste Control Guidelines, which promote waste avoidance, reduction, re-use, recycling and (as a last resort) disposal to landfill. Design criteria for collection, storage and recycling areas and facilities are detailed within these Guidelines. The DCP requires the preparation of Waste Management Plans (WMP) for submission with any of the following applications:

- Construction and demolition development;
- state significant development; and
- designated development.

Note:

The New South Wales Department of Planning and Environment is the consent authority for state significant and designated development. Council will liaise with the Department of Planning and Environment to ensure that the interests of the people of Wyong Shire are protected in terms of appropriate waste management for such developments. The minimum requirement sought will be compliance with the provisions of DCP Chapter 3.1, for the preparation and submission of a Waste Management Plan with the application.

The provisions of the DCP apply only to development applications lodged under Part IV of the Environmental Planning and Assessment Act, 1979.

Where development or works proposed by Council are subject to assessment under Part V of the Act, waste management shall be considered integral to the design of the proposal and be documented within the Review of Environmental Factors (REF).

To ensure an orderly development control process, Council is committed to the regular review of the performance of the DCP and these associated Guidelines, and to their amendment if required. A systematic review of the document will be undertaken on a five yearly basis.

1.3 Purpose of these Guidelines

These guidelines have been prepared to assist applicants to prepare Waste Management Plans that comply with the requirements listed above.

These guidelines will also provide advice to applicants on how to avoid and minimise waste and how to improve existing facilities.

These guidelines will also set submission requirements and standards in relation to waste for subdivision, demolition, site preparation, construction and ongoing use of premises.

1.4 Key Features

These guidelines have four key features:

1. The provision of advice regarding the preparation of a waste management plan by applicants seeking development approval for subdivisions and demolition and construction of any building. The applicant is required to specify waste and recyclable materials generated by type and volume, and to nominate re-use and recycling potential for each waste type;
2. The provision of general advice for all applicants on matters such as source separation, subdivisions, demolition, construction, design and location of waste storage and recycling facilities;
3. The provision of specific advice for particular uses and activities such as multi-unit dwellings, shops, offices, restaurants clubs/hotels, hospitals and industry; and
4. The provision of detailed appendices providing a sample Waste Management Plan, advice on calculating waste generation rates, identifying hazardous waste, facility design, Council bin sizes and servicing requirements, and the preferred location and design of waste storage and handling facilities, a link to recycling contacts is provided on www.businessrecycling.com.au.

For further information or assistance please contact Wyong Shire Council's Customer Contact on telephone 02 4350 5555.

1.5 Glossary of Terms

For the purposes of these Guidelines the following terms have the meaning specified:

Class means the classification of a building as determined by the Building Code of Australia.

Clinical and related waste means:

1. clinical waste, or
2. cytotoxic waste, or
3. pharmaceutical, drug or medicine waste, or
4. sharps waste

Clinical waste means any waste resulting from medical, nursing, dental, pharmaceutical, skin penetration or other related clinical activity, being waste that has the potential to cause injury, infection or offence, and includes waste containing human tissue (other than hair, teeth and nails), bulk body fluids or blood, visibly blood-stained body fluids, materials or equipment, laboratory specimens or cultures, animal tissue, carcasses or other waste from animals used for medical research. It does not include any such waste that has been treated by a method approved in writing by the Director-General of the Department of Health.

Collection Point means the usual (or agreed) point of the footpath/roadway, or on-site, where the contents of bins are loaded onto vehicles.

Collection Area means the location where waste or recycling is transferred from a building's storage containers to a collection vehicle for removal from the site. Collection Areas are generally only found in multi-unit developments.

Compostable material means vegetative material capable of being converted to humus or compost by a biological decay process.

Dwelling means a room or number of rooms occupied or used, or so constructed or adapted, as to be capable of being occupied or used, as a separate domicile.

Ecologically Sustainable Development has the definition as contained in S.6 (2) of the Protection of the Environment Administration Act, 1991. It involves the effective integration of environmental

and economic considerations in decision making processes through the application of concepts such as the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms.

Garbage and recycling room means a room where waste and recycling receptacles are stored, awaiting removal from the premises.

Garbage chute means a duct in which deposited material descends from one level to another within the building due to gravity.

Garden organics means vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

Guidelines means this document.

Hazardous waste means any waste as defined as hazardous waste in accordance with Schedule 1, Part 3 of the Protection of the Environment Protection Act 1997. Hazardous Materials cannot be placed in standard waste and recycling bins and include waste items such as lead paint, coal tar, dangerous goods containers that have not been cleaned out or waste with a ph less than 2.0 or greater than 12.5.

Recyclable means capable of being reprocessed into usable material.

Sharp Waste means any waste collected from designated sharps waste containers used in the course of business, commercial or community service activities, being waste resulting from the use of sharps for human health care by health professionals and other health care providers, medical research or work on cadavers, veterinary care or veterinary research, skin penetration or the injection of drugs or other substances for medical or non-medical reasons. It does not include waste that has been treated on the site where it was generated to an approved standard

Storey means a habitable or occupied space within a building between one floor level and the next floor level above, or if there is no floor level above, the roof.

Trade waste means liquid waste arising from a commercial / industrial enterprise.

Volume reduction equipment means devices, which reduce the volume of waste or recyclable material including compressing devices such as compactors and bailers, and shredding, pulverising or crushing devices.

Waste means:

- Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner, so as to cause an alteration in the environment, or;
- Any discarded, rejected, unwanted, surplus or abandoned substance, or
- Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- Any substance prescribed by regulation to be waste for the purpose of the Protection of the Environment Operations Act, 1997.

A substance is not precluded from not being waste for the purpose of the Protection of the Environment Operations Act, 1997 merely because it can be reprocessed, re-used or recycled.

Waste management plan means the completed waste plan in accordance with Appendix 1. The plan shall identify the volume and type of waste and recyclable material expected to be generated, stored and treated on site, and how the residual is to be disposed of during site development, construction and habitation. Information must also include location and design of waste storage and recycling areas.

Waste storage and recycling area means a designated area or a combination of designated areas within the boundary of a site for the storage waste and recycling bins. Waste storage areas maybe covered but are not a designated room within a building. Waste storage and recycling areas are

generally found in multi-unit developments.

LIST OF ABBREVIATIONS

BCA	<i>Building Code of Australia</i>
DA	<i>Development Application</i>
DCP	<i>Development Control Plan</i>
DECC	<i>Department of Environment and Climate Change</i>
EPA	<i>Environmental Protection Authority</i>
MGB	<i>Mobile Garbage Bin</i>

2. WASTE MANAGEMENT PLANS

2.1 What is a Waste Management Plan?

A Waste Management Plan is a plan prepared in conjunction with a development application for demolition and subdivision and Construction Certificate application for a building to ensure that waste issues have been considered in the planning and design stage of the proposal and that appropriate measures will be put in place to minimise the generation of waste during the subdivision/demolition and construction stage as well as during the on-going use of the development. Waste measures should follow the waste hierarchy of waste avoidance, re-use and recycling and as a last resort, waste disposal at landfill.

A Waste Management Plan should provide the following information:

- the type and amount of waste / recyclable material to be generated during all relevant stages;
- how waste / recyclable material is to be stored and treated on-site;
- how residual waste / recyclable material is to be disposed of;
- the location, design and size of waste storage and recycling areas or rooms;
- truck access, should on-site servicing of bins be required; and
- how ongoing waste management will operate.

Note: [A sample Waste Management Plan is provided in Appendix 1.](#)

2.2 How are Waste Management Plans Assessed?

In assessing applications, details provided in the Waste Management Plan and on the site plan drawings will be checked for compliance with the performance criteria for the proposed use (e.g. Multi-unit housing, demolition, etc.), against the general aims and objectives of DCP 2013: Chapter 3.1 – Site Waste Management and these Guidelines.

2.3 How to Prepare a Waste Management Plan

- Step 1** Read Table 2 (S. 2.4) to identify which section(s) of the Waste Management Plan should be completed and the information to be included on the site plan drawings.
- Step 2** Read the Sections 3 - 9 of these Guidelines relevant to your specific proposal
- Step 3** Read the sample Waste Management Plan within Appendix 1 to assist you with preparing your Waste Management Plan.
- Step 4** Complete the relevant section(s) of the Waste Management Plan as identified in Step 1. For assistance or advice please contact Wyong Shire Council's Customer Service Centre on telephone (02) 4350 5555.
- Step 5** Include relevant details as identified in Step 1 on your plan drawings.
- Step 6** Submit both the completed Waste Management Plan and the site plan drawings together with your application for approval to council.

2.3 What Information does Council Require?

A Waste Management Plan must be completed and included with your application. Relevant details of waste storage facility design and access must be shown on plan drawings submitted with your application. Should your specific development not be included in the following table please contact Council's Customer Service Centre: 4350 5555.

Table 2: Requirements for Waste Management Plans

Land Use or Activity Proposed	Is a Waste Management Plan required?	Specific details to be provided on plan drawings	Performance Criteria
Subdivision, demolition, or site preparation - including vegetation removal, excavation and major internal renovations	Yes Section 1 only	<ul style="list-style-type: none"> • on-site storage areas for storage of source separated waste and recyclable materials for re-use, recycling or disposal. • vehicular access to the site and on-site 	<ul style="list-style-type: none"> • details of on-site storage areas for source separated waste and recyclable materials are provided. • waste disposal is minimised and waste avoidance, reuse and recycling maximised
Single dwellings, terraces, villa homes, Class 1a buildings	Yes Section 1 & 2 only	<p>Construction stage:</p> <ul style="list-style-type: none"> • on-site storage areas for storage of source separated waste and recyclable materials for re-use, recycling • vehicular access to the site and on-site <p>Post construction</p> <ul style="list-style-type: none"> • location of waste and recycling containers • provision for composting or worm farming facilities 	<ul style="list-style-type: none"> • waste disposal is minimised and waste avoidance, re-use and recycling, particularly of construction material, is maximised • an accessible and usable waste and recyclable material storage area is provided on site that encourages the source separation of waste and recyclables (for construction stage and post construction)
Multi-unit residential development (flats, town houses, villas)	Yes Section 1, 2, 3 and 4	<p>Construction Stage:</p> <ul style="list-style-type: none"> • on-site storage areas for storage of source separated waste and recyclable materials for re-use, recycling • vehicular access to the site and on-site <p>Post-construction:</p> <ul style="list-style-type: none"> • waste storage and recycling area(s) or garbage and 	<ul style="list-style-type: none"> • waste disposal is minimised and waste avoidance, re-use and recycling, particularly of construction material is maximised • on-site source separation of waste and recyclable materials is facilitated • an accessible and usable waste storage & recycling area is provided for each

Land Use or Activity Proposed	Is a Waste Management Plan required?	Specific details to be provided on plan drawings	Performance Criteria
		<p>recycling room(s) and design details e.g. floor plans, cross section, materials used etc.</p> <ul style="list-style-type: none"> • a collection area, service lifts, chute system or volume reduction equipment (compactor), where appropriate and design details • access - collection vehicles including turning circles or turning areas 	<p>unit or a communal storage area(s) is provided which is accessible to occupiers of all units</p> <ul style="list-style-type: none"> • location and design of storage facilities complement the streetscape and do not impact on adjoining premises and the amenity of the units within the development • suitable access provided for collection vehicles • appropriate strategies are proposed to educate occupants to minimise contamination of recyclable material.
<p>Commercial and Retail development (shops, offices, food premises, hotels, motels, licensed clubs, hospitals, entertainment facilities, education establishments)</p>	<p>Yes Section 1, 2, 3 and 4</p>	<p>Construction stage:</p> <ul style="list-style-type: none"> • on-site storage areas for storage of source separated waste and recyclable materials for re-use, recycling • vehicular access to the site and on-site <p>Post construction:</p> <p>waste storage and recycling area(s) or garbage and recycling room(s) and design details e.g. floor plans, cross section, materials used etc.</p> <ul style="list-style-type: none"> • A collection area, service lifts, chute system or volume reduction equipment (compactor), where appropriate and 	<ul style="list-style-type: none"> • waste disposal is minimised and waste avoidance, re-use and recycling of construction material is maximised • on-site source separation of waste and recyclable materials is facilitated • appropriately designed and accessible waste storage and recycling area(s) and / or garbage and recycling room(s) is provided on-site • suitable access provided for collection vehicles • appropriate arrangements are in place for ongoing waste management

Land Use or Activity Proposed	Is a Waste Management Plan required?	Specific details to be provided on plan drawings	Performance Criteria
		design details access for collection vehicles including turning circles or turning areas	
Industry	Yes Section 1, 2,3 and 4	<p>Construction stage:</p> <ul style="list-style-type: none"> • on-site sorting and storage areas for re-use, recycling and disposal of material • vehicular access to the site and on-site <p>Post-construction:</p> <ul style="list-style-type: none"> • waste storage and recycling area(s) including design details e.g. floor plans, cross section, materials used etc. • design details of any volume reduction equipment (compactor), where appropriate • access for collection vehicles including turning circles or turning areas 	<ul style="list-style-type: none"> • waste disposal is minimised and waste avoidance, re-use and recycling of construction material is maximised • on-site source separation of waste and recyclable materials is facilitated • sufficient space provided on-site for separation and storage of recyclables and waste • for multi-use and industrial units, an appropriately designed and accessible waste storage and recycling area is provided per unit or a communal storage area(s) is provided which is accessible from each unit. • suitable access provided for collection vehicles • appropriate arrangements are in place for on ongoing waste management

2.4 When is a Different or Additional Application Needed?

In most circumstances waste management is considered as part of the DA process. However, some waste related uses/activities require different or additional applications. These requirements are summarised in Table 3:

Table 3: Uses/Activities requiring Specific Applications

Proposed Activity	Application Required	Comment
Major waste management facilities	<ul style="list-style-type: none"> • "Designated Development" - Application to Council, supported by an EIS. • Application to the EPA for registration 	Refer Environmental Guidelines – Solid Waste Landfills (1996) and Draft Environmental Guidelines – Solid Waste Landfills (2015)
Controlled waste activity / facility	Application to the EPA for Licence	
Placing waste on a State road including builders waste storage container	Application to Roads & Traffic Authority (RTA) for approval under the Roads Act	
Disposal of liquid trade waste into the sewer	Application to Council	
Discharge into any water body	Application to the EPA/Council	

If this applies to you, contact the authority listed in the above table.

3. SUBDIVISIONS AND / OR DEMOLITION OF BUILDINGS (Site Preparation)

3.1 Potential for Waste Minimisation

The demolition of buildings is the stage with the greatest potential for waste minimisation, particularly on the Central Coast where there are high levels of development.

The first issue that developers should consider is whether it is possible to re-use existing buildings, materials or parts thereof, for the proposed use.

The potential to incorporate existing trees / shrubs into the landscape plan should be a high priority consideration. Trees which are to be removed should be chipped on site and the material stored for use as mulch in landscaped areas.

Design that reduces excessive excavation of the site is to be encouraged.

With careful on-site sorting and storage and staging work programs it is possible to re-use many materials, either on-site or off-site.

Note: It is not acceptable to simply demolish the building and dispose of all material to landfill. Instead a number of colour coded or clearly labelled bins on site or an ordered retrieval program should be used to reduce the need for waste disposal.

Some examples of avoiding waste and recycling of materials are provided within Table 4 to help you in preparing your Waste Management Plan.

Table 4: Re-Use and Recycling Potential

Materials On-Site	Avoidance	Reuse	Recycling
Concrete	Retain existing driveways, paths, footings, slabs etc	Filling, levelling materials, road base	Take to a building material recycling / reprocessing facility. Those materials are generally accepted at a significantly reduced cost compared to land filling.
Bricks	Retain existing walls, buildings and fences	Cleaned and / or rendered over for re-use on-site or offsite	
Roof-tile	Retention of existing roofs or colour treatments / cleaning	Crushed, used for drainage, landscaping and driveways, for re-use on-site or off-site	
Hardwood beams	Re-use or recycling on site.	Fencing, mulching	Take to processing facility at reduced cost
Other timber (untreated)	As above	Formwork, bridging, blocking and propping	
Garden Organics / Trees	As above	Mulching, composting, for reuse as landscaping / fertiliser	
Doors, windows, fittings	Design into new development	Relocated on-site or sold for use off-site	Take to a building material recycling / reprocessing facility
Synthetic & recycled rubber (e.g. Under carpets)	Protect / cover and re-use	Used for safety barriers, speed humps, sports surfaces	
Overburden	Avoid excess excavations	Stockpile top soil and re-use	Waste management facilities generally accept clean fill at reduced cost
Steel (e.g. Corrugated iron)			Metal recyclers

Where such materials cannot be recycled or re-used on-site there is a growing market for such product off-site. A link to local outlets (e.g. second hand building yards) is provided on Council's Waste & Recycling web page.

4. CONSTRUCTION STAGE

4.1 Potential for Waste Minimisation

Overseas studies show that up to 10% of timber delivered for residential construction is wasted, while a recent Australian pilot projects suggests that up to 30% of plasterboard could be wasted on certain projects. These produce unacceptable environmental and economic costs.

The following construction wastes are practically 100% recyclable if properly source separated and kept uncontaminated:

- Steel;
- non-ferrous metals;
- glass;
- paper;
- concrete; and
- cardboard packaging material.

It is important to note that waste separation may offer savings on the usual costs on disposing of mixed waste at landfills, and that savings may also be achieved at the construction stage by purchasing reusable and recycled-content materials or reusing materials salvaged from the subdivision / demolition stage.

The following measures should be considered at the construction stage:

- Purchasing policy, in particular considering measures such as;
- ordering the right quantities of materials,
- prefabrication of materials where possible
- Re-using formwork;
- Modular construction and basic designs to reduce the need for off-cuts;
- Minimising site disturbance, limiting unnecessary excavation;
- Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling;
- The demolition of the building when its usable life has expired (e.g. can components be easily dismantled?);
- Choice of landscaping to reduce garden organics; and
- Co-ordination and sequencing of various trades.

5. ALL DEVELOPMENTS

(Multi-unit residential development, commercial and industry)

5.1 Contracts

The structure of waste collection and recycling contracts let by Wyong Shire Council plays an important role in ensuring efficient servicing, particularly of Multi-Unit Developments (MUD's). Indemnity and waste service flexibility are two important contract issues that should be considered in relation to deciding an appropriate better practice system for your development. It is important to talk to Council as early as possible to identify potential servicing issues.

5.2 Indemnity

Council may provide on-site collection where:

- There is insufficient space on the kerbside to temporarily place bins for waste collection
- Collection of waste from the kerbside would be unsafe
- Collection of waste from the kerbside would cause significant traffic disruptions
- Collection of waste from the kerbside would occur in an excessively restrictive area
- Council considers kerbside collection inappropriate

Council's Waste Collection Contractor, however, will not enter private property with their vehicles unless indemnity against liabilities, losses, damages and other costs arising from the onsite collection service has been provided by the owner.

In order to enable better practice waste management in Multi-Unit Developments:

Designers / developers:

- Decide the preferred waste management system to install having regard to the principles outlined in this guide

- Before submitting your development application, meet with council to discuss if on-site collection is required or allowed.

If on-site collection is required:

- Ensure design of facilities can safely accommodate on-site collection;
- Liaise with Council to find out if it can provide the on-site service; and
- Identify indemnity arrangements that would be needed to service the development

5.3 Service Flexibility

The design of the waste management system should accommodate services provided by Council. In many cases, particularly for medium to high-rise developments, the efficient provision of cost-effective garbage and recycling collection services for Multi-Unit Developments (MUDs) may require using an alternative service options such as bulk bins.

5.4 Collection Point***Location of garbage and recycling collection point***

Consideration should be given to identifying a suitable waste collection point. Collection points where possible should not be located:

- Near intersections
- Near roundabouts or slow-points
- Along busy arterial roads
- In narrow lanes
- Near possible obstructions, including trees, overhanging building elements and overhead powerlines; or
- Where they pose a traffic hazard

The collection point(s) should enable collection operations to be carried out on a level surface away from gradients and vehicle ramps.

Where Mobile Garbage Bins (MGBs) will be used and collected from the kerb, there should be sufficient space on the street for them to be lined up neatly in (preferably) a single row along the kerb. Remember cars parked along the street and bins placed two or more rows deep are an obstacle for safe and efficient kerbside collection, as they require collection operators to get out of the collection vehicle and manually move bins to an appropriate position for collection. They also create amenity issues for residents, can impede pedestrian access and can be a traffic hazard for motorists.

Identifying a suitable collection point is particularly important for servicing sites where there are a large number of bins to be collected, there is limited direct access to the development (for example battle-axe block developments), or where the site has specialised servicing requirements due to equipment used to provide the waste service. For example, the collection point for bulk bins or bins containing compacted waste should be located such that the bins can be accessed with minimal manual handling required.

Developers should consider what alternatives are available for locating collection points, particularly for developments built on small blocks with steep gradients, to enable safe presentation and uplift of bins. Council's Waste Collection Contractor will not enter private property to make collections, or will only do so if an indemnity has been provided.

It is important to confirm potential arrangements for onsite collection with Council before assuming that it will be possible. Where an agreement for onsite collection is made, the onsite collection points should be located:

- So that collection vehicles do not interfere with the use of access driveways, loading bays or parking bays during collections
- Close to waste storage facilities to permit easy transfer of bins to the collection point, if relocation of bins is required.
- In a relatively flat area and on the same level as the collection vehicle (ie bins should not be placed for collection on elevated loading bays or nature strips/footpaths).
- In a position that provides collection vehicles safe access to the collection point and which has adequate clearance and manoeuvring space.
- So oncoming traffic can be clearly seen as the collection vehicle leaves the property.

5.5 Access to the Collection Point for the Waste Collection Contractor

Specific access requirements for collection vehicles will vary slightly site to site, depending upon the waste collection arrangements. In all cases, however, collectors need to be able to move bins from the collection point to the vehicle as quickly as possible, preferably with no manual handling, particularly if bulk bins are used.

Irrespective of the bin type used, the developer needs to ensure there is sufficient space for the collection vehicle to drive to the collection point, empty the bin and safely leave the collection point. Wherever possible, collection vehicle movement should be in a forward direction with no need to reverse.

The design aspects to take into account for vehicle access include:

- the presence of parked cars on access roads;
- heavy vehicle access and turning circle requirements (refer Appendices 6 and 7);
- collection vehicle overhang and possible interference with bins and street furniture; and
- clearance height for servicing, particularly when developments are serviced internally, or where an external collection point is near trees or overhead obstacles (refer Appendix 6).

In addition to the above design aspects, general access to the collection point should be considered in the development design and operation. Locked gates and security systems that prevent access to waste collection points can cause serious delays and problems in servicing if not well designed and/or waste collection operators are not provided with the required authority for access. Designers and developers should consider the likely ongoing operational arrangements for access to locked gate communities and how this needs to be incorporated in the design. Council's Collection Contractor will require a set of keys or remote control access to enter secured developments.

Remember, garbage and recycling collection will occur at different times thus access should not be restricted at any time.

5.6 On-site collection

If a collection vehicle is required to drive onto a private road or private property, the driveway and road need to be suitable for the collection vehicle in terms of strength, width, geometric design and height. The access points and collection area should be free from overhead obstacles and of an appropriate gradient. When making an on-site collection from within a building, the 'clearance height' should be clear of any air conditioning ducts, sprinklers or other potential obstructions.

Appropriate heavy vehicle standards should be incorporated into the development design, including those specified in acts, regulations, guidelines, and codes administered by Austroads, the NSW Roads and Maritime Services, NSW WorkCover and any local traffic requirements.

5.7 Noise

The main sources of noise associated with domestic waste collection are emptying glass into bins, emptying glass from bins into the collection vehicle and reversing alarms on collection vehicles.

Better practice principles that should be incorporated to reduce noise include:

- Locating bin bays and collection points far enough away from residents as to reduce the impact of noise during bin use and waste collection.
- Eliminating the need for collection vehicles to reverse.
- Chutes, if installed, should be well insulated to avoid noise disturbing neighbouring units. The noise associated with waste falling out the bottom of the chute and with compactors can also be problematic and should be dealt with.
- Select appropriate surfacing materials that will assist in minimising noise for pathways and driveways that bins will need to be wheeled over.
- Consider how material will be transferred into bins or static compactors at storage points.

5.8 Odour

Odour problems can be minimised by having well-ventilated waste storage areas.

For enclosed storage and service areas, the air flowing from interim storage areas and central garbage rooms should not exit close to units. Ventilation openings should be protected against flies and vermin and located as near the ceiling and floor as possible, but away from the windows of dwellings.

If a forced ventilation or air conditioning system is used (for enclosed storage areas):

- It should be in accordance with the ventilation requirements of the Building Code of Australia and Australian Standard 1668.2 The use of Ventilation and Air Conditioning in Buildings; and
- It should not be connected to the same ventilation system supplying air to the units

5.9 Visual Amenity

All waste management facilities (including storage areas) should be adequately screened, not readily visible from any public place and should blend in with the development (Refer Figure 2).

A poorly designed and poorly located bin storage area can detract from the overall development, encourage misuse of the facilities provided and affect recycling outcomes.

Remember to consult with council engineers, planners and waste managers regarding specific requirements for facility design and placement in accordance with Council's DCP 2013 Chapter 3.1 – Site Waste Management.

5.10 Signs and education

Ongoing education, in addition to having dedicated ongoing management services, is one of the most important factors in encouraging residents to continue to use services and systems as originally planned.

The importance of signs and education is two-fold: to inform residents why it is important to recycle (raise awareness and perceived importance of resource recovery and the environment), and secondly to provide clear instruction on how to recycle using the services provided. Both these factors influence people's attitude towards recycling.

Ensuring education is 'ongoing' is beneficial because it tackles the transient nature of residents and differences between council services.

Clearly and correctly label all garbage and recycling bins or receptacles. Make sure communal waste storage areas are well signposted, with signs instructing residents in the correct separation of garbage, recycling and organics. Also clearly identify any hazards or potential dangers associated with the waste facilities, including those from the use of any waste handling equipment.

It is recommended you also display information in communal areas that identifies who can be contacted to find out more about the recycling and/or other services in the development.

6 MULTI-UNIT RESIDENTIAL DEVELOPMENT

(Units, Townhouses, Villas)

6.1 Individual Unit Waste Storage and Recycling Areas

Development with sufficient street frontage and where practical to do so, shall provide each dwelling with its own waste and recycling bins, to be stored within the curtilage of the dwelling. Individual unit holders shall be responsible for the placement of the bins on the kerb on collection day. This would be the case for most small-scale town house and villa developments, dual occupancy and other residential buildings of a similar nature. (For larger scale residential developments, see Section 6.2.3 Communal Facilities – Storage of Bulk Waste Bins).

6.2 Communal Waste Storage Facilities

6.2.1 General

Communal waste storage facilities can be either:

- Waste Storage and recycling areas (common external areas for the storage of waste and recycling bins which are not part of a dwelling); or
- Waste Storage and recycling rooms (common areas for the storage of waste and recycling bins which are accommodated within a building but not within a dwelling).

Determining the best location for communal bin storage areas can be difficult. Garbage and recycling storage facilities should be located in positions that:

- Permit easy, direct and convenient access for the users of the facility
- Permit easy transfer of bins to the collection point if relocation of bins is required
- Permit easy, direct and convenient access for collection serviced providers
- Are well screened and do not reduce amenity
- Are secure and provide protection against potential vandalism

However, the aesthetics of the development, in particular its appearance from the street, must not be compromised. Design and construction of a bin storage area that integrates with the overall development and landscape plan should avoid this problem. Applicants should also refer to the design requirements within DCP 2013 Chapter 2.4 – Multiple Dwelling Residential Development. Separate waste storage and recycling shall be provided for mixed use developments.

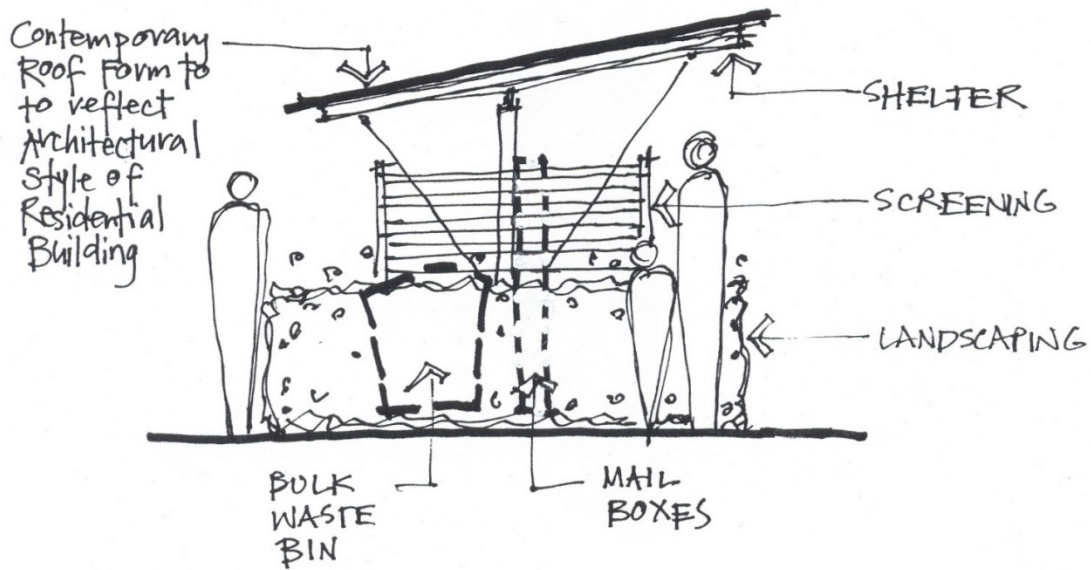


Figure 2: Example of Screening the Waste Storage Area

6.2.2 Storage of Mobile Garbage Bins (MGB)

Waste Storage and Recycling Areas and Rooms

A communal on-site storage and recycling area for MGBs, or a garbage and recycling room, must be provided for multi-unit developments or townhouses, where:

- the development is limited to no more than 12 units or townhouses; and
- it is not possible, or it is impractical, to store individual bins within the curtilage of each dwelling.

The waste storage and recycling area shall be of sufficient size to accommodate the number and types of waste MGBs and 240 litre recycling MGBs required, commensurate with the size of the development (refer to Appendix 4 for number and types of bins required and Appendix 5 for bin dimensions). Figures 3 and 4 provide an example of communal storage areas for MGBs.

On difficult or steep sites, sites with particular natural features (such as watercourses), sites with two street frontages, etc., it may be appropriate or necessary to have more than one waste storage and recycling area to minimise travel distances for residents. Information on location and construction details, size of the waste and recycling storage area and number of bins proposed shall be attached to the Waste Management Plan.

It shall be the responsibility of residents or a caretaker to wheel bins from waste storage and recycling area to the collection point at the kerb. Consideration should be given to manual handling requirements and slope.

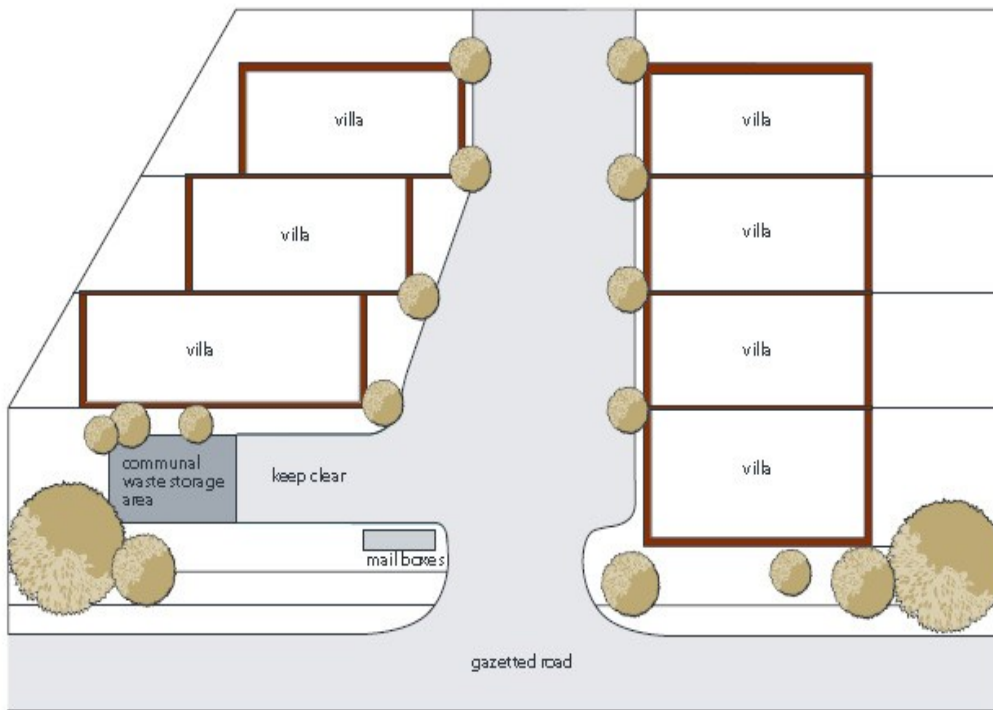


Figure 3: Example of Communal Storage Area for MGB's suitable for Villas

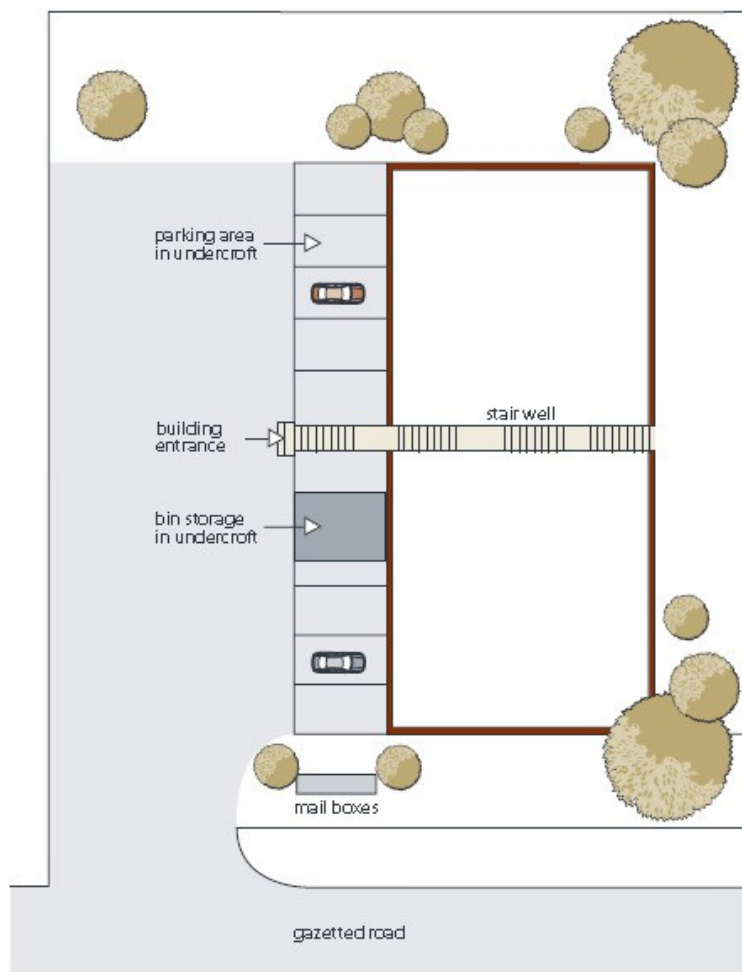


Figure 4: Example of Communal Storage Area for MGB's suitable for Low Rise Developments

6.2.3 Storage of Bulk Waste Bins

Waste Storage and Recycling Areas and Rooms

In the following circumstances a communal on-site waste storage and recycling area or room for bulk bins must be provided for multi-unit developments:

- where the size of the development exceeds 12 units or townhouses;
- where it is not possible or practical to store individual bins within the curtilage of each dwelling; and
- where the number of bins would not fit comfortably on the street frontage or would detrimentally affect residential amenity.

The Waste Storage and Recycling Area shall be of sufficient size to accommodate the number and types of bulk bins and 240 litre recycling MGBs required commensurate with the size of the development (refer to Appendix 4 for number and types of bins required and Appendix 5 for bin dimensions)

On difficult or steep sites, sites with particular natural features (such as watercourses), sites with two street frontages or particularly large developments it may be appropriate or necessary to have more than one waste storage and recycling area to minimise travel distances for residents and facilitate collection arrangements.

The Waste Storage and Recycling Area for bulk waste bins shall be located in the basement of the development or if located above ground must be appropriately screened. Information on the size, location and construction details and the number and types of bins proposed, shall be shown on the plans and attached to the waste management plan.

If garbage and recycling rooms are proposed in conjunction with waste storage areas it is necessary to indicate in the Waste Management Plan how waste and recyclables are to be transported from the garbage room to the storage area as advised in Appendix 7.

Adequate space shall be provided within the site to accommodate a rear-loading collection vehicle and to ensure that the vehicle is allowed to enter and exit in a safe manner. This may require the provision of a turning bay for trucks or provision of adequate turning circles. If turning circles are proposed they must comply with the turning circle for garbage trucks in Wyong Shire. A copy of this turning template is provided in Appendix 7.

Applicants shall provide information on turning circles in the waste management plan to demonstrate compliance. Pedestrian and traffic safety must be considered in the design of the storage and collection points for bins. It is essential that bulk bins be stored on a level area, as close to the entry of the development as practical to avoid service trucks having to enter or traverse the site to collect the waste. Wherever possible waste collection vehicle movement should be in a forward direction. Indemnity is required in situations where the collection truck is required to enter the site to perform on-site services. Figures 5, 6 and 7 provide an example of communal waste storage areas for bulk waste bins.

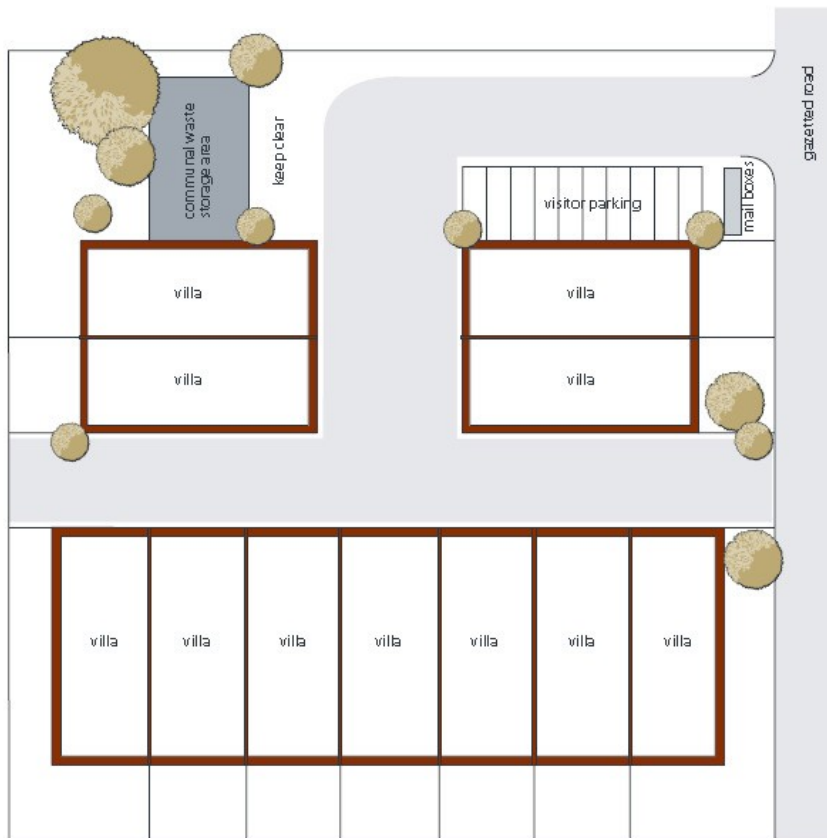


Figure 5: Example of Communal Storage Area for Bulk Bins suitable for Villas

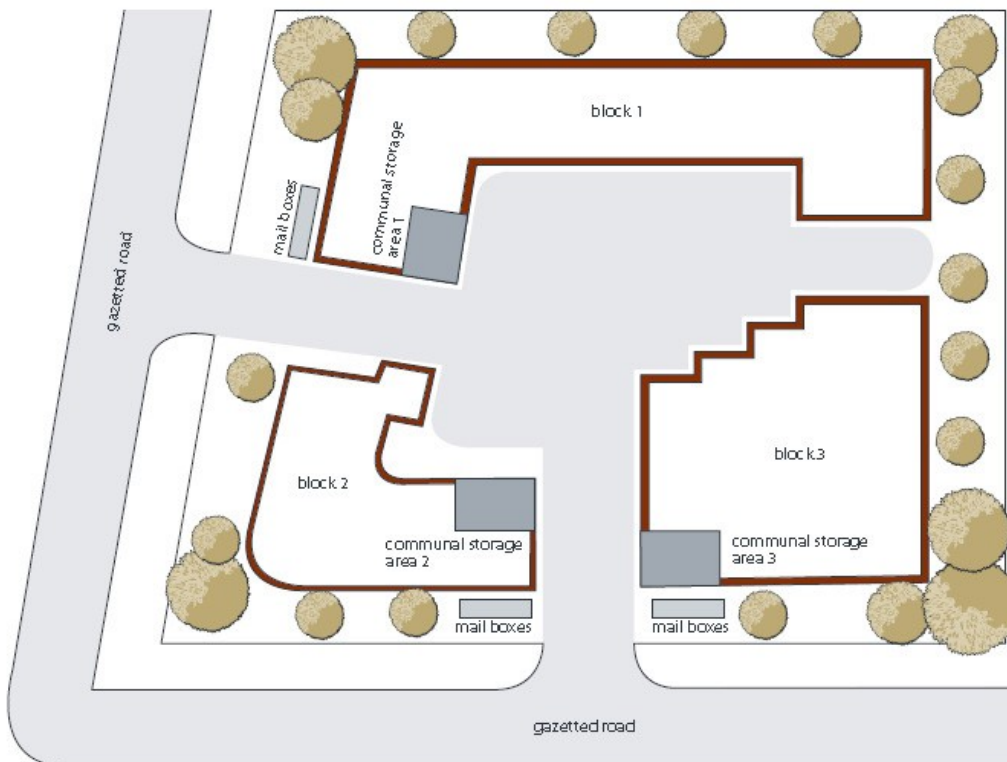


Figure 6: Example of Communal Storage Area for Bulk Bins suitable for Low Rise Developments

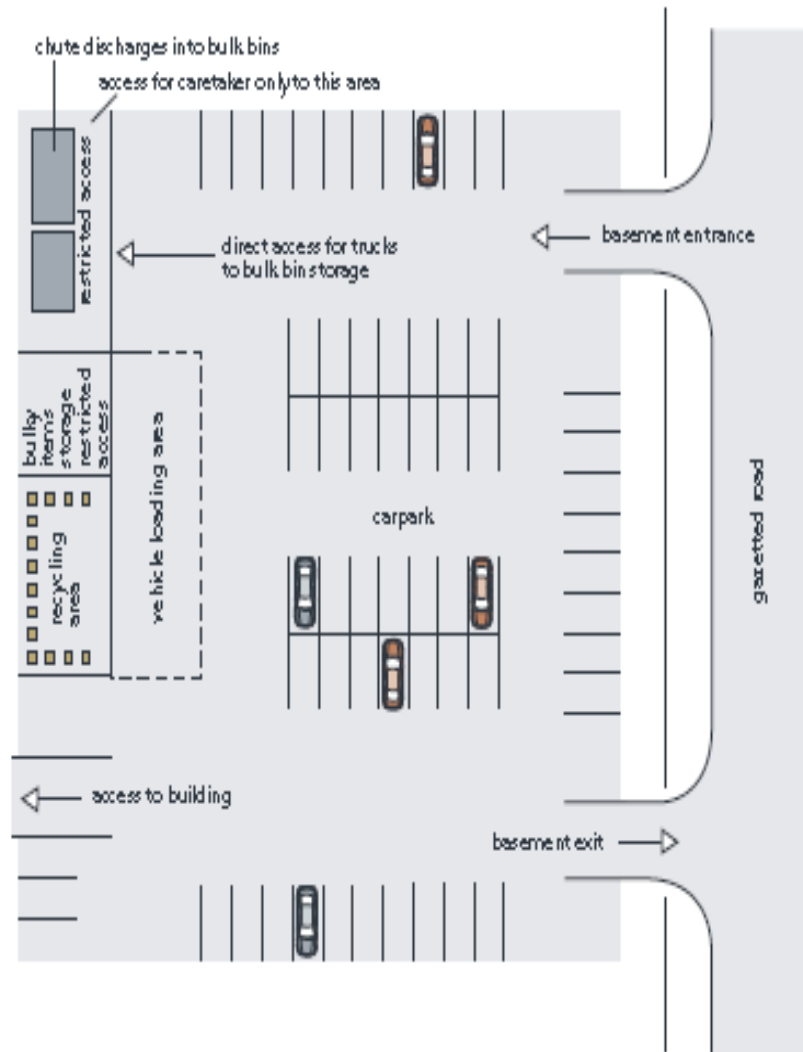


Figure 7: Example of Communal Storage Area for Bulk Bins suitable for Multi-Unit Developments

6.3 Multi-Storey Buildings

Garbage Chute Systems

Development exceeding three storeys must be provided with an acceptable method for transporting waste from each level to a garbage and recycling room. This could be a goods lift, a chute system (refer to Appendix 7 for further information), or some other means of providing direct and convenient internal access. Where garbage chutes are proposed, recycling rooms must be provided on each floor to accommodate sufficient 240 litre recycling bins to store at least one day's volume of recyclables. The recycling bins must be transported to the waste storage and recycling area daily or when full and replaced with empty recycling bins. Information must be provided on the design of the garbage chute, location, design and size of the recycling room(s) and how recyclables are transported to a waste storage and recycling area. Figure 8 show an example of an interim storage area and chute system.

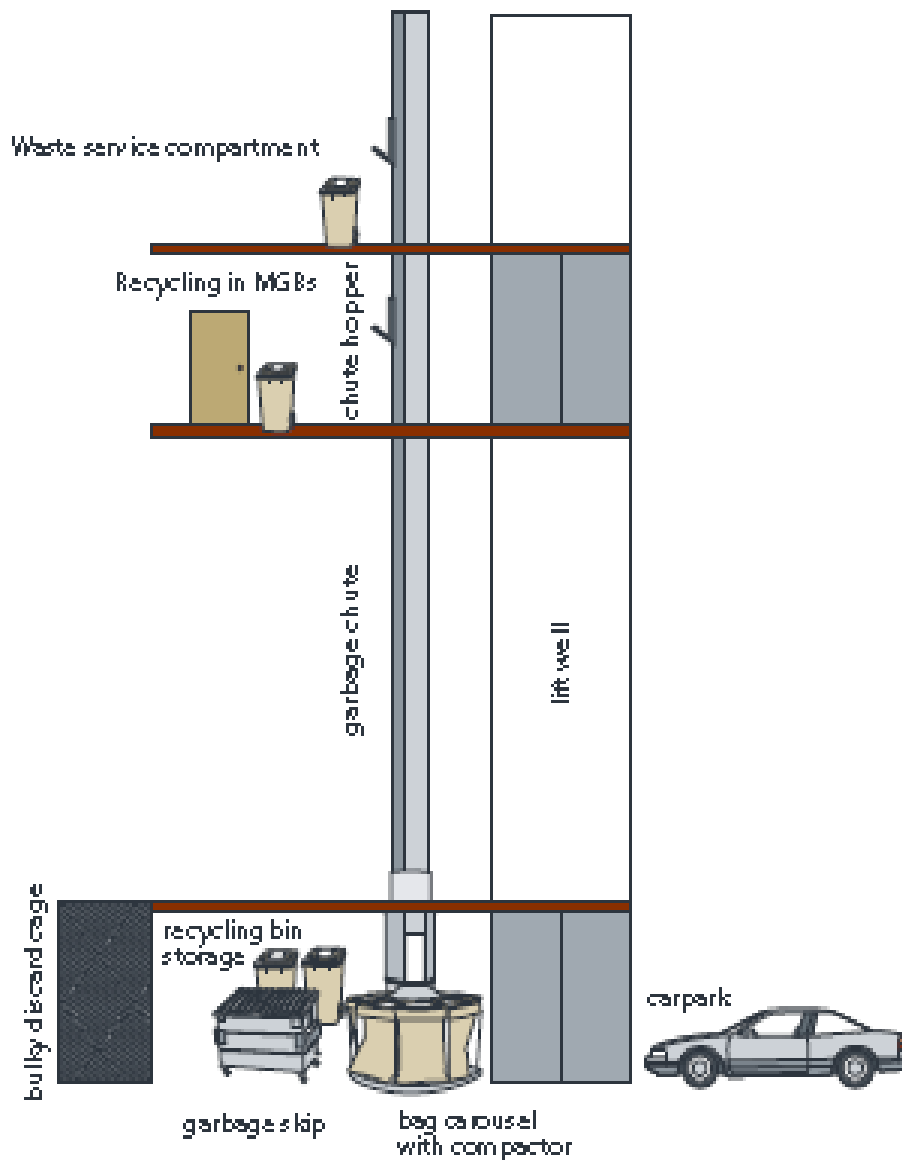


Figure 8: Example of Interim Storage Area and Chute System

Volume Reduction Equipment and Food Waste Disposal Units

Where it is considered necessary, compaction and other volume reduction equipment may be provided in the waste storage and recycling room. Such equipment could save space on site, where difficult design constraints occur. Waste reduction equipment should be considered for all buildings greater than 25 metres high. Volume reduction equipment must not be used for recyclables as removing contaminants from compacted recyclables is almost impossible and markets will reject compacted loads containing contaminants. Compaction equipment must be suitably soundproofed. In normal circumstances, there will not be a reduction in area requirements where such equipment is proposed. Council considers that area requirements should allow for possible changes in on-site waste management arrangements.

Note: The installation of food waste disposal units e.g. Insinkerator, are NOT permitted in Wyong Shire.

7. MIXED USE DEVELOPMENT

Mixed use developments incorporate residential dwellings and commercial establishments within the same development and would include, for example, shop-top housing.

Mixed use developments may be small, for example, two storeys, incorporating a residential unit on the top floor and commercial outlet on ground level, or they may be large, with one or more levels of commercial property beneath low-rise or larger medium to high-rise residential developments. Figure 9 provides an example of waste storage for mixed use developments.

7.1 Key problems

There are often serious problems with commercial tenants using the residential waste facilities (or vice versa) in mixed use developments, which can cause overloading of the waste management system, unhygienic conditions and disputes over payment for collection.

Better practice waste management in mixed use developments requires the complete separation of the residential and commercial waste facilities. Residential and commercial tenants should be actively discouraged from using each other's waste facilities.

Design garbage and recycling systems for the management of commercial wastes so they reduce potential adverse impacts on residential units within the development is encouraged.

7.2 Provision of services

Wyong Council is not required to provide waste services to commercial businesses, so they may elect to only service the residential dwelling component of mixed use developments. In this situation a private waste contractor would be required to remove the commercial waste, or a private waste contractor may be engaged to remove both the residential and commercial garbage and recycling.

It should be noted that if a private contractor were used to provide the garbage and recycling services, residents may still be required to pay a service availability charge to Council, as stipulated under section 146 of the Local Government Act 1993, in addition to the contractor's fee.

7.3 Commercial

The garbage and recycling systems installed in commercial developments will vary according the types and quantities of waste and recyclables generated.

Better practice waste management should be achieved by applying the general principles as outlined in Section 5 for commercial developments. Some indicative commercial waste generation rates are included in Appendix 2 as a guide.

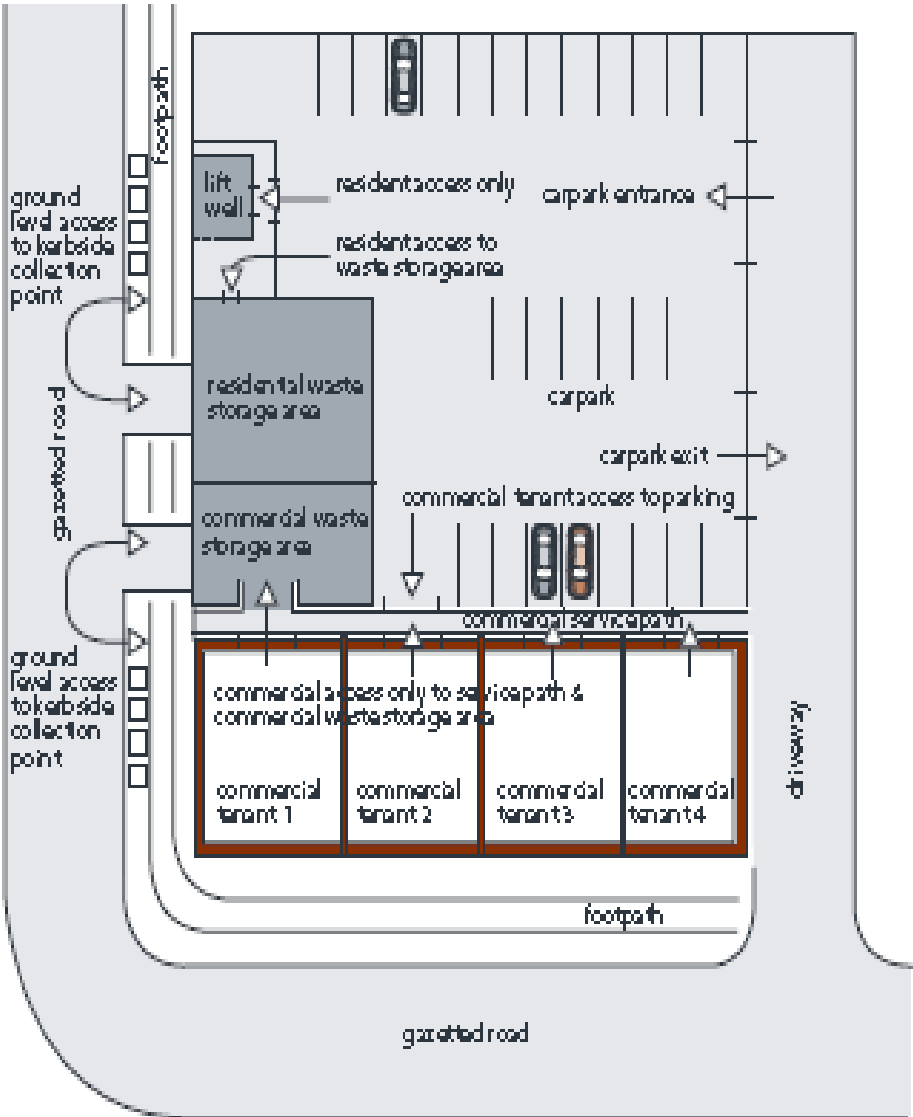


Figure 9: Example of waste storage in mixed used development

7.4 Waste Storage and Recycling Area

Waste Storage and Recycling Areas must be provided for commercial premises where it is not possible or impractical to store bins within the curtilage of each commercial unit. The waste storage and recycling area shall be of sufficient size to accommodate the number and types of waste bins (bulk bins and/or MGBs) and 240 litre recycling MGBs required commensurate with the size of the development (refer to Appendix 4 for number and types of bins required and refer to Appendix 5 for bin dimensions)

The size of the waste storage and recycling area shall be calculated on the basis of waste generation rates and proposed bin sizes. Calculation of waste generation rates should be based on industry standards. General advice on anticipated generation rates is provided in Appendix 2, as a cross check.

Information on the location and construction details and sizes and of the waste and recycling storage area and the number and types of bins proposed shall be attached to the Waste Management Plan.

Where it is proposed to service bins on-site, adequate space shall be provided within the site to accommodate a waste collection vehicle and to ensure that the vehicle is allowed to enter and exit in a safe manner. This may require the provision of a turning bay for trucks or provision of adequate turning circles. If turning circles are proposed, they must comply with the turning circle for appropriate garbage trucks. The Waste Management Plan must provide information on the turning circles proposed.

The use of volume reduction equipment may be appropriate where space is a problem. If volume reduction equipment is proposed details must be provided in the Waste Management Plan.

Separate waste storage and recycling areas shall be provided for mixed use developments.

7.5 Garbage Chute

Buildings containing more than three storeys shall be provided with an acceptable method for transporting waste from each level to a garbage and recycling room. This could be a goods lift, a chute system (refer to Appendix 7 for further information), or some other means of providing direct and convenient internal access. Where such facilities are utilised, space must be provided at each level for temporary storage of recyclables. Information shall be provided on the design of the garbage chute, location, design and size of the recycling room(s) and how recyclables are transported to a waste storage and recycling area.

Ongoing management is a significant issue and details are required in the Waste Management Plan.

7.6 Foods Shops, Restaurants and Refrigerated Garbage Rooms

Special attention should be paid to food waste generation. Specialised containment should be provided and a regular and frequent collection service arranged to ensure that no impacts result from the activity.

7.7 Grease Arresters

Contact should be made with Wyong Water – Commercial Enterprise – Trade Waste unit to obtain trade waste requirements for the installation of grease arresters and liquid waste.

8. INDUSTRY

8.1 Waste Storage and Recycling Area

Waste Storage and Recycling Areas shall be required for commercial premises where it is not possible or impractical to store bins within the curtilage of each industrial unit.

The waste storage and recycling area shall be of sufficient size to accommodate the number and types of waste bins (bulk bins and/or MGBs) and 240 litre recycling MGBs required commensurate with the size of the development (refer to Appendix 4 for number and types of bins required and refer to Appendix 5 for bin dimensions).

The size of the waste storage and recycling area shall be calculated on the basis of waste generation rates and proposed bin sizes. Calculation of waste generation rates should be based on industry standards. General advice on anticipated generation rates is provided in Appendix 2.

Information on the location and construction details and sizes and of the waste and recycling storage area and the number and types of bins proposed shall be attached to the Waste Management Plan.

Where it is proposed to service bins on-site, adequate space shall be provided within the site to accommodate a waste collection vehicle and to ensure that the vehicle is allowed to enter and exit in a safe manner. This may require the provision of a turning bay for trucks or provision of adequate turning circles. If turning circles are proposed, they must comply with the turning circle for appropriate garbage trucks. The Waste Management Plan must provide information on the turning circles proposed.

The use of volume reduction equipment may be appropriate where space is a problem. If volume reduction equipment is proposed details must be provided in the Waste Management Plan.

Separate waste storage and recycling shall be provided for mix use developments.

The area(s) should be flexible in design so as to allow for future changes of use of the units.

9. PUBLIC EVENTS

An adequate number of waste and recycling bins shall be provided based on the number of visitors expected. Special Event litter bins and recycling bins can be provided by council's contractor at cost. For further information contact Council's Customer Service Centre on (02) 4350 5555. Strategies must be developed incorporating adequate signage to educate the public on the correct use of the recycling bins in order to minimise contamination of the recyclable material.

10. HAZARDOUS WASTE

Generation, storage and disposal of hazardous wastes (refer definition of hazardous waste) require particular attention. Hazardous waste must not be placed in household or commercial waste bins and special arrangements need to be made for its collection and disposal. Some hazardous waste generating activities are required to be licensed by the EPA. Types of hazardous waste are listed in Appendix 3.

For more information contact Wyong Sire Council on 4350 5555

Appendix 1 Sample Waste Management Plan

To facilitate waste minimisation, Council requires the preparation of a Waste Management Plan. To assist you in this process, this Appendix contains a completed sample Waste Management Plan, detailing the types of waste likely to be generated and potential waste solutions, and a blank Waste Management Plan form.

Completing the Waste Management Plan will assist you in identifying the type of waste that will be generated and also assists you in advising Council how you intend to re-use, recycle or dispose of the waste. Demolition and construction waste docketts are to be retained on site so that the location of the receiving facility for recycling or disposal can be confirmed by EPA or Council.

The information provided on the form (and your plans) will be assessed against the objectives of DCP 2013 Chapter 3.1 – Controls for Site Waste Management (e.g. to maximise re-use and minimise disposal) and the performance criteria for your particular use. The applicable sections of this form must be completed and submitted with all development applications for subdivision and demolition or any construction application to carry out activities requiring the approval of Council.

If the space is insufficient in the table please provide attachments.

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A.1.1 Sample Waste Management Plan

Waste Management Plan



Property details

Address of Property 452 River Road Wyong

Lot(s) 1111 DP(s) 123456

Applicant's details

Applicant's Name JA Smith

Address 123 River Road
Wyong Postcode 2259

Telephone (02) 4343 1234 Mobile 0412 345 678

Email _____

Buildings and other structures currently on the site

Nil

Approximate age of structures

1:	_____	_____	years
2:	_____	_____	
3:	_____	_____	

Brief description of proposal

New Two Storey Dwelling

Office Use Only

Application no _____ Receipt no _____

CCO name _____ Date / /

Section 1: Subdivision, Demolition Stage (Site preparation stage)

Materials on Site		Destination		
Type of material	Estimated Volume (m ³)	On-Site <i>Specify proposed re-use or onsite recycling methods</i>	Off-Site <i>Specify contractors and recycling outlet</i>	Disposal <i>Specify contractor and land site</i>
Excavation material	20	Reuse part as on site fill. Stockpile to soil and re use for landscaping purposes		Remainder to landfill by waste contractor
Garden organics / Trees	10	Store on Site	To green waste facility for composting	Nil
Bricks	100		To concrete recycling facility	Nil
Concrete	Nil			
Timber (please specify)		Separated on site. Proportion to be used as framework	Usable remainder to recycling for resale. Fencing sold for firewood	Unusable waste to landfill
Plasterboard			To recycling facility for crumbing and re-use	
Metals (please specify)	20		To metal recycler	
Asbestos (please specify)	Max 10 sq. m.	Must be removed by a qualified asbestos removalist		Remove to Waste Management Facility
Other (please specify)			To Tender Centre for sale as 2 nd hand building products	

Section 2: Construction Stage

Excess Materials on Site		Destination	
Type of excess material	On-Site <i>Specify proposed re-use or onsite recycling methods</i>	Off-Site <i>Specify contractors and recycling outlet</i>	Disposal <i>Specify contractor and land site</i>
Excavation material	See Section 1 (Site Preparation)		
Garden organics / Trees	See Section 1 (Site Preparation)		
Bricks	Use as fill material behind retaining wall	Remainder to concrete recycling facility	
Concrete	Use as fill material behind retaining wall	Remainder to concrete recycling facility	
Timber (please specify)	Mulch for landscaping purposes Re-use as firewood	Untreated timber to composting facility	Treated timber to landfill
Plasterboard		To recycling facility for crumbing and re-use	
Metals (please specify)		To metal recycling facility	
Other (please specify)		To recycling facility for re-use	Unusable waste to landfill

Section 3: Use of Premises

Type of Waste to be Generated	Proposed On-Site Storage and Treatment Facilities	Destination
Please specify: For example: glass, paper, food waste, organic wastes, off cuts, etc.	For example: * Waste storage & recycling area * Turning circles for trucks, provision of turning bays, proposed movement of collection vehicle through the site. * Garbage chute. * Compaction equipment	For example: * Recycling * Disposal See Recycling guide for contracts Specify contractor

November 2015

Section 4: Ongoing Management

This section provides the ability to supply additional information as to how waste is to be managed during the ongoing operation of the development.

Describe how you intend to ensure ongoing management of waste on-site (eg: lease conditions, caretaker / manager on site). For example:

1. Original proprietor to prepare a waste management system addressing waste collection, recycling and disposal for implementation. System to outline expectations and achievable objectives for sorting and separating waste and the on-site management of the waste area.
2. A formal information package to be presented to each new occupant for individual implementation.
3. Staff to be trained in the system with regular six monthly reviews.
4. Staff to oversee waste system to ensure the area is maintained in a tidy and clean condition and that waste bins are in position for collection on the scheduled dates.
5. All bins in waste area to be clearly marked indicating their use

A.1.2 Additional Information

Table 5: Additional information required

Issues	Information required
Waste and Recycling generation rate	Quantity of waste and recyclables generated per week for ongoing use of facility
Waste Storage and Recycling Area	Location, size, number of bulk bins, number of MGBs (waste and recycling)
Garbage and recycling rooms	Location, size, number of MGBs (waste and recycling), mode to transport to waste storage and recycling area
Garbage chute	Location, design details,
Compaction systems	Design and application details
On-site servicing	Turning circles for trucks, provision of turning bays, height of basement, proposed movement of collection vehicle through the site.

A.1.3 Waste Management Plan (Blank Form)

Waste Management Plan



Property details

Address of Property _____

Lot(s) _____ DP(s) _____

Applicant's details

Applicant's Name _____
Address _____
_____ Postcode _____
Telephone () _____ Mobile _____
Email _____

Buildings and other structures currently on the site

Approximate age of structures 1: _____ years
2: _____
3: _____

Brief description of proposal

Office Use Only

Application no _____ Receipt no _____
CCO name _____ Date / /

Section 1: Subdivision, Demolition Stage (Site preparation stage)

Materials on Site		Destination		
Type of material	Estimated Volume (m³)	On-Site <i>Specify proposed re-use or onsite recycling methods</i>	Off-Site <i>Specify contractors and recycling outlet</i>	Disposal <i>Specify contractor and land site</i>
Excavation material				
Garden organics / Trees				
Bricks				
Concrete				
Timber (please specify)				
Plasterboard				
Metals (please specify)				
Asbestos (please specify)				
Other (please specify)				

Section 2: Construction Stage

Excess Materials on Site		Destination	
Type of excess material	On-Site <i>Specify proposed re-use or onsite recycling methods</i>	Off-Site <i>Specify contractors and recycling outlet</i>	Disposal <i>Specify contractor and land site</i>
Excavation material			
Garden organics / Trees			
Bricks			
Concrete			
Timber (please specify)			
Plasterboard			
Metals (please specify)			
Other (please specify)			

Section 3: Use of Premises

Type of Waste to be Generated	Proposed On-Site Storage and Treatment Facilities	Destination
<p><i>Please specify: For example: glass, paper, food waste, organic wastes, off cuts, etc.</i></p>	<p><i>For example:</i></p> <ul style="list-style-type: none"> * Waste storage & recycling area * Turning circles for trucks, provision of turning bays, proposed movement of collection vehicle through the site. * Garbage chute. * Compaction equipment 	<p><i>For example:</i></p> <ul style="list-style-type: none"> * Recycling * Disposal <p><i>See Recycling guide for contracts Specify contractor</i></p>

November 2015

Appendix 2 Waste Generation Rates

Table 6: Typical Waste Generation Rates

Type of Premises	Waste Generation	Recyclable Material Generation
Backpackers accommodation	40L / occupant / week	20 litres / occupant / week
Boarding house, Guest house	60L / occupant / week	20 litres / occupant / week
Food Premises		
• Butcher	80L / 100 m ² floor area / day	Discretionary
• Delicatessen	80L / 100m ² floor area / day	Discretionary
• Fish Shop	80L/ 100m ² floor area /day	Discretionary
• Greengrocer	240L / 100m ² / day	120L / 100m ² /day
• Hairdresser	60L / 100m ² floor area / day	Discretionary
• Restaurants	660L/100m ² floor area /day	130L /100m ² floor area/ day
• Supermarket	660L/100m ² floor area / day	240L / 100m ² day
• Takeaway	80L / 100m ² floor area / day	Discretionary
Hotel	5L / bed / day 50L / 100m ² bar area / day 660L/100m ² dining area/ day	50L / 100m ² bar area / day or dining areas / day
Licensed club	50L / 100m ² bar area / day	50L / 100m ² / bar area / day or dining area / day
Motel (without public restaurant)	5L / bed / day 660L/100m ² dining area/ day	1L / bed / day
Offices	10L / 100m ² /day	10L / 100m ² / day
Shops (non-food sales) less than 100m ² – floor area	50L / 100m ² floor area / day	25L / 100m ² floor
Shop over 100m ² floor area	50L / 100m ² floor area/day	50L / 100m ² floor area / day
Showrooms	40L / 100m ² floor area /day	10L / 100m ² floor area / day

Appendix 3 Hazardous Waste

According to Table 4 of the Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (DECC) the following materials are classified as hazardous:

1. **Any waste that meets the criteria for assessment as dangerous goods under the Australian Code for the transport of Dangerous Goods by Road and Rail, and categorised as one of the following:**
 - a) explosives
 - b) gasses (compressed, liquified or dissolved under pressure)
 - c) flammable solids (excluding, organic waste and all physical forms of carbon such as activated carbon and graphite),
 - d) flammable liquids
 - e) substance liable to spontaneous combustion (excluding organic waste and all physical forms of carbon and graphite),
 - f) substances which in contact with water emit flammable gases
 - g) oxidising agents and organic peroxides
 - h) toxic substances
 - i) corrosive substances
2. **Pharmaceuticals and poisons being waste generated by activities carried out for business or other commercial purposes and that consist of pharmaceutical or other chemical substances specified in the Poisons List under the Poisons and Therapeutic Goods Act 1966).**
3. **Clinical waste**
4. **Cytotoxic waste**
5. **Sharps waste**
6. **Any radioactive waste, being waste that:**
 - a) contains a substance that emits ionising radiation spontaneously, and
 - b) consists of, or contains more than, the prescribed activity of any radioactive element listed in Schedule 1 to the Radiation Control Regulation 1993
7. **Any liquid radioactive waste, being waste that:**
 - a) contains a substance that emits ionising radiation spontaneously, and
 - b) has specific activity ratio or a total activity ratio (as determined in accordance with procedures set out in the Waste Guidelines) that is greater than one.
8. **Any declared chemical waste that:**
 - a) is the subject of a chemical control order under the Environmentally Hazardous Chemicals Act 1985, and
 - b) is not permitted to be disposed of to a landfill site because of such an order
9. **Quarantine waste.**

Hazardous Waste cannot be placed in the standard waste or recycling bins.

Appendix 4 Council's Bin Types and Servicing Requirements

Single residential dwellings and multi-unit development (up to 12 units) are provided with:

1. 140 litre waste bin with a red lid. This bin is serviced weekly.
2. 240 litre recycling bin with a yellow lid. This bin is serviced fortnightly.
3. 240 litre garden vegetation bin with a green lid. This bin is serviced fortnightly but on alternate weeks to the recycling bin.

See Figures 10 and 11 for dimensions for MGBs

Note: Single residential dwelling west of the Freeway (F3) are not entitled to the 240 litre garden vegetation bin.

Multi-unit residential developments (more than 12 units) are provided with:

1. Bulk bins (660 litre, 1100 litre or 1500 litre) for the storage of non-recyclable waste.
Size and service frequency depends on unit numbers. Generally 140 litre capacity is allowed per unit. Adequate truck access must be available to service bulk bins.
2. 240 litre waste bins with a red lid. These bins are serviced weekly.
3. 240 litre recycling bins with a yellow lid. These bins are generally serviced fortnightly, but weekly servicing can be arranged.
4. 240 litre garden vegetation bins with a green lid. These bins are serviced fortnightly

Commercial and industrial building can be provided with:

1. Bulk bins (660 litre, 1100 litre or 1500 litre) for the storage of non-recyclable waste.
Size and service frequency depends on unit numbers. Generally 140 litre capacity is allowed per unit. Adequate truck access must be available to service bulk bins.
2. 240 litre waste bins with a red lid. These bins are serviced weekly.
3. 240 litre recycling bins with a yellow lid. These bins are generally serviced fortnightly, but weekly servicing can be arranged.
4. 240 litre garden vegetation bins with a green lid. These bins are serviced fortnightly Bins must not be kept in front of the premises, unless an appropriately screened Waste Storage and Recycling Area is approved and provided.

Figures 12, 13 and 14 provide the dimensions of bulk waste bins.

Bins are to be placed at the collection point (20-50cm from the kerb of the street's pavement with handle closest to roadway), no earlier than the evening prior to the collection day.

Bins are to be removed from the public place by the property owner or occupier as soon as practicable after service, but no later than the evening of collection day.

Council generally does not collect waste from within the site. If on-site collection is essential (eg bulk bins are being utilised), Councils contractor will require indemnity against potential damage to access roads.

Table 7: Bulk bin requirements and service frequencies

Bulk bin requirements and service frequencies for Multi-unit Residential Development		
No. of Units	Bulk Bin Capacity (litre)	Services per Week
Up to 12 units or townhouses	Mobile Garbage Bins shall be used	
12	1 x 660	2
15	1 x 660	3
20	1 x 1100	2
25	1 x 1500	2
30	1 x 1100	3
35	1 x 1500	3

Note: For multi-unit residential developments with more than 35 units contact Council's Waste Management Section.

Note: Retirement Units are calculated at half the above rates or as considered appropriate by Council for the particular development.

Appendix 5 Bin Specifications and dimensions

240 Litre Mobile Bin

■ A	1060 mm	■ D	730 mm	■ G	550 mm
■ B	990 mm	■ E	585 mm		
■ C	660 mm	■ F	400 mm		

Measurements to be used as a guide only – variations will occur

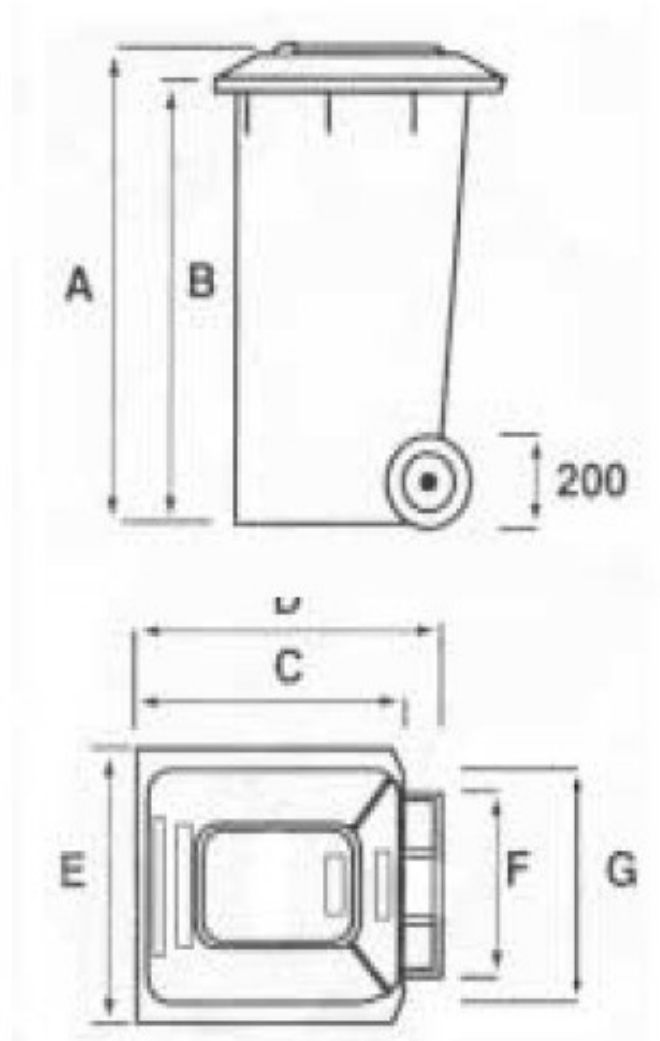


Figure 10: Dimension for 240 litre MGB. (Adapted from Sulo Brochure: www.sulo.com.au)

140 Litre Mobile Waste Bin

- A 925 mm ■ D 615 mm ■ G 505 mm
- B 870 mm ■ E 535 mm
- C 550 mm ■ F 395 mm

Measurements to be used as a guide only – variations will occur

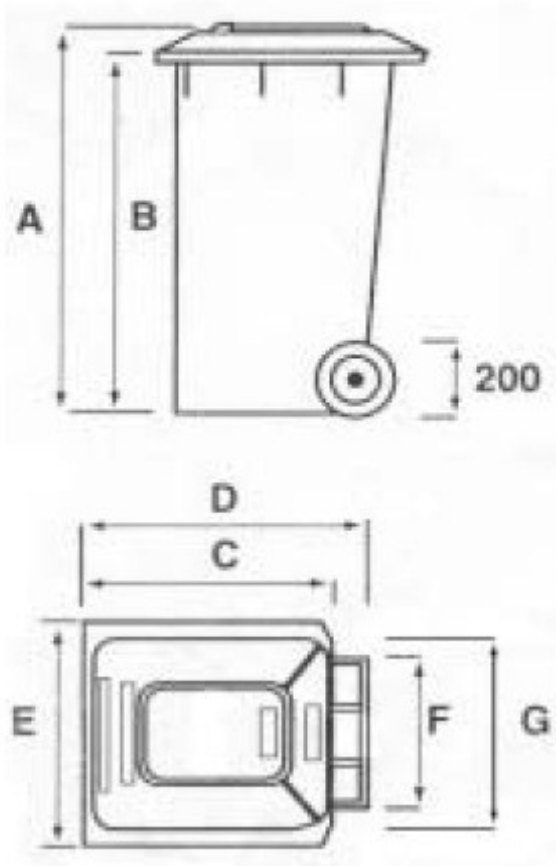
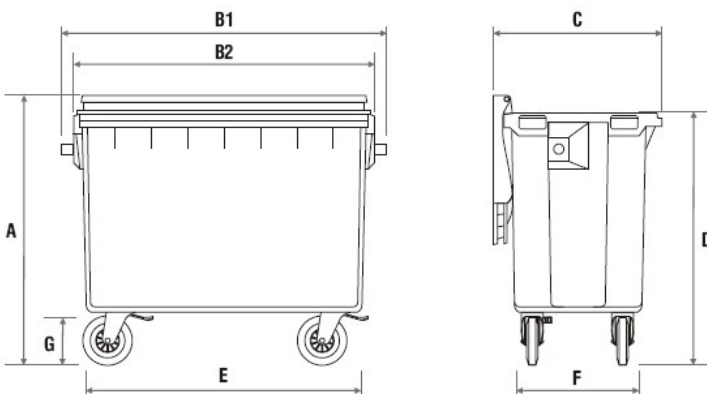


Figure 11: Dimension of 140 l waste bin (Adapted from Sulo Brochure: www.sulo.com.au)

660 Litre Bulk Bin



660 Litre	
Weight (approx)	45kg
Volume	660ltr
A	1200mm
B1	1360mm
B2	1225mm
C	770mm
D	1120mm
E	1095mm
F	630mm
G	200mm

Figure 12: Dimensions of 660 litre bulk bin (www.Mastec.com.au)

1100 Litre Bulk Bin

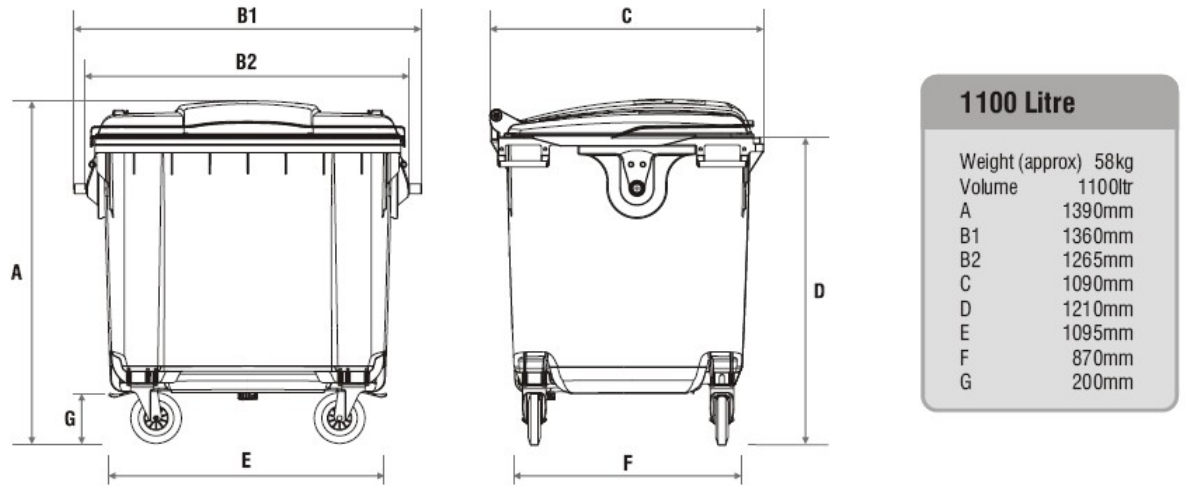


Figure 13: Dimensions of 1100 litre bulk bin (www.Mastec.com.au)

1500 Litre Bulk Bin

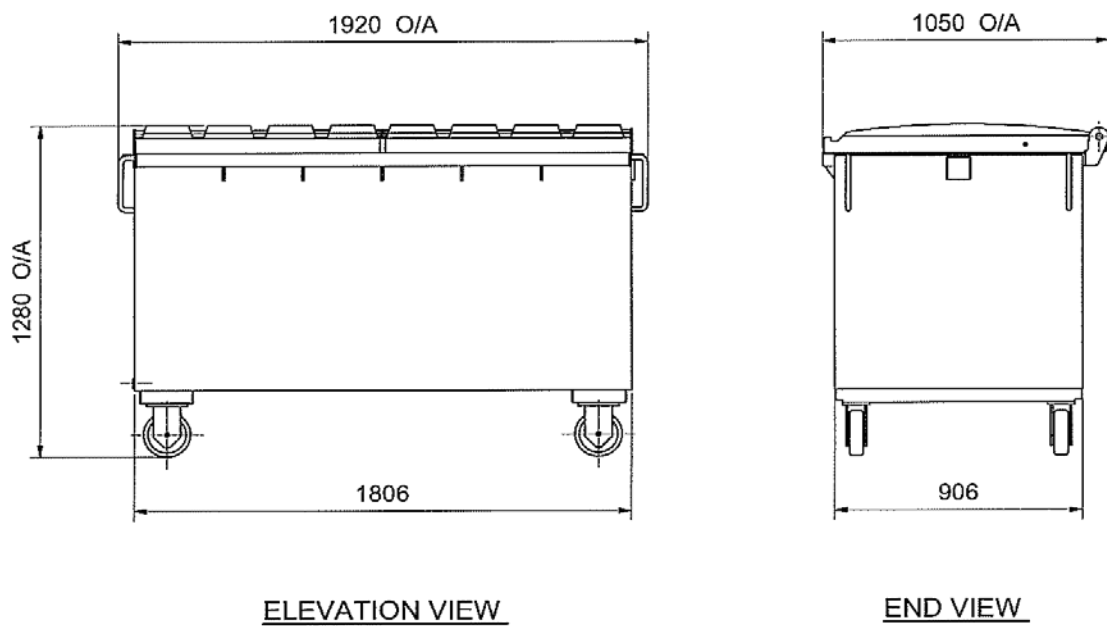


Figure 14: Dimensions for 1500 litre bulk bin (www.Mastec.com.au)

Bin Dimensions

Table 8: Summary of bin dimensions

	140 litre bin	240 litre bin	660 litre bulk bin	1.1 m ³	1.5 m ³
Width (m)	.535	.580	.630	.870	1.920
Length (m)	.640	.730	1.095	1.095	.906
Height (m)	.920	1.060	1.200	1.390	1.280

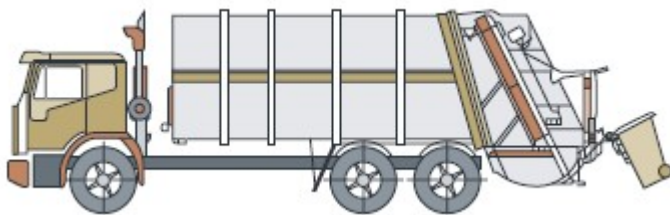
Appendix 6 Collection Vehicle Specifications

Table 9: Collection vehicle specification

Dimensions in millimetres	Waste Truck (side loader)	Recycling & Garden Vegetation Truck	Bulk Bin Truck (rear loader)
Width	3200	3200	3200
Length	9460	9828	9599
Height	3546	3700	3257
Minimum height to service 240 litre	3857	3857	n/a
Minimum height to service 1.1 m ³	n/a	n/a	3800
Min space (length) to service 1.1m ³	n/a	n/a	11600
Minimum height to service 1.5 m ³	n/a	n/a	3800
Minimum space (length) to service	n/a	n/a	11600
Turning Circle	20560	20560	21390

Collection Vehicles

Rear loading vehicle



Side Loading vehicle

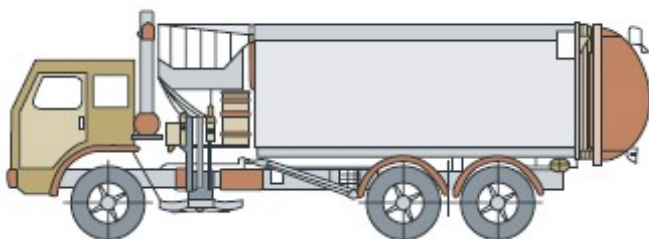


Figure 15: Types of Collection Vehicles

Appendix 7 Location and Design of Waste Storage and Handling Facilities

Waste storage and handling facilities can be:

- **Waste Storage and Recycling Areas**, where waste and recycling material are stored in the open and properly visually screened;
- **Garbage and Recycling Rooms**, within buildings for holding waste and recyclable material, (Compaction equipment can be provided);
- **Garbage Chute and Service Lift Systems**, for transporting waste in multi storey buildings; and
- **Collection Areas**, separate from storage areas, where waste is located immediately before collection.

Which facilities are used will depend upon the nature and size of the development. The facilities can also be used in combination. Figures 2-9 provide a number of examples.

A.7.1 General Principles

There are a number of general principles for the design and on-site location of waste management facilities.

Waste storage and handling facilities should:

- be conveniently located to enable easy access for on-site movement and collection;
- relate to other loading / unloading facilities;
- have sufficient space for the quantity of waste and recyclable materials generated and careful source separation of materials (e.g. recyclables);
- have sufficient space to comfortably contain any on-site treatment facilities (eg. Compaction equipment);
- have adequate weather protection where appropriate or required be enclosed or undercover;
- be secure and lockable, where appropriate;
- be well ventilated and drained to the sewer;
- be screened by landscaping or sympathetic materials, adding to the streetscape not detracting from it; and
- be clearly signposted to ensure appropriate use.
-

A.7.2 Location and Access

Perhaps the most obvious matter to consider for waste collection services is accessibility to the onsite waste storage and recycling area if servicing is required on site. Access to the waste storage and recycling area is required if bulk bins are proposed.

For commercial and industrial developments servicing of MGBs and bulk bins may occur on site depending on the collection contractor used and service arrangements entered into. If access onto the site is proposed, the following matters should be considered:

- the convenient placement of waste storage and recycling areas or garbage and recycling rooms;

- proposed sizes of collection vehicles that will enter the site;
- driveway widths and adequate height at entrance ways to basements etc;
- structural capability of driveway to carry fully loaded waste collection vehicles;
- turning circles, turning bays or three point turn arrangements so that vehicles enter and leave the site moving in a forward direction;
- on-site manoeuvrability, for all site users;
- ensuring legality of access. This could be by the creation of an easement. In some circumstances, private arrangements may be necessary for such on-site collection;
- The owners or beneficiaries of the access road are to provide Council with an indemnity, against any claims for damage to the access road in servicing the development.
- The access for vehicles collecting waste (where the vehicle has to turn on or off a roadway or turn within a property) the access must be designed in accordance with the AUSTRROADS / STANDARDS AUSTRALIA 1995 PUBLICATION "Design Vehicles and Turning Path Templates". A sample turning circle for a Heavy Rigid Vehicle is show at Figure 16.

In all cases provision of communal waste storage and recycling areas or garbage rooms shall include consideration of the following:

- access for individual occupants; and
- proximity to site occupants and adjacent properties in terms of noise and odour control.

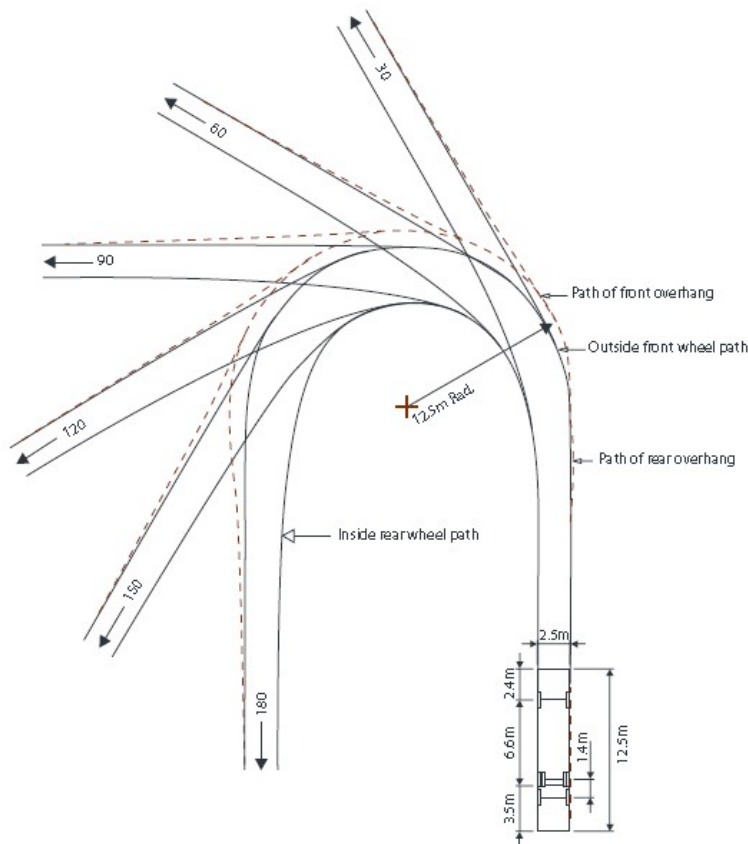


Figure 16: Turning Circle for Heavy Rigid Vehicle

A.7.3 Design of Waste Storage Areas

Requirements for Waste Storage and Recycling Areas:

Table 10: Waste Storage and Recycling Areas

Intent of Controls	Performance Criteria -the intent may be achieved where:	Standards-basedSolution
Adequate dimensions to accommodate waste and recyclables	<p>The area is of adequate size</p> <p>Determine the number and size of bins required for the proposed development. Refer to Appendix 2 for waste generation rates and Appendix 4 for bin capacities for multi-unit developments.</p> <p>Calculate the floor area requirements. Allow sufficient space to manoeuvre bins and for residents to be able to access bins comfortably.</p>	Council standard bin sizes (refer to Appendix 5)
Aesthetically pleasing	<p>Materials, design & landscaping complement the building & streetscape</p> <p>(Comply with DCP 2013: Chapter 2.4).</p>	
Ready access to waste and recycling bins	<p>The area is easily accessible by all occupants and sufficient space is provided to access all bins.</p> <p>If on-site servicing of bins is required then:</p> <ul style="list-style-type: none"> • driveways are of adequate strength, width and design vehicle movement is in a forward direction • Bins can be serviced in a safe manner • entrance heights to basements allow access for collection vehicles 	<p>Maximum grade of driveway: 1:10</p> <p>Minimum vertical clearance: 3.6 m</p> <p>Minimum width of driveway: 4 metres</p> <p>Minimum turning circle: 22 metres</p> <p>Designed in accordance with AS2890.1</p>
Area does not impact on safety environment and residents' ambience	<p>The area is located away from living / working space in buildings</p> <p>The area is weather protected</p> <p>The area is appropriately signposted e.g for recycling bins</p> <p>Manoeurability of all bins is easy with adequate space for ease of movement</p>	Workcover Authority requirements

A.7.4 Design of Waste Storage and Recycling Rooms

Requirements for Waste Storage and Recycling Rooms:

Table 11 Waste Storage and Recycling Rooms

Intent of Controls	Performance Criteria -the intent may be achieved where:	Standards-based Solution
<p>Adequate dimensions to accommodate garbage and recyclables.</p>	<p>The area is of adequate size.</p> <p>Determine the number and size of bins required for the proposed development. Refer to Appendix 2 for waste generation rates and Appendix 4 for bin capacities for multi-unit developments.</p> <p>Calculate the floor area requirements. Allow sufficient space to manoeuvre bins and for residents to be able to access bins comfortably.</p> <p>For recycling rooms required in conjunction with garbage chutes, the area must be of sufficient size to store bins that hold at least 1 day's volume of recycling.</p> <p>Ceiling height is appropriate to type of service.</p> <p>Door width is sufficient for installation and maintenance of bins.</p> <p>Equipment is carefully installed including clear of walls and supported on plinths or legs.</p>	<p>2100 mm</p> <p>820 mm minimum width (1800 for bulk bins)</p> <p>Plinths at least 75mm</p> <p>Legs 150 mm high</p>
<p>Ready access to waste and recycling bins</p>	<p>The room is easily accessible by all occupants and sufficient space is provided to access all bins.</p> <p>Bins can easily be manoeuvred to Waste Storage and Recycling area.</p> <p>If servicing of bins in the room is required then:</p> <ul style="list-style-type: none"> • driveways are of adequate strength, width and design • vehicle movement is in a forward direction • bins can be serviced in a safe manner • entrance heights to basements allow access for collection vehicles 	
<p>Area does not impact on safety environment and residents' ambience</p>	<p>Adequate ventilation provided:</p> <ul style="list-style-type: none"> • mechanical • natural <p>Adequate water supply provided:</p> <ul style="list-style-type: none"> • hot water for commercial uses • hose cocks protected 	<p>BCA</p> <p>Openings 5% of floor area and positioned to provide cross-floor ventilation.</p> <p>Recessed into the wall.</p>

Intent of Controls	Performance Criteria -the intent may be achieved where:	Standards-based Solution
	<ul style="list-style-type: none"> • hose available <p>The room is well drained to a floor waste connected to the sewer.</p> <p>Floors, walls and ceiling are of impervious material.</p> <p>Entry of Vermin is prevented.</p> <p>Adequate separation from walls where containers area is provided.</p>	<p>Floor waste is located beneath hose cock or in close proximity to it.</p> <p>Steel trowel finished concrete floor (Min. 75 mm thick) and cement rendered walls.</p> <p>Ceilings to be durable and smooth.</p> <p>Doors to be self-closing and close fitting.</p> <p>Bump rail 50mm clear of walls</p>
Safety	<p>Doors are durable and door must be able to be opened from inside by a single handed action without the use of a key.</p> <ul style="list-style-type: none"> • manoeuvrability of full bins is easy; • adequate space and ease of movement • the room is appropriately signposted e.g for recycling bins <p>Adequate lighting, controllable from outside and inside, is provided.</p>	<p>Solid core doors Workcover Authority requirements. BCA.</p> <p>Flat surface over which bins are manoeuvred BCA, Workcover Authority requirements.</p>

A.7.5 Design of Garbage Chute systems and Service Lifts

Development exceeding three storeys must be provided with one or more garbage chute systems or a passenger lift. A service room needs to be provided on each floor of the development to allow access to the garbage chute. Chutes should not open onto any habitable or public space. Hopper doors must have an effective self-sealing system. Where garbage chutes are proposed, the recycling rooms shall be provided on each floor to accommodate sufficient 240 litre recycling bins to store at least one day's volume of recyclables. It is acceptable to combine the service room for the chute system and the recycling room.

The recycling bins shall be transported to the waste storage and recycling area daily or when full and replaced with empty recycling bins. Information shall be provided within the application on the design of the garbage chute, location, design and size of the garbage and recycling room(s) and how recyclables are transported to a waste storage and recycling area.

Chutes are only suitable to transfer garbage and are not suitable to transfer recyclables. The drop generally results in the damage or even destruction of the recyclable material, particularly glass and cardboard could easily become stuck in the chute and cause a fire hazard.

Chutes should be designed to reduce noise and fire risks associated with their use. The key features of a garbage chute and recycling system are shown in Figure 8.

A.7.6 Requirements for Waste Chute System:

Table 12: Garbage Chute Systems

Intent of Controls	Performance Criteria The intent may be achieved where:	Standards-based Solution
Ensure suitable design & materials	<p>Chutes are cylindrical and have appropriate capacity for volume of materials. Internal overlaps follow direction of flow.</p> <p>Chutes, hoppers, service openings & service compartments are of appropriate, smooth faced, durable, impervious, non-corrosive, distortion & fire resistant material.</p> <p>There are minimal number of seamless joints and chutes has no bends in main shaft.</p>	At least 500mm diameter
Unimpaired flow directly to facilities in garbage room	<p>Distances to hopper are not too long</p> <p>Hoppers are of appropriate size and flush with chute. Hopper doors must have self-sealing system</p> <p>Size of service openings relates to diameter of chute</p>	<p>Not exceeding 1000mm</p> <p>Area not less than 60% size of chute</p>
Ventilation	Chutes are effectively ventilated.	Ventilation in accordance with BCA
Health & Safety	<p>Chutes and hoppers are contained in a service compartment or room, so as not to open directly into a habitable area.</p> <p>Cut-off door at or near the base of chute to allow container movement and work on facilities</p>	

Intent of Controls	Performance Criteria The intent may be achieved where:	Standards-based Solution
	such as compactors is provided. Note: this can double as a fire damper Appropriate system for cleaning & maintenance of chute and hoppers is provided	brushes, sanitisers water supply point & sanitisers at the top of chute
Safe to load	Service openings are of adequate height from floor level	850mm to 1000mm, from the floor to the lowest edge of the opening
Fire Separation	Chutes shall be fire separated as required by the BCA. Chutes should be fully enclosed in a fire-rated shaft, constructed of an approved material and fitted with sprinklers	BCA

2.2 Draft Natural Assets Management Policy

TRIM REFERENCE: F2004/06929 - D12062126

MANAGER: Scott Cox, Director
Mike Dowling, Director

AUTHORS: Jenny Mewing; Strategic Planner
Scott Duncan; Section Manager
Peter Stokes; Manager Property Management

SUMMARY

A draft Natural Assets Policy has been developed as an over-arching framework which guides decision making with regard to the management of Council's natural assets.

This report requests Council's consideration of a draft Natural Assets Management Policy and seeks Council's endorsement to place the draft policy on public exhibition.

RECOMMENDATION

- 1 That Council receive the draft Natural Assets Management Policy**
- 2 That Council endorse the public exhibition of the draft Natural Assets Management Policy for a period of 28 days.**
- 3 That Council consider a further report on the outcomes of the exhibition process.**

BACKGROUND & CURRENT STATUS

The Wyong Shire Local Government Area covers an area of approximately 820 square kilometres and encompasses an extensive range of natural environments, including National Parks, State Forests, Rural hinterlands and Coastal landscapes. Many of these environments consist of vegetation and habitat which is of significance in a state and federal conservation context.

Council's 2015-2019 Strategic Plan seeks to ensure that areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development. The community focus of this plan is to retain and maintain areas of natural value by preserving endangered ecological species, ecological communities and biodiversity as well as supporting programs for the restoration of degraded natural areas.

Council's portfolio of built and natural assets, are in some instances, located in sensitive natural localities. These assets are required to be managed, maintained and utilised in a manner which is consistent with the expectations of the community as well as complying with relevant standards and legislative requirements.

In April 2015, Council adopted the Community Infrastructure Asset Management Policy. This policy provides a broad framework for undertaking asset management and defines the key principles that underpin asset management for Council.

The draft Natural Assets Management Policy has a similar intent, and seeks to identify opportunities and provide a guidance framework for decision making with regard to the management of Council's natural asset base. The policy will enable Council to exhibit and promote strong leadership and policies to ensure that environmental outcomes can be delivered.

THE PROPOSAL

A portion of Council's property portfolio has extensive environmental values and includes asset protection zones, fire trails, off-setting sites, lake and coastal protection zones, waterways and registered heritage sites. In the current financial year, expenditure on works associated with the management of the lakes and other environmental works ranks in the top five (5) expenditure areas and is anticipated to increase in the 2016/2017 financial year.

Council is committed to managing all its assets, both built and natural, under a consistent approach within the National Asset Management Framework. It is noted however that while this framework applies to a range of assets such as roads, drainage, recreation and community facilities, there are no definitive national standards for natural areas. The policy will provide the framework required to investigate and develop a suitable formula for recognising the role and value that the Natural Assets play in Council's property portfolio.

This policy seeks to provide Council with an overarching framework to enable exploration of opportunities to maximise environmental outcomes, reduce maintenance costs, develop strategic partnerships and provide further opportunities for the examination of offset and revenue generating opportunities.

Implementation of the policy will be led by the Natural and Environmental Assets Section of Council's Property Management Unit which forms part of the Property and Economic Development Department. Other units of Council may be responsible for some projects enabled by the policy implementation.

Under this policy, the Unit will be able to deliver and implement relevant projects which are identified within Council's Operational Plan Framework or may be worthy in the 2016/2017 operational plan focus on 'Our Environment'. Such projects could include:

- Ongoing development of a natural assets register/database to track historical and current management actions as well as related land features (e.g. acquisition details, relevant studies or plans etc);
- Investigation (and implementation if appropriate) of environmental accounting and valuation tools and mechanisms;
- Establishment of a land transfer protocol for new natural asset acquisitions;
- Aboriginal landscape management protocols;
- Strategic sites Biocertification process; and
- Pilot program for establishment of offsetting sites.

OPTIONS

Option 1 – Business as Usual (not recommended)

The assessment and management of Council owned natural assets are currently not guided by any broader strategic framework. Whilst its management may be functional, more cost effective management activities and outcomes which are better aligned could be achieved through the implementation of the draft Natural Assets Management Policy.

Option 2 – Adoption and Implementation of the Natural Assets Management Policy (recommended)

The policy will enable a strategic approach to natural asset management which will promote better environmental outcomes and more cost effective management of existing and future natural assets. It will identify key steps toward achieving better management and utilisation of public and private land.

STRATEGIC LINKS

Link to Community Strategic Plan (2030)

The draft Natural Asset Management Policy is linked to the following objectives of the Community Strategic Plan (CSP) 2030:

CSP Objective	Applicability
5. Areas of natural value in public and private ownership will be retained to a high level in the context of ongoing development	The draft policy seeks to provide a framework for the decision making and management of existing and future natural assets within Council's property portfolio.
6. There will be a sense of community ownership of the natural and built environment through direct public involvement with programs and services	The draft policy will enable future projects and programs for natural asset management which encourage a sense of ownership and pride in the local government area by the community.
9. Civic Leadership (a) There is environmental, social and economic sustainability	The draft policy will enable natural assets in Council ownership to be managed in and environmentally, socially and economically responsible manner.

Wyong Shire Council Strategic/ Annual Plan

The implementation of a Natural Assets Management Policy will assist in achieving the following delivery focus actions and targets of the Wyong Shire Strategic Plan as they relate to management of Council owned Natural Assets:

<i>Principal Activity</i>	<i>Community Focus</i>	<i>Delivery Focus Operational Actions and Targets</i>
Our Environment	Retain and maintain areas of natural value by preserving endangered species, ecological communities and biodiversity as well as supporting programs for the restoration of degraded natural areas.	Environmental Management - advice and training in environmental protection and statutory compliance across Council Noxious Weeds – management of noxious weeds, feral and other pests; community education
Our Environment	Develop and establish a range of programs and activities that create community involvement and allow the community to appreciate and embrace areas of the Shire.	Develop detailed Bushfire Management Plans for the priority areas of the Shire by June 2016 Develop and adopt a Biodiversity Strategy for the Shire by June 2017 Develop and adopt a Natural Resources Strategy 2035 by June 2017 Upgrade and renewal of asset protection zones Upgrade and renewal of fire trails Bush regeneration on Burlington Avenue Community use of Council land. Improved management of bushland reserves to improve condition and community recreation value Natural areas upgrade works – Property Vegetation Plan Implementation of Wadalba Wildlife Corridor Management Plan
Civic Leadership	Projects that support the delivery of services against all objectives of the Community Strategic Plan.	Asset Systems – management of Asset Management Strategy and Plans

Asset Management Strategy

Council's Asset Management Strategy '*focuses on continually improving the quality of asset management, monitoring and reporting information*'.

A key focus area for the next 10 years within the Asset Management Strategy is to maintain catchment areas, bushland and saltmarsh areas and creeks and water courses. The Strategy seeks to address this focus area through the identification and implementation of cost effective techniques for the management of assets.

The implementation of a Natural Assets Management Policy can assist in achieving this objective by enabling exploration of opportunities to maximise environmental outcomes, reduce maintenance costs, develop strategic partnerships and provide further opportunities for the examination of offset and revenue generating opportunities.

Budget Impact

Adoption of the policy places no immediate budgetary implications.

Projects which may be implemented under the policy banner may require funding. Such funding is expected to be provided primarily in 2016/2017 given this is the Year of the Environment. All funding would be subject to Council's annual budgeting process.

CONSULTATION

The draft Natural Assets Management Policy has been referred to internal stakeholders in the following Council units:

- Development and Rezoning
- Property Development
- Property Management
- Waterways and Asset Management
- Open Space and Recreation/Natural Areas
- Geographic Information Systems

This consultation identified the need for a cross organisational approach to the management of Council owned natural assets.

The consultation further identified that there are many projects currently being undertaken or which are scheduled to commence in 2016/2017 which would benefit from an integrated commitment to the management of natural assets.

Outcomes of this consultation have been taken into consideration during the preparation of the draft policy and the draft program of works.

GOVERNANCE**Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

A Natural Asset Management Policy is a key step in ensuring Council will be able to deliver positive environmental outcomes into the future.

The draft Policy seeks to enable opportunities and provide guidance for decision making with regard to the management of Council's natural asset base through a range of projects. These projects will also deliver direction for the management of environmental outcomes across the Shire.

ATTACHMENTS

- 1 Draft Natural Assets Management Policy D12191963



POLICY NO: WSCXXX

POLICY FOR COUNCIL'S NATURAL ASSETS MANAGEMENT

VALUE. CREATE. LEAD.

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CHIEF EXECUTIVE OFFICER	Rob Noble		

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

COUNCIL RESOLUTION DATE	
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VALUE. CREATE. LEAD.

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History of Revisions:

Version	Date	TRIM Doc. #
1		

POLICY SUMMARY

The purpose of this policy is to provide a broad framework for the assessment and implementation of management options for the extensive portfolio of natural assets in Council ownership, and to assign roles and responsibilities to maximise the benefit these assets have to offer.

The Wyong Shire Local Government Area covers an area of approximately 820 square kilometres, and encompasses an extensive range of natural environments, including woodland forest, wetland, riparian, estuarine and coastal landscapes. Many of these environments consist of vegetation and habitat which is of significance in a state and federal conservation legislation context.

This policy applies to all existing natural assets in Council ownership, as well as those which may be acquired whilst this policy is in operation.

Council has a portfolio of built and natural assets, natural assets being natural resources with intrinsic value and those which provide ecosystem services to the community. Natural assets held for environmental purposes or which are otherwise constrained for development have value for the whole ecosystem when protected and maintained in a natural state. Examples include bushland reserves, asset protection zones, fire trails, off-setting sites, lake and coastal protection zones, waterways, riparian buffers, noise and odour buffers and registered heritage sites. The ad hoc management of Council's Natural Assets hinders the efficient, coordinated and strategic management of them.

Some of the portfolio provides for community economic benefit indirectly through retention and management in its natural form (e.g. effect on adjoining property values from well preserved and maintained natural bushland) whilst some may provide for more direct commercial opportunities such as co-located commercial uses or for the development of eco-tourism. This asset group is also valued by the community and makes a significant contribution to residents' quality of life in terms of scenic amenity, air and water quality and climate stabilisation. It is one of the main drawcards for making the Central Coast an attractive place to work and live.

Some of Council's natural asset portfolio may be used as formal 'offsets' for development elsewhere in the Shire. Opportunities exist to acquire additional land to anticipate future development offset requirements to match expected demands in the emerging market for environmental offsets. Offsets can be used to compensate for the loss of native vegetation and biodiversity values from both Council and private development initiatives. The availability of offset lands will streamline the approval process for projects with biodiversity and threatened species issues and also provide a funding mechanism for managing some of the land which is in Council's natural asset portfolio.

Council is committed to managing all its assets, both built and natural, under a consistent approach within the national asset management framework. It is noted however that there are no definitive national standards for natural assets, unlike built assets. Further work will be required to develop a suitable formula for recognising the role and value that this asset group plays in Council's property portfolio.

This policy is intended to provide Council with an overarching approach toward Natural Asset Management which will explore opportunities to maximise environmental outcomes, reduce maintenance costs, develop strategic partnerships and provide further opportunities for the examination of offset and revenue generating opportunities.

B. POLICY BACKGROUND

- B1 Council has an obligation to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development (*Clause 8, Local Government Act, 1993*)
- B2 Council is bound by relevant and applicable legislation pertaining to the management and conservation of land including (but not limited to):
- a. *Environmental Planning and Assessment Act, 1979*
 - b. *Threatened Species Conservation Act, 1995*
 - c. *Native Vegetation Act, 2003*
 - d. *Environment Protection (Biodiversity Conservation) Act, 2000*
 - e. *National Parks and Wildlife Act, 1974*
 - f. *Fisheries Management Act, 1994*
 - g. *Heritage Act, 1977*
- B3 Council has an extensive portfolio of land holdings which have been gifted to or acquired by Council for the identified purpose of conservation, scenic amenity, environmental management and the like.
- B4 This policy is to be read in conjunction with Wyong Shire Council 'Policy for Property Transactions – Sales and Acquisitions' (WSC123) and the Policy for Community Infrastructure Asset Management (WSC120)

C. DEFINITIONS

- C1 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C2 **Plans** shall mean Council's adopted Annual Management Plan, Delivery Plan, Long Term Financial Strategy, Asset Management Strategy, Plans of Management and Community Strategy.
- C3 **Natural Assets** shall mean "the stock of natural resources from which ecosystem services are produced that include natural resources such as soil, biota (flora and fauna), water systems (streams, lakes and wetlands), and atmosphere". Council does not restrict this definition to those natural assets that are of value only to humans and includes those of value to the whole ecosystem.
- C4 **The Act** means the *Local Government Act, 1993*

D. POLICY STATEMENTS

- D1 This policy has been prepared to provide guidance for staff that are responsible for the management of land including natural assets within Wyong Shire.

- D2 The policy will apply to all existing natural assets within Council ownership, or care and control including and any land which may in the future be transferred into Council ownership for the purposes conservation, scenic amenity, environmental management or the like.
- D3 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
- D4 As part of Council's management of natural assets, Council will:
- Manage its natural assets in an economic, environmental and socially responsible manner.
 - Engage with internal stakeholders, the community and relevant government agencies.
 - Meet legislative requirements.
- D5 Council's natural asset management and future land use plans will consider the potential impact that population growth and climate change will have on its assets.

E. POLICY IMPLEMENTATION

- E1 Implementation of this policy will be led by the Natural and Environmental Assets Section of Council's Property Management Unit which forms part of the Property and Economic Development Department in liaison with other units of Council.
- E2 This policy will be implemented through projects that promote the lawful, environmentally and socially responsible, effective and efficient management of Council's natural assets.
- E3 To achieve this policy, the following key roles and responsibilities and commitments are identified:
- (a) Council and Chief Executive Officer**
- General ownership of the policy and impetus for implementation of the various actions
 - To ensure that appropriate resources and funding is available to responsibly manage the natural asset portfolio into the future
 - The Chief Executive Officer shall ensure that Council's organisational structure will identify responsibility and accountability for implementation of Council's role as owner of the natural assets

(b) Senior Management Team (Executive)

- Ensure resources and funding for natural asset management activities are made available
- Ensure the integration of the Natural Asset Management Policy and implementation strategies with other policies, business processes and the corporate governance framework
- To ensure the impact on Council's natural asset portfolio is considered when making recommendations to Council in relation to planning and financial matters or the delivery of services
- To ensure that timely, accurate and reliable natural asset information is presented to Council for decision-making

(c) Property Management Unit/ Natural and Environmental Assets Section

- Development and implementation of appropriate strategies, policies and procedures to ensure effective natural asset management across the organisation
- Provide cross organisational guidance in relation to the development and implementation of strategies, policies and procedures relating to natural asset management
- Maintain momentum and coordination of the implementation of this policy
- Encourage continuous improvement, innovation and cost effective methods to improve natural asset management practices

END

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013

TRIM REFERENCE: F2013/02015 - D12157307

MANAGER: Tanya O'Brien, Manager

AUTHOR: Rodney Mergan; Senior Planner

SUMMARY

The purpose of this report is to discuss the results of the public exhibition of a draft amendment to *Wyong Development Control Plan (DCP) 2013*.

The proposed DCP amendment involves a group of minor DCP changes which relate to changes progressing under *Wyong Local Environmental Plan (LEP) 2013 Major Amendment 1 (Attachment 1)*. The proposed DCP amendment also seeks to make a group of additional DCP housekeeping changes (Attachment 2).

The draft policy was placed on exhibition for public consultation from 18 November 2015 until 18 December 2015. Three (3) submissions were received during the exhibition period.

This report recommends that draft *Wyong Development Control Plan (DCP) 2013* be adopted and appropriate public notice be given.

RECOMMENDATION

- 1** *That Council adopt the revised version of Wyong Development Control Plan 2013 to include the changes shown in attachment 2 to this report and appropriate public notice be given within 28 days that the revised DCP as amended will come into effect.*
- 2** *That Council adopt the revised version of Wyong Development Control Plan 2013 to include the changes shown in attachment 1 to this report and appropriate public notice be given within 28 days that the revised DCP as amended will come into effect on the date of the notification of Wyong LEP 2013 Major Amendment 1.*
- 3** *That Council forward relevant copies of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.*
- 4** *That Council advise those who made a submission of the decision.*

BACKGROUND

The Wyong DCP is a key land use policy which provides guidelines for quality development within Wyong Shire which deliver economic, social and environmental outcomes. Regular reviews of the DCP provisions are undertaken to ensure that the document is up-to-date, minimises red-tape and provides for appropriate development.

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013 (contd)

This report discusses the public exhibition results of two packages of DCP amendments which have been progressed, and are recommended for adoption.

Council at its meeting of 26 November 2014, considered a report recommending amendments to DCP 2013 to align with Wyong Local Environmental Plan 2013 Major Amendment 1. Council:

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

- 1277/14 That Council request that in conjunction with the exhibition of Wyong Local Environmental Plan (LEP) 2013 Major Amendment 1, a revision of Wyong Development Control Plan 2013 that provides consistency with the provisions of the LEP, be publically exhibited.*
- 1278/14 That Council adopt Draft Development Control Plan 2013 subject to their being no significant objection at the time of notification of Wyong LEP 2013 Major Amendment 1 and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.*
- 1279/14 That Council delegate authority to the General Manager to undertake any minor amendment to the Development Control plan as a result of the public exhibition.*
- 1280/14 That Council forward a copy of DCP 2013 containing the amended Chapters to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.”*

The exhibition of Wyong LEP Major Amendment 1 was delayed by the required pre-exhibition Government Authority consultation process. Exhibition of Wyong LEP Major Amendment 1 was undertaken from 18 November 2015 until 18 December 2015.

During this deferral a group of further minor changes to DCP 2013 were identified. Council, at its meeting of 14 October 2015, considered a report recommending amendments to DCP 2013, and Council:

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

- 1060/15 That Council request that a draft amendment to Wyong Development Control Plan (DCP) 2013 as set out in Attachment 1 be publically exhibited for a period of 28 days.*
- 1061/15 That Council note that a further report outlining submissions received during the exhibition period will be provided.*
- 1062/15 That, should no submissions be received during the exhibition period, Council adopt the proposed amendments to Wyong DCP 2013 and appropriate public notice be given.*

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013 (contd)

1063/15 *That Council forward a copy of Wyong DCP 2013 containing the amended Chapters to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective."*

In accordance with the above resolutions, public exhibition of the draft DCP amendments were undertaken. This report discusses the amendments and the public exhibition results.

THE PROPOSED AMENDMENTS

It is proposed that the exhibited DCP amendments be adopted in two stages.

DCP Changes under Attachment 1

The changes proposed to DCP 2013 identified in Attachment 1 include:

- Amendments to Chapter 2.4 – Multi Dwelling Housing, to reflect amendments to Wyong LEP 2013 with regard to floor space ratio concessions for affordable housing.
- Changes to Chapters 2.5 – Home Based Employment and Chapter 2.8 – Child Care Centres, to reflect amendments to the LEP. The change will introduce controls for home based child care and child care centres on bushfire prone land.
- Mapping updates for Chapter 5.3 – The Entrance Peninsula, to reflect zoning changes and provide development controls relevant to the desired future development of the Entrance Peninsula.

The DCP amendments under Attachment 1 are related to changes to Wyong LEP 2013 and therefore should not come into effect until the amending LEP (Major Amendment 1) is formally notified.

As this process involves further consideration including the input of the Department of Planning and Environment and Parliamentary Counsel these changes cannot occur immediately. The recommendation is that these changes come into effect on the date of the notification of Wyong LEP 2013 Major Amendment 1.

DCP Changes under Attachment 2

The changes proposed to DCP 2013 identified in Attachment 2 are:

- all the proposed DCP amendments considered by Council 14 October 2015 and
- any DCP amendments considered by Council 26 November 2014 that are not related to changes to Wyong LEP 2013.

These changes include:

- Changes to Chapter 2.4 – Multiple Dwelling Residential Development, to clarify that provisions applying to townhouse and villa style proposals, do not apply to residential flat buildings.

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013 (contd)

- Clarification within Chapter 1.2 – Notification of Development Proposals, to clarify that notification (letters) will not need to be sent to adjoining landowners if the development lot is in common ownership with the neighbouring allotments within the notification radius. This will potentially reduce exhibition times for development particularly in new housing estates where the land remains in the developer's ownership.
- Clarification within Chapter 3.3 – Floodplain Management, that an engineering report is not required for filling in low hazard flood areas.

As the DCP amendments identified in Attachment 2 are not reliant on the Notification of Wyong LEP 2013 Major Amendment 1, it is proposed that action be taken to bring these amendments into force as soon as possible. The proposed amendments in Attachment 2 only seek to correct minor typographical errors or provide clarification where required. The recommendation is that these changes come into effect on the date that public notice in a local paper is given.

CONSULTATION

In accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000* draft DCPs are to be publically exhibited for a minimum of 28 days. The proposed DCP amendments were placed on public exhibition from 18 November 2015 until 18 December 2015.

Three (3) submissions were received during the exhibition period which are summarised below:

Doc Number	Issue raised in submission	Council officer response
D12191630	Further information should be made available in Chapter 2.6 - Signage with regard to typical types of signage. The DCP would be improved with the addition of indicative diagrams.	Agreed. It is proposed that further information including indicative diagrams be added to Chapter 2.6 – Signage. Attachment 2 has been updated to reflect the additional information and diagrams in line with this submission.
D12179376	A group of outdated definitions from an older version of Chapter 5.1 - Retail Centres referenced in Chapter 2.11 – Parking and Access should be updated.	Agreed. It is proposed to update Chapter 2.11 – Parking and Access, to remove reference to the definitions previously within Chapter 5.1: <ul style="list-style-type: none"> • Neighbourhood Centre, • Village Centre, • District Centre, • Regional Centre and • Gross Floor Area. Attachment 2 has been updated to reflect the updated definitions in line with this submission.

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013 (contd)

Doc Number	Issue raised in submission	Council officer response
D12179389	Delete reference in Chapter 6.1 Section 3.16 (m) to the requirement for public foreshore access in accordance with previous Council resolution.	<p>Agreed. The suggested change is consistent with the Council Resolution of 14 June 2014:</p> <p><i>“677/14 That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the ‘significant public benefit’ offer contained in the letter submitted by ADW Johnson dated 28 May 2014”.</i></p> <p>The execution of the VPA occurred on 14 December 2015, and the amendment to Chapter 6.1 Key Sites, can now be made.</p> <p>Attachment 2 has been updated to delete the reference to public foreshore access in line with this submission.</p>

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled *“Council Decision Making during Merger Proposal Periods”* pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

The proposed group of minor changes to *Wyong DCP 2013* are a result of the continual review and improvement of Council Policy. The amendments seek to ensure Council’s planning documents are clear and concise. The proposed amendments have been publicly exhibited and the issues that have been identified in public submissions can be incorporated into the amendment.

2.3 Outcome of Public Exhibition - Minor Amendments Package - DCP 2013 (contd)

It is proposed that the exhibited DCP amendments be adopted in two stages, with amendments outlined in Attachment 1 to come into force on the date of notification of WLEP 2013 Major Amendment 1. The amendments outlined in Attachment 2 are able to come into force once a public notice is published in a local paper.

It is therefore recommended that the amendments to DCP 2013 be adopted by Council as outlined in the draft recommendations above.

ATTACHMENTS

- | | | |
|---|---------------------------------------------------------------|-----------|
| 1 | Wyong DCP 2013 - Proposed Amendments - Stage 2 - Attachment 1 | D12168709 |
| 2 | Wyong DCP 2013 - Proposed Amendments - Stage 1 - Attachment 2 | D12168706 |

Attachment 1 - DCP 2013 – Minor Amendments related to Major LEP Revision 1


Note – red text denotes additions and strikethrough denotes omissions

DCP 2013	Chapter Name & Status	LEP Amendment 1 Issues	Proposed Action
Ch 2.4	Multiple Dwelling Residential Development	Additional information to support new LEP affordable housing provisions.	<p>Chapter 2.4 to be amended to indicate that 15% of units be adaptable is desirable but 10% is to remain the requirement.</p> <p>An additional objective with regard to affordable housing to be provided in Chapter 2.4 Section 5.2 with regard to FSR bonus provisions under the LEP.</p> <p>Additional requirement under Chapter 2.4 Section 5.2 to indicate that information must be provided to satisfy Council that the use of the LEP Bonus is to address housing affordability as opposed to providing for luxury housing.</p>
Ch 2.5	Home Based Employment	Bushfire issues - Changes to permissibility of home based child care	<p>Rewording Ch 2.5 as per below:</p> <p>4.0 Home Based Child Care Home-based child care in certain circumstances is considered exempt development under the Codes SEPP. In addition, in zones where this land use is listed in the WLEP 2013 as 'permitted without consent' development consent from Council is not required. Home based child care that does not meet the criteria of the SEPP and is 'permitted with consent' under the WLEP 2013 is to comply with the provisions outlined in Chapter 2.8 Child Care Centres.</p>
Ch 2.8	Child Care Centres	Bushfire issues - Changes to permissibility of home based child care	<p>The following rewording of Ch 2.8 is required:</p> <p>2.0 Home Based Child Care Home-based child care in certain circumstances is considered exempt development under the Codes SEPP. In addition, in zones where this land use is listed in the WLEP 2013 as 'permitted without consent' development consent from Council is not required. Home based child care that does not meet the criteria of the SEPP and is 'permitted with consent' under the WLEP 2013 as a child care centre is to comply with the provisions outlined in Chapter 2.8 Section 3.</p>
Ch 5.3	The Entrance Peninsula	Change to area of B2 zoned land	Amend Figure 7 Statement of Desired Character Map to match new zone boundaries in Long Jetty

Attachment 2 - DCP 2013 – Minor Amendments not related to Major LEP Revision 1

Note – red text denotes additions and strikethrough denotes omissions

DCP 2013	Chapter Name & Status	Issue	Proposed Action		
Ch 1.2	Notification of Development Proposals	Typo – renumbering required to clarify clause numbers and remove duplication of iii	<p>2.4 Applications Requiring Notification</p> <p>iii two storey dwelling houses in urban release areas or located on land subject to the large lot provisions of Chapter 2.1 Housing and Ancillary Structures, that comply with the prescriptive requirements of Chapter 2.1 and meet the relevant prescriptive requirements for privacy under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p> <p>iii iv subdivision applications arising from approved development;</p> <p>iv v applications for development in business, industrial or special use zones where the site does not adjoin land zoned Residential or one of Council’s Environmental zones and which contain a dwelling house;</p>		
Ch 1.2	Notification of development proposals	Variation required to justify not sending letters out for englobo DA’s or those where the landowner owns all of the surrounding lots.	<p>2.2a Land Owners to be Notified – General Coverage</p> <p>Written notice of an application received will be sent to the owners of land adjoining the land which is the subject of the application (except where land is held in common ownership with the subject land). This includes:</p>		
Ch 2.1	Dwellings and Ancillary Structures	Carports need to be included under ancillary structures as well as outbuildings – error to be corrected - a carport is not an outbuilding if attached to a dwelling and therefore this needs to be reflected in the setback provisions. Note: carport exemptions are specified under the BCA.	<p>3.1 Setbacks – Residential Lots</p> <table border="1"> <tr> <td>(c) (iv) carports that comply with the BCA exemption provisions</td> <td> <ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m </td> </tr> </table>	(c) (iv) carports that comply with the BCA exemption provisions	<ul style="list-style-type: none"> for any part of the building with a height of up to 3.3m— 0 (zero) and for any part of the building with a height of more than 3.3m—one-quarter of the height of the building above 3.3m
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Ch 2.1	Dwellings and Ancillary Structures	Typo – amend numeric provision to correlate with other relevant provisions within the clause	<p>3.1 Setbacks – Residential Lots</p> <p>f (iii) lots with an area greater than 300m²</p> <ul style="list-style-type: none"> for any part of the building with a 		

DCP 2013	Chapter Name & Status	Issue	Proposed Action
			<p>height of up to 3.3m — 0.5m and</p> <ul style="list-style-type: none"> for any part of the building with a height of more than 3.3m — 0.5m plus one-quarter of the height of the building above 4.5m-3.3m.
Ch 2.4	Multiple Dwelling Res.	Typo – relates to outdated definition of RFB	4.2.1 a General Requirements For all forms of residential flat development, the
Ch 2.4	Multiple Dwelling Res.	Typo – heading relates to outdated definition of RFB	4.2.2 - Residential Flat Development up to and including Two Storeys in Height
Ch 2.4	Multiple Dwelling Res.	Typo – relates to outdated definition of RFB	4.4.3 a Visitor Parking Visitor parking shall be provided for all residential flat development at a rate of
Ch 2.4	Multiple Dwelling Res.	Typo – relates to outdated definition of RFB	4.4.4 a Bicycle Facilities For residential flat development where
Ch 2.4	Multiple Dwelling Res.	Typo – relates to outdated definition of RFB	5.1 a Floor Space Ratios The maximum floor space ratio for residential flat development is provided in Table 4 below.
Ch 2.4	Multiple Dwelling Res.	Typo – clarity, ensuring that the provision relates to both residential flat and multi dwelling housing development	7.2 a Civil Works To preserve and enhance the existing high quality landscape of street frontages, the construction of kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages is a standard requirement for all residential flat and multi dwelling housing development
Ch 2.6	Signage	Delete superfluous wording	3.0 Signage types not permitted in Wyong Shire Local Government Area While Council will deal with any proposal for signage on its merit, there are certain forms of signage that are considered inappropriate that will not be issued with consent and are not to be erected.
Ch 2.6	Signage	Reference to SEPP Infrastructure appears to have been omitted by mistake.	1.3 Relationship to other Legislation In addition, signage is also considered under <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure);
2.6	Signage	Submission Response Further information including indicative diagrams be added to Chapter 2.6 – Signage	 <p>Figure 1 - Typical Signage (source Department of Planning and Environment)</p>

DCP 2013	Chapter Name & Status	Issue	Proposed Action
Ch 2.7	Caravan Parks	Delete wording - Inaccurate carry over from DCP 2005/LEP 1991. Manufactured Home Estates are permissible on RE2 land and other land where caravan parks are permissible.	<p>2.4—Application of SEPP 36—Manufactured Home Estates</p> <p>A Manufactured Home Estate (MHE) is a purpose designed estate for the placement of manufactured homes on individual sites which are intended to be used for long term residence, and which is able to be subdivided by lease, or for separate ownership and occupation under the Community Land Act, 1989 (a “Community Title” estate).</p> <p>Whilst caravan parks (which allow the placement of a manufactured home on a leased site) are a defined land use which is permissible on lands zoned RE1, RE2 and SP3 under the WLEP 2013, it should be noted that Manufactured Home Estates (MHEs) as defined under the LG Act and SEPP 36 are not a permissible land use in Wyong Shire, having regard to the identified “excluded land” within Schedule 2 of the SEPP. The SEPP therefore has no effect within the Wyong LGA.</p>
Ch 2.11	Parking and Access	Remove additional references to centre definitions superseded by the review of Chapter 5.1 Retail Centres .	<p>Various locations throughout the document replace definitions as follows:</p> <p>Regional Major Centre</p> <p>District Town Centre,</p> <p>Village Local Centre</p>
Ch 2.12	Industrial Development	Clarification – There are site specific chapters and controls for development in areas where both industrial and commercial development are permissible that provide different setback requirements to Chapter 2.12 e.g. – 6.14: Tuggerah Business Park, 6.15: Craigie Avenue and North Wyong.	<p>2.3 Setbacks</p> <p>Minimum setbacks from boundaries shall be as follows:</p> <p>a Front: 15 metres if on a State Road; 10 metres on any other road except where otherwise specified in Part 6: Location Specific Development Provisions. A minimum five (5) metre wide landscaped area must be provided within the above setback, except for vehicle access.</p>
Ch 3.3	Floodplain Management	Remove Typo – duplication of wording	<p>3.2 Performance based assessment</p> <p>Council will consider development proposals that do not meet the prescriptive requirements of this DCP only if a report if a report</p>
Ch 3.3	Floodplain Management	Remove wording which is inconsistent with the provisions in the prescriptive criteria matrix within the chapter. The matrix provides appropriate provisions.	<p>4.3 a Requirements for Filling of Flood Prone Land</p> <p>Filling for any purpose (including the raising of a building platform in flood-prone areas) is not permitted in areas identified as Flood Planning Precinct 3 or Flood Planning Precinct 4, unless a</p>

DCP 2013	Chapter Name & Status	Issue	Proposed Action
			Floodplain Risk Management Plan for the catchment has been adopted which allows filling to occur. In Precinct 2 , filling will not be permitted unless a report from a suitably qualified engineer has been submitted and approved by Council that certifies that the development will not increase flood affectation elsewhere.
Pt 4	Subdivision	Clarification – adjust header to reflect that controls apply to all subdivision.	Whole part (excluding Appendix) Part 4 Subdivision Section 6 Industrial and Business Zone Subdivision
Pt 4	Subdivision	Clarification – additional wording	4.1 Lot Size - Requirements b The appropriate minimum lot size within other residential zones is generally considered to be 450m ² , however, will range according to the site characteristics, such as location, slope, drainage, vegetation, required setbacks, and the form of development proposed.
Pt 4	Subdivision	Addition – Clarification. To ensure DCP states that “integrated” proposals must be completed prior to the release of the subdivision certificate.	4.1.3 Dual Occupancy <i>Note: Notwithstanding minimum lot size requirements, Clause 4.1B of WLEP 2013 permits the lodgement of an application for construction and subdivision of Dual Occupancies on land zoned R2 – Low Density Residential. A subdivision certificate will not be issued until all works required under the relevant development consent are completed, unless outstanding works are bonded appropriately.</i>
Pt 4	Subdivision	Additions – Clarification. 1.Remove reference to semi-detached dwelling. The wording causes confusion and would result in the same development outcome. 2. To provide clarification that “integrated” proposals must be completed prior to the release of the subdivision certificate.	4.1.5.1 Small Lot Housing in the R2 Low Density Residential Zone In accordance with WLEP 2013 Clause 4.1B - Exceptions to minimum lot sizes for certain residential development, in the R2 Low Density Residential Zone, development consent may be granted to a single development application for development that is subdivision of land into 5 or more lots and the erection of a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision. <i>Note: A subdivision certificate will not be issued until all works required under the relevant development consent are completed, unless outstanding works are bonded appropriately.</i>
Pt 4	Subdivision	Remove Typo – replace with reference to DCP.	4.1.5.2 Small Lot Housing in the R1 or R3 Residential Zones In the R1 and R3 zones, Small Lot Housing proposals are to be assessed as multi dwelling housing under Chapter 2.4 of WLEP DCP 2013.

DCP 2013	Chapter Name & Status	Issue	Proposed Action											
Pt 4	Subdivision	Remove Typos – wrong or no kerb type shown within current provision	APP B	<table border="1"> <thead> <tr> <th></th> <th>Kerbing</th> </tr> </thead> <tbody> <tr> <td>Access Laneway (Development one side only)</td> <td>Rolled</td> </tr> <tr> <td>Access Street (Development both sides)</td> <td>Vertical Rolled</td> </tr> <tr> <td>Local Street (Development on both sides)</td> <td>Vertical Rolled</td> </tr> <tr> <td>Minor bus routes</td> <td>Vertical</td> </tr> </tbody> </table>		Kerbing	Access Laneway (Development one side only)	Rolled	Access Street (Development both sides)	Vertical Rolled	Local Street (Development on both sides)	Vertical Rolled	Minor bus routes	Vertical
	Kerbing													
Access Laneway (Development one side only)	Rolled													
Access Street (Development both sides)	Vertical Rolled													
Local Street (Development on both sides)	Vertical Rolled													
Minor bus routes	Vertical													
Ch 5.1	Retail Centres	Delete wording which is inconsistent with the LEP definition.	3.0 Bulky Goods Retailing – Additional Floor Space Bulky goods are large items and can include merchandise such as whitegoods, furniture, electrical equipment, lighting and hardware.											
Ch 5.1	Retail Centres	Points b & c will be covered under point a.	3.2 Location Requirements a Evidence to the satisfaction of Council that the development will not lead to the deterioration of any centre designated for retail activity; b To ensure there is no decrease in retail employment by the development; c The development will result in an increase in the total range of retail goods and services presently available to the community;											
Ch 5.1	Retail Centres	Delete reference to Net Community Benefit Test as this is relevant to Planning Proposals only not development applications.	3.2 e Location -An increase in bulky goods floorspace requires a net community benefit test (identified in the Wyong Retail Centres Strategy 2013) to demonstrate that additional floorspace will not impact on existing centres or identified bulky goods precincts.											
Ch 5.1	Retail Centres	To be deleted - Not relevant to development applications. (Renumbering of this document will be required due to change)	5.1 Net Community Benefit Test A framework for the consideration and assessment of planning proposals which involve expansion of and/or creation of new centres has been designed. This framework is based on the Retail Centres Strategy net community benefit test which requires proponents to demonstrate that alternatives within existing centres and in edge of											

DCP 2013	Chapter Name & Status	Issue	Proposed Action
			<p>centre locations were not suitable or available for the proposal.</p> <p>A net community benefit test considers the sum of all the benefits of a development proposal against the sum of the costs of that development. Changes in population, market conditions and industry trends can mean that sometimes planning controls have not kept pace.</p> <p>-Objective</p> <p>To ensure that any new retail floorspace proposed within a planning proposal does not have a negative impact on the existing retail network.</p> <p>Requirements</p> <p>An increase in retail floorspace requires a net community benefit test (identified in the Wyong Retail Centres Strategy 2013) to demonstrate that additional floorspace will not detrimentally affect existing centres identified within the Wyong retail network.</p>
6.1	Key Sites	<p>Submission Response & Housekeeping</p> <p><i>“677/14 That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the ‘significant public benefit’ offer contained in the letter submitted by ADW Johnson dated 28 May 2014”.</i></p> <p><i>The execution of the VPA occurred on 14 December 2015, and the amendment to Chapter 6.1 Key Sites, can now be made.</i></p>	<p>3.16 Rustrum Site</p> <p>m Public foreshore access shall be provided for the full frontage of the development along Budgewoi Lake. The design is to incorporate Crime Prevention through Environmental Design (CPTED) principles.</p>
Ch 6.17	Warnervale East / Wadalba North West	<p>Housekeeping</p> <p><i>Note: Previously identified as part of LEP Major Amendment 1</i></p>	<p>Amend Figures 3 & 4 to match the zone boundaries in Wyong LEP 2013 for land adjoining the Wadalba Wildlife Corridor.</p>
Ch 6.20	Mardi – Woodbury Park Estate	<p>Housekeeping</p> <p><i>Note: Previously identified as part of LEP Major Amendment 1</i></p>	<p>Development of this site completed. Delete Chapter</p>

2.4 Fire Safety Report from Fire and Rescue NSW at 95-97 Scenic Drive, Budgewoi

TRIM REFERENCE: F2004/10915 - D12179189

MANAGER: Scott Rathgen, Team Coordinator

AUTHOR: Gary Evans; Senior Health and Building Surveyor Fire Safety

SUMMARY

Council has received a Fire Safety Report from Fire and Rescue NSW in respect to the premises known as No. 95-97 Scenic Drive, Budgewoi, NSW (Coles Supermarket - Budgewoi).

In accordance with Section 121ZD(2)(a) & (b) of the Environmental Planning and Assessment Act 1979 (EP&A Act) the Fire Safety Report is tabled for Council to consider whether it will exercise its powers to give an Order No 6 under S121B of the EP&A Act.

RECOMMENDATION

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW – 95-97 Scenic Drive, Budgewoi (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.**
- 2 That Council will not exercise its powers in relation to matters 1-5 of the Fire Safety Report dated 4 December 2015.**
- 3 That Council direct the Acting Chief Executive Officer to write to the Commissioner of Fire and Rescue NSW and advise of Council's decision.**

BACKGROUND

The property is known as No. 95-97 Scenic Drive Budgewoi, which currently operates as a Coles Supermarket.

Council received a Fire Safety Report dated 4th December 2015 from Fire and Rescue NSW ("FRNSW") in respect to the premises. A copy of that Report is attached. Council, is required under Section 121ZD(2)(a) of the EP&A Act to table Fire Safety Reports at an Ordinary Meeting of Council.

OPTIONS

Council has powers under s.121B of the EP&A Act to give an "Order 6" to the owner of the premises should the premises display significant non-compliance issues relating to fire safety. Council, in receiving the subject Fire Safety Report from NSWFR, is required by s.121ZD(4) of the EP&A Act to determine whether it will exercise that power and is then required by s.121ZD(4) of the EP&A Act to give notice of its determination to the Commissioner of New South Wales Fire Brigades.

2.4 Fire Safety Report from Fire and Rescue NSW at 95-97 Scenic Drive, Budgewoi (contd)

FRNSW are experts in Fire Fighting requirements and equipment. Additionally, officers of FRNSW are provided with powers to issue Fire Safety Upgrade Orders in relation to fire safety non-compliance matters. Accordingly, given the nature of the non-compliance matters that have been listed within the Fire Safety Report, it is considered appropriate that enforcement of the matters raised be undertaken by FRNSW.

Council's approach in the past, through various Council resolutions has been to advise the Commissioner of Fire Rescue NSW that it will not exercise its powers under S121B of the Environmental Planning and Assessment Act to serve an order as Fire and Rescue NSW are the experts in fire fighting and fire safety matters.

The most recent Council resolutions regarding this issue were 25 February 2015, Resolution Nos 143/15, 144/15, 146/15 and 147/15 and 25 March 2015 Resolution Nos 253/15, 254/15 and 255/15 where Council resolved not to exercise its powers under S121B of the EP& A Act and referred the matter back to Fire and Rescue NSW.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

FRNSW have identified a number of fire safety issues of relevance to the operation of FRNSW in relation to the premises located at 95-97 Scenic Drive, Budgewoi. In this instance, it is considered that the FRNSW are the appropriate regulatory authority to enforce compliance in relation to the fire safety matters contained within their report of 4 December 2015.

ATTACHMENTS

- 1 Fire Safety Report - Fire and Rescue dated 4 December 2015 D12179172



File Ref. No: BFS15/1659 (8969)
TRIM Ref. No: D15/102215
Contact: Station Officer Paul Scott

4 December 2015

General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Email: wsc@wyong.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT
Coles Supermarket
Scenic Drive Budgewoi ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 5 October 2015, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

- The egress door was of insufficient width.

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 10 November 2015 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

bfs@fire.nsw.gov.au

Page 1 of 2

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COMMENTS

FRNSW considered that the total width of all exit doors appeared to satisfy the requirements of the Building Code of Australia (BCA).

The following items were identified as concerns during the inspection:

1. A copy of the annual fire safety statement (AFSS) and a copy of the current fire safety schedule (FSS) were not prominently displayed in the building in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
 - a. The AFSS was not made available when requested by FRNSW Officers on the day of the inspection, to determine if the fire safety measures within the building are being maintained in accordance with Clause 182 of the EP&A Regulation.
2. The fire sprinkler pumpset booster assembly was not provided with maintenance tags to determine if the sprinkler system was being maintained to the standards of performance in accordance with Clause 182 EP&A Regulation; and
3. The sliding egress door in the bottle shop failed to open fully when the push button device was depressed which is contrary to the requirements of Clause D2.19 of the BCA.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS


FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS15/1659 (8969) for any future correspondence in relation to this matter.

Yours faithfully


John Bruscano
Building Surveyor
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

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Page 2 of 2

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3.1 Classification of Land at Jilliby, Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704

TRIM REFERENCE: F2015/01724 - D12191474

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Council is requested to classify Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704 at Jilliby as Operational Land.

RECOMMENDATION

That Council classify Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704 at Jilliby as Operational Land.

BACKGROUND

At the Ordinary Council Meeting held on 25 June 2014 Council resolved in part, in relation to the Report 3.4 "Warner Business Park Land":

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

693/14 That Council approve the purchase of the land described in the report subject to a thorough due diligence and valuation exercise.

694/14 That Council note the purchase prices of - \$10,000,000 for the land owned by Warner Business Park Pty Ltd and \$7,000,000 for the land owned by Woodbury Park Pty Ltd."

The land described in that report included:

- Lot 15 DP 259530, 225 Sparks Rd Jilliby
- Lot 16 DP 259530, 671 Hue Hue Rd Jilliby
- Lot 17 DP 259530, 689 Hue Hue Rd Jilliby
- Lot 18 DP 259530, 701 Hue Hue Rd Jilliby
- Lot 19 DP 259530, 749 Hue Hue Rd Jilliby
- Lot 25 DP 259530, 725 Hue Hue Rd Jilliby
- Lot 26 DP 259530, 725 Hue Hue Rd Jilliby
- Lot 4 DP 239704, 725 Hue Hue Rd Jilliby
- Lot 6 DP 239704, 781 Hue Hue Rd Jilliby
- Lot 7 DP 239704, 791 Hue Hue Rd Jilliby
- Lot 8 DP 239704, 811 Hue Hue Rd Jilliby

(‘Jilliby’).

A map of the Jilliby Land is attached below.

3.1 Classification of Land at Jilliby, Lots 15, 16, 17, 18, 19, 25 and 26 DP 259530 and Lots 4, 6, 7 and 8 DP 239704 (contd)

Contracts for the acquisition of the Jilliby Land from Warner Business Park Pty Ltd for the sum of \$10,000,000 were exchanged on 14 August 2015 and the acquisition was completed on 15 December 2015.

The acquisition of the Jilliby Land is not subject to any private or public trust applying to the land.

The Jilliby Land is zoned Part IN1 General Industrial and Part E2 Environmental Conservation and the holding has an area of approximately 87 hectares.

Under section 31 of the Local Government Act 1993 Council may before it acquires land, or within 3 months after it acquires land, resolve that the land be classified as Community Land or Operational Land. Any land acquired by Council that is not classified within the 3 month period is taken to have been classified as Community Land.

Under Section 34 of the Local Government Act Council is required to give public notice of the proposal to classify land for a period of 28 days.

Public notice of the proposal to classify the Jilliby Land as Operational Land was given on 13 January 2016. No submissions have been received.

THE PROPOSAL

It is proposed to classify the Jilliby Land as Operational Land under section 31 of the Local Government Act 1993.

Council's Policy for Property Transactions – Sales and Acquisitions, adopted 14 May 2014, provides that all future land purchases by Council should be designated as operational land irrespective of the intended or existing use. This is to maximise flexibility in the management of and use of Council's property portfolio and improve community and service delivery outcomes.

The Jilliby Land should be classified as Operational Land in accordance with the Council's Policy for Property Transactions – Sales and Acquisitions.

OPTIONS

Council may resolve to classify the Jilliby Land as either Operational Land or Community Land. If Council does not resolve to classify the Jilliby Land within three months of its acquisition then the land will automatically be taken to have been classified as Community Land.

Budget Impact

There is no cost to Council to classify the land.



Map of the Jilliby Land

GOVERNANCE AND POLICY IMPLICATIONS

Under Section 31 of the Local Government Act 1993, land acquired by Council is taken to be classified as Community Land unless Council resolves that the particular land concerned be classified as Operational Land.

The proposal to classify the Doyalson Land as Operational Land is in accordance with the requirements of the Local Government Act 1993 and Council's Policy for Property Transactions – Sales and Acquisitions.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

Nil.

3.2 Acquisition of Easements for Drainage over Part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah

TRIM REFERENCE: F2013/01568 - D12191508

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to acquire Easements for Drainage over part of Lot 73 DP 16012 at 3 Darri Road, Wyongah and Lot 74 DP 16012 at 1 Darri Road, Wyongah.

RECOMMENDATION

- 1 That Council acquire easements for drainage over part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the easement, transfer documents and plan and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to easement, transfer documents and plan and all documents relating to the application to the Office of Local Government.**

BACKGROUND

Council's Roads and Drainage Unit has completed drainage works to alleviate flooding issues. The works included construction of an additional culvert across Murrawal Avenue and widening the existing open concrete drainage channel in the rear yards of Lots 73 and 74 DP 16012 at 3 and 1 Darri Road, Wyongah (the Land) in order to direct stormwater flow to the new culvert.

The existing open concrete drainage channel over the Land is secured by Easements for Drainage.

THE PROPOSAL

It will be necessary to obtain Easements over the Land to provide Council with the right to enter onto the additional easement area to construct, repair and maintain the drainage installation when necessary.

Lot 73 DP 16012 at 3 Darri Road, Wyongah (Lot 73) has an area of approximately 989.4 square meters and is zoned R2 Low Density Residential. The area of the easement to be acquired over Lot 73 is approximately 12.9 square meters. The easement area is shown outlined in red on the plan below.

Lot 74 DP 16012 at 1 Darri Road, Wyongah (Lot 74) has an area of approximately 980.1 square meters and is zoned R2 Low Density Residential. The area of the easement to be acquired over Lot 74 is approximately 42.9 square meters. The easement area is shown outlined in red on the plan below.

The owners of the Land consented to the upgrade works and have also agreed to grant the easements to Council.

OPTIONS

The works have been completed, however, if Council does not authorise the acquisition of easements over the Land, Council will have no legal right to enter the Land to repair or maintain the additional drainage installations when necessary.

Budget Impact

Funds for the construction and acquisition have been provided from Council's Rolling Works Program for 2013/14 and 2014/15.

CONSULTATION

The owners of the Land have been consulted and have agreed to the upgrade works and to the grant of the easements to Council.

GOVERNANCE AND POLICY IMPLICATIONS

Council has authority to acquire easements under the Local Government Act 1993. Compensation for acquisition of land is to be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

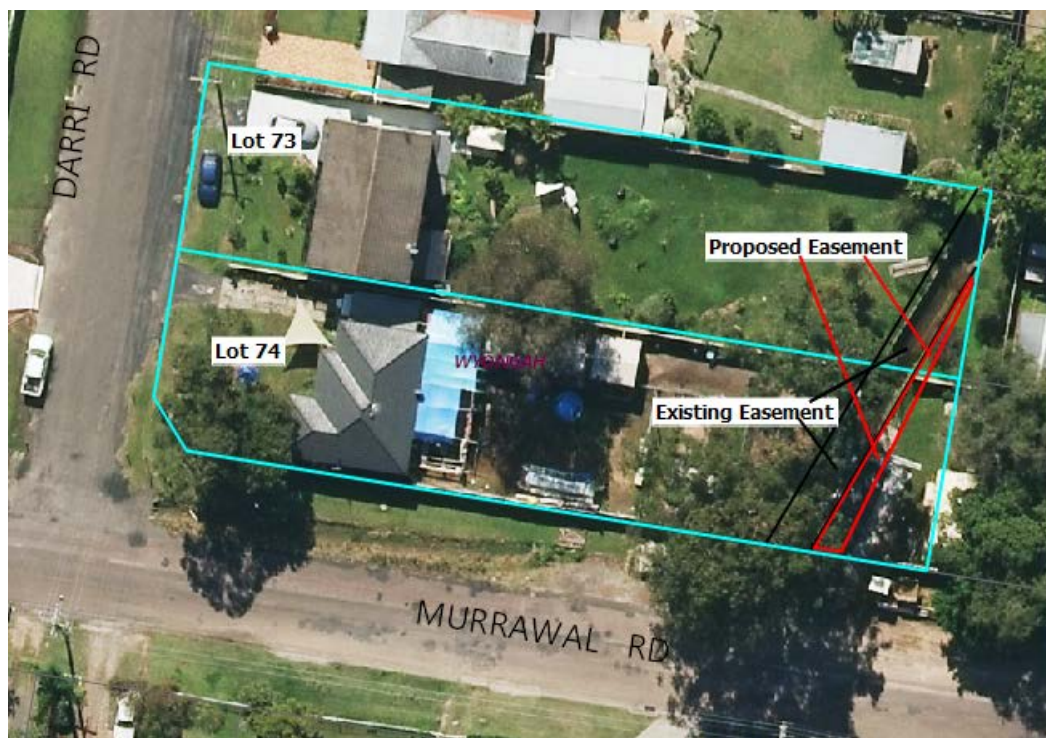
3.2 Acquisition of Easements for Drainage over Part of Lots 73 and 74 DP 16012 at Darri Road, Wyongah (contd)

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “Council Decision Making during Merger Proposal Periods” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

MATERIAL RISKS AND ISSUES

Nil impact.



CONCLUSION

It is recommended that Easements for Drainage are acquired over part of Lot 73 DP 16012 at 3 Darri Road, Wyongah and Lot 74 DP 16012 at 1 Darri Road, Wyongah to enable Council to enter onto the additional easement area to construct, repair and maintain the drainage installation when necessary.

ATTACHMENTS

Nil.

3.3 Proposed Grant of Easement for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay

TRIM REFERENCE: F2015/00227 - D12191522

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to grant Easements for Water Supply and Services to Catherine Hill Bay Water Utility Pty Ltd over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay (the Reservoir Land).

RECOMMENDATION

- 1 That Council grant Easements for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay to Catherine Hill Bay Water Utility Pty Ltd for an amount of compensation of \$36,000.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 3 That Council authorise the Acting Chief Executive Officer to execute all documents relating to the grant of the easements between Wyong Shire Council and Catherine Hill Bay Water Utility Pty Ltd.**

BACKGROUND

The Rose Group has procured the services of Solo Water Pty Ltd (Solo) (a private water utility) and its subsidiary, Catherine Hill Bay Water Utility Pty Ltd (CHBWU), to provide potable water services to the Rose Group development at Catherine Hill Bay.

Solo has designed a Potable Water Transfer Main to be installed from the Reservoir to Kanangra Drive, through National Parks & Wildlife land to Catherine Hill Bay where the main will terminate at the CCBWU Water Treatment Plant before supply to the Rose Group development.

Solo proposes to construct a water pump station on the Reservoir Land and is seeking easement rights over part of the Reservoir Land, 36 square metres. Council granted development consent to CHBWU for the potable water transfer main on 4 September 2015 (DA/363/2015)

The Reservoir Land is zoned RE1 Public Recreation and E3 Environmental Management and was vested in Council for the purposes of the Water Management Act 2000 by the Minister for Land and Water Conservation. The Reservoir Land has an area of approximately 6,279 square meters and is classified as operational land for the purposes of the Local Government Act 1993.

3.3 Proposed Grant of Easement for Water Supply and Services over Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay (contd)

The creation of the easements will not affect the use of the Reservoir Land.

Compensation for the grant of the easements has been agreed at \$36,000. CHBWU will also be responsible for payment of all costs pertaining to the registration of the easements.

THE PROPOSAL

Solo has requested that Council grant Easements for Water Supply and Services over the Reservoir Land to construct a water pump station in order to provide potable water services to the Rose Group development at Catherine Hill Bay and has agreed to pay compensation of \$36,000 for the grant of the easements and to pay Council's costs. Solo will also be responsible for constructing and maintaining the easements.

OPTIONS

If Council does not grant the Easements, Solo will not be able to provide the potable water services to Catherine Hill Bay or proceed with the construction authorised by Council's development consent.

Budget Impact

There is no cost to Council to grant the easements. Solo has agreed to pay compensation to Council and all other costs associated with the grant of the easements including registration fees at Land and Property Information.

CONSULTATION

Solo has approached Council in order to obtain the easements and has agreed to pay compensation of \$36,000.

Wyong Water and the Manager, Property Development have no objections to the proposal.

GOVERNANCE AND POLICY IMPLICATIONS

There is no impediment to the grant of Easements for Water Supply and Services over unclassified land subject to the Water Management Act, 2000.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

MATERIAL RISKS AND ISSUES

Nil impact.



CONCLUSION

It is proposed that Council grant Easements for Water Supply and Services over Council land Lots 12 and 13 DP 598580 at Pacific Highway, Crangan Bay to enable CHBWU to satisfy Development Consent conditions for the construction of a potable water transfer main.

ATTACHMENTS

Nil.

3.4 Classification of Land, Lot 229 DP 1213339 at Voyager Street, Wadalba

TRIM REFERENCE: F2015/01670 - D12191537

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Authority is sought to classify Lot 229 DP 1213339 at Voyager Street, Wadalba (Lot 229) as Operational Land.

RECOMMENDATION

- 1 That Council adopt the classification of Lot 229 DP 1213339 at Voyager Street, Wadalba as Operational Land.**
- 2 That Council note that:**
 - a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).**
 - b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.**

BACKGROUND

Vexhart Pty Ltd was required to make provision for a public reserve as part of its development of 29 residential lots from the subdivision of Lot 25 DP 12304 at Johns Road, Wadalba. Lot 229 has been dedicated to Council pursuant to a condition of development consent of DA/455/2007/E and DA/509/2014/A as public reserve.

Lot 229 is zoned R2 Low Density Residential and has an area of approximately 3,332 square meters.

Under Section 34 of the Local Government Act 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council may resolve to adopt the classification.

Public Notice was given on 9 December 2015 of the proposal to classify the land as operational land and no submissions were received.

THE PROPOSAL

It is proposed to classify Lot 229 as Operational Land.

The Policy for Property Transactions – Sales and Acquisitions adopted 14 May 2014, provides that all future land purchases by Council should generally be designated as operational land irrespective of the intended or existing use. This is to maximise flexibility in the management and use of Council’s property portfolio and improve community and service delivery outcomes.

The proposed resolution to classify Lot 229 as Operational land will not authorise this land to be used for any purpose that is inconsistent with the purposes for which the land was dedicated to Council, namely a public reserve.

OPTIONS

Council may resolve to apply either a “community land” or an “operational land” classification. Lot 229 should be classified as Operational Land in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council.

Budget Impact

There is no cost to Council to classify the land.

GOVERNANCE AND POLICY IMPLICATIONS

Under Section 31 of the Local Government Act 1993, land acquired by Council is taken to be classified as Community Land unless Council resolves that the particular land concerned be classified as Operational Land.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “*Council Decision Making during Merger Proposal Periods*” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.



CONCLUSION

Lot 229 has been dedicated to Council and requires classification under the Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance, Operational Classification is proposed on the basis of the use of the land for public reserve in accordance with Council policy.

ATTACHMENTS

Nil.

3.5 Acquisition of Easement for Drainage over Part of Lot 14 DP 14776 at 8 Norton Avenue, Killarney Vale

TRIM REFERENCE: F2015/01227 - D12191547

MANAGER: Peter Stokes, Manager Property Management

AUTHOR: Julie Tattersall; Property Officer

SUMMARY

Approval is sought to acquire an easement for drainage over part of Lot 14 DP 14776 at 8 Norton Avenue, Killarney Vale.

RECOMMENDATION

- 1 That Council acquire an easement for drainage over part of Lot 14 DP 14776 at Killarney Vale.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the easement, transfer documents and plan and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to easement, transfer documents and plan and all documents relating to the application to the Office of Local Government.**

BACKGROUND

Council's Roads and Drainage Unit is undertaking reconstruction of Norton Avenue, Killarney Vale to improve the road environment and provide necessary stormwater drainage in the area. The upgrade will require a full reconstruction of Norton Avenue to adjust the levels of the road to accommodate stormwater drainage.

The provision of the stormwater drainage is also required to solve the issue of overland rainfall runoff pooling within the rear yard of Lot 14 DP 14776 at 8 Norton Avenue, Killarney Vale (Lot 14). The drainage to be installed over Lot 14 will consist of a 375mm drainage pipe with associated inlets.

The works are scheduled to commence in 2015/2016.

THE PROPOSAL

It will be necessary to obtain an easement over part of Lot 14 to provide Council with the right to enter onto the easement area to construct, repair and maintain the drainage installation when necessary.

Lot 14 has an area of approximately 698 square meters and is zoned R2 Low Density Residential. The area of the easement to be acquired over part of Lot 14 is approximately 55 square meters. The easement area is shown outlined in red on the plan below.

Council staff will endeavour to acquire the easement over part of Lot 14 by agreement with the land owner. If, however, Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Office of Local Government for compulsory acquisition of the part of Lot 14 required.

OPTIONS

If Council does not authorise the acquisition of an easement over part of Lot 14, the issue of overland rainfall runoff pooling within the rear yard of Lot 14 will remain.

Budget Impact

Funds for the construction and acquisition of the easement have been provided for in the Capital Works Program 2015/2016.

CONSULTATION

The owners of Lot 14 have been consulted and negotiations will proceed subject to Council approval.

GOVERNANCE AND POLICY IMPLICATIONS

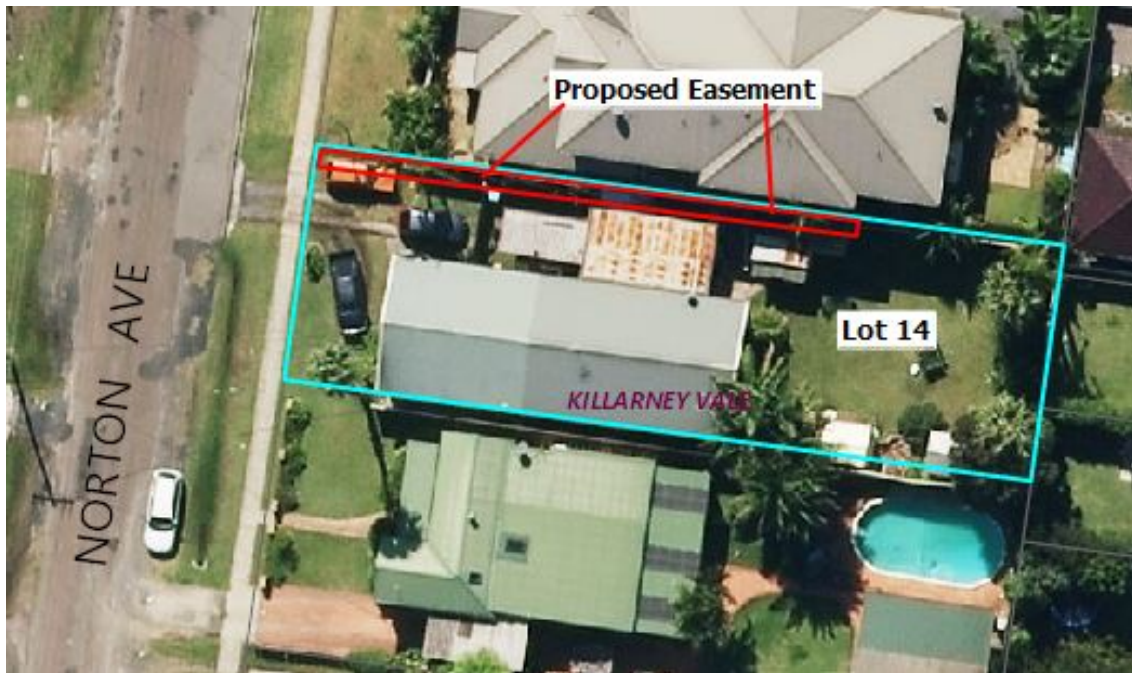
Council has authority to acquire easements under the Local Government Act 1993. Compensation for acquisition of land is to be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

MATERIAL RISKS AND ISSUES

Nil impact.

**CONCLUSION**

It is recommended that an Easement for Drainage is acquired over part of Lot 14 to improve storm water runoff in the area.

ATTACHMENTS

Nil.

4.1 CPA/262748 - In Situ Stabilisation

TRIM REFERENCE: CPA/262748 - D12203499
MANAGER: Greg McDonald, Director
AUTHOR: Sue Ralph; Tech Officer Contracts Administrator

SUMMARY

Evaluation and selection of tenders for Contract CPA/262748 – In Situ Stabilisation

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 ***That Council accept the ranked panel of Contractors, for a contract term of 3 years, as follows: 1st Ranked Contractor from Tenderer No 6, 2nd Ranked Contractor from Tenderer No 4, 3rd Ranked Contractor from Tenderer No 2.***

The estimated total expenditure against this contract is Thirteen Million Eight Hundred and Twenty Six Thousand Eight Hundred and Ten Dollars, \$13,826,810.00 (excl GST), however actual expenditure may vary with fluctuations in demand.

- 2 ***That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderers, which may be disclosed after Council has resolved to accept those tenders.***
- 3 ***That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.***

BACKGROUND

In Situ Stabilisation provides Wyong Shire Council (WSC) with a 'value for money' and environmentally sustainable solution in the maintenance and upgrading of local roads. The process limits the need to add new quarried materials to upgrade a road pavement and instead recycles the existing in situ materials by adding a stabilising agent to improve the quality of the road base and / or sub-base.

Council is using this Tender to establish a Ranked Panel Contract with the successful Contractors to undertake this portion of work under the Roads and Drainage Annual Rolling Works Program. Allocation of work will be in accordance with the panel ranking order and subject to availability and ongoing performance of the Contractor(s). The quantities of work may vary from year to year dependent on the works program and weather conditions.

A Ranked Panel Contract enables Council to complete the Roads and Drainage Annual Rolling Program efficiently with the best value to Council for the programmed works. Tenderer No. 6 is the highest scoring tender and meets all of Council's requirements for this Contract. On balance, this tender represents the best value for money for Council.

Criteria included overall cost, previous performance and methodology. In all of these categories Tenderer No. 6 performed strongly in comparison to other tenderers. Since Tenderer No. 6 has been Council's selected stabilising tenderer in previous years the ability to meet Council's future requirements could be accurately assessed during the tender evaluation. Tenderer No. 6 has proven to be reliable, efficient and provide high quality works over an extended period of time. It is recommended that this tender be accepted as the 1st Ranked Contractor. It is also recommended that Tenderer No4 be accepted as the 2nd Ranked Contractor and Tenderer No2 be accepted as the 3rd Ranked Contractor.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D11988323

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express and eTender on *29 September 2015* and closed on *29 October 2015*.

The invitation documents called for Schedule of Rates tenders, based on a detailed specification.

A compulsory pre-tender meeting was held at Council Chambers Hely St Wyong On 8 October 2015 to allow tenderers to become familiar with site conditions.

Tenders closed at Council's Chambers at 2.00pm on *29 October 2015*.

TENDER SUBMISSIONS

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

- Accurate Asphalt and Road Repairs
- Downer EDI Works Pty Ltd
- FK Gardner Sons Pty Ltd
- Roadworx Surfacing Pty Ltd
- Stabilcorp Pty Ltd
- Stabilised Pavements Australia Pty Ltd

No late submissions were received.

TENDER EVALUATION

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

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

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

- a) Price;
- b) Successful completion of works over minimum of 5 years
- c) Methodology;
- d) Programing
- e) Environmental Factors
- f) Ability to complete Ancillary Works
- g) Qualified Engineering Staff

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's Roads and Drainage Annual Rolling Works Program, under individual job numbers.

RELEVANT LEGISLATION

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

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

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- NIL

PROCESS REVIEW

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

OPTIONS / ALTERNATIVES

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

PUBLIC CONSULTATION

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

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

The tender opened on the 29th September 2015 prior to the issuing of the Section 23A guidelines. The works proposed to be undertaken were previously identified by Council within the 2015/16 Roads & Drainage annual rolling works programme and the funds proposed to be expended were budgeted within Council's adopted budget for 2015/16.

It should be noted that Gosford City Council also utilise Tenderer No. 6 as their selected stabilising contractor.

ATTACHMENTS

- 1 CPA/262748 - In Situ Stabilisation - T144 - Tender Evaluation Report - D12204477

4.2 CPA/264742 - Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach

TRIM REFERENCE: CPA/264742 - D12188021

MANAGER: Greg McDonald, Director

AUTHOR: Martin Drake; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/264742 – Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach.

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 That Council accept the tender from the company (nominated as Tenderer No ‘4’ in the attached Tender Evaluation Report, for the lump sum amount of \$383,638.60 (excl GST) for Contract CPA/264742 – Construction of Gross Pollutant Traps at Myrtle Brush Park, Berkeley Vale and Oleander Street, Canton Beach.**
- 2 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

Wyong Shire Council is upgrading existing gross pollutant traps (GPTs) as part of the Tuggerah Lake Estuary Management Plan and is upgrading existing and introducing new GPTs throughout the Shire to improve the quality of stormwater before it enters Tuggerah Lakes.

This report relates to the proposed construction of two (2) new GPTs at Berkeley Vale, and one (1) dry sump GPT at Canton Beach. The Contractor would be expected to coordinate the construction at each GPT site simultaneously, so that all three GPTs are completed within 12 weeks from award of contract.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director Infrastructure and Operations, before the Request for Tender was issued. The approved Contract Plan is in TRIM D12052404.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Central Coast Express Advocate and eTender on 27 October 2015.

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

Tenders closed at Council's Chambers at 2.00pm on 26 November 2015.

TENDER SUBMISSIONS

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

- Deloma Pty Ltd
- Gongues Constructions Pty Ltd
- Kerroc Constructions Pty Ltd
- Scape Constructions Pty Ltd

No late submissions were received, however the Kerroc Constructions tender was eliminated due to being a submission for a different contract.

TENDER EVALUATION

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

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

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

- Compliance with Tender documents, including lodgement of tender by specified time;
- Evidence of corporate systems to effectively manage environmental, quality and safety risk;
- The tendered price and structure; as well as any other potential costs to Council that may be identified;
- Proposed works program which demonstrates understanding of construction sequence for required works and capacity to successfully achieve the objectives within the specified timeframes;
- Experience and proven good performance in the construction of civil structures, and ideally Gross Pollutant Traps;
- Local Content.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under Project Numbers 16828 (Berkeley Vale GPT) and 16835 (Canton Beach GPT), both sourced from the Stormwater Levy.

RELEVANT LEGISLATION

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

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

CRITICAL DATES / TIME FRAMES

It is anticipated that the contract will be awarded in February 2016 and works are expected to be completed within 12 weeks from that date.

RISK

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

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Part 5 Planning Approval

PROCESS REVIEW

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

OPTIONS / ALTERNATIVES

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

PUBLIC CONSULTATION

Public consultation has been carried out with directly affected stakeholders. No objections were received, however the Canton Beach Caravan Park did request no construction take place before 1 February 2016 so as not to impact holiday makers.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- | | | |
|---|-------------------------------------------------------------------------------|-----------|
| 1 | CPA/264742 - Construction of Gross Pollutant Traps - T144 Tender Evaluation - | D12204458 |
|---|-------------------------------------------------------------------------------|-----------|

5.1 Planning Workshop

TRIM REFERENCE: F2015/01383 - D12193194
MANAGER: Rob Noble, Chief Executive Officer
AUTHOR: Rob Noble, Chief Executive Officer

SUMMARY

This report provides options for a planning workshop for Councillors and executive staff to support the development of the 2016-17 Operational Plan.

RECOMMENDATION

That Council approve a one day Councillor and executive staff planning workshop to support the development the 2016-17 Operational Plan to be held at the local venue (option 2), date to be nominated.

BACKGROUND

Each year Council conducts briefings and workshops to discuss industry changes, strategic outcomes, delivery priorities and to ensure planning and delivery of services is undertaken in alignment with community's vision as defined in the Community Strategic Plan and via other engagement feedback.

The 2016-17 Operational Plan is the last plan under the current four year Delivery Program, prior to the review of the Community Strategic Plan, next Council election and preparation of a new Delivery Program for the period 2017-18 to 2020-21.

As a result of this being the last plan in the four-year cycle, the structure and all the elements are in place. There is, therefore, no need for the process to be extended, as has occurred in past years. It can easily be achieved in one day.

CURRENT STATUS

The 2016-17 Operational Plan is being developed based on guidance by Council for the current four year Delivery Program, in alignment with the Community Strategic Plan. Plan development includes Council ratification of currently identified projects and areas of focus.

On 4 January 2016 the Office of Local Government (OLG) issued guidelines for "Council decision making during merger proposal period" under Section 23A of the Local Government Act. These guidelines, which came into operation on 6 January 2016 when the Merger Proposal period formally commenced, included the following provisions:

- Should councils prepare Operational Plans during a merger proposal period, these should be prepared as a sub-plan of the council's adopted Delivery Program and should not depart from the council's adopted Delivery Program.

5.1 Planning Workshop (contd)

- During a merger proposal period, councils should only expend monies in accordance with the detailed budget adopted for the purposes of implementing their Operational Plans for the relevant year.
- Councils the subject of merger proposals should not make decisions that will impose a significant and/or ongoing financial commitment on a new council.

It follows that the more strategically focused format of previous workshops is curtailed by these guidelines and that changes to the current program will be limited as any new strategic decisions would be deferred until after the next Council election.

As the guidelines impact the traditional content, workshop length would reduce accordingly.

THE PROPOSAL

That a one day workshop be held for Councillors and executive staff to support the development of the 2016-17 Operational Plan.

Options for a workshop venue, both local and regional, and date are provided as a confidential attachment in accordance with Local Government Act Section 10A(2(d(i))) – commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

OPTIONS

A summary of options and costs is provided under separate cover.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<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>
Integrated Planning	Deliver Integrated Planning & Reporting requirements in accordance with the Local Government Act 1993	Within budget scope	Alignment of the delivery of Council operations with the Community Strategic Plan

Link to Community Strategic Plan (2030)

The proposal supports the prioritisation of service delivery against the Community Strategic Plan by ensuring alignment of Council strategic planning with the community vision.

Budget Impact

Provision included.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

This report seeks Council approval of a one day Councillor and executive staff planning workshop to support the development of the 2016-17 operational plan and nomination of a suitable venue and date from the options provided.

ATTACHMENTS

- 1 Workshop Options Summary - CONFIDENTIAL - D12202338

5.2 Sponsorship Program 2016/17

TRIM REFERENCE: F2014/00920 - D12179266

MANAGER: Sue Ledingham, Manager

AUTHOR: Myra Lowe; Tourism and Marketing Officer

SUMMARY

Consideration of applications and recommendations for contestable funding under the 2016-17 Sponsorship Program Expression of Interest (EOI) and additional applications for 2015-16 Sponsorship Program. The Sponsorship Program 2016-17 aims to build the profile of Wyong Shire and improve the quality of life of our local residents. The program assists initiatives, events and activities to go from idea to reality, enhancing the quality and variety of initiatives on offer in the Shire.

RECOMMENDATION

- 1 ***That Council reallocate \$5,800 from existing marketing and promotions budget to the Sponsorship Program in 2016-17 through Quarter Review.***
- 2 ***That Council allocate the \$65,800 combined cash and in-kind funds from the Sponsorship Program for 2016-17 as follows:***

Applicant	Initiative	Tier level	Recommended Funding
CULTURAL INITIATIVES: Recommended for sponsorship			
Long Jetty Locals	Long Jetty Street Festival	Tier 2	2016-17: Cash \$12,500 & In-Kind \$2,500
Food Whisperers Inc	Central Coast Food Revolution Day	Tier 3	2016-17: Cash \$3,000
BBR Agency	PicNic Outdoor Cinema	Tier 2	2016-17: Cash \$10,000
Avalon Moon P/L	Central Coast Embrace Life Festival	Tier 3	2016-17: Cash \$2,500
SPORTING INITIATIVES: Recommended for sponsorship			
Wyong Fire Brigade Championships	2016 NSW State Fire Fighter Championships	Tier 2	2016-17: Cash \$9,000 & In-Kind \$1,000
Elite Energy P/L	Colour Me Rad	Tier 2	2016-17: Cash \$10,000

VISITOR MARKETING INITIATIVES: Recommended for sponsorship			
Veer Left Pty Ltd	Veer Left	Tier 3	2016-17: Cash \$5,000
ECONOMIC DEVELOPMENT INITIATIVES: Recommended for partnership			
Central Coast NSW Business Chamber	Central Coast Economic Breakfast	Tier 2	2016-17: Cash \$8,800
Business and Professional Women Central Coast	Business and Professional Women Central Coast: Woman of the Year	Tier 3	2016-17: Cash \$1,500

2 That Council acknowledge the below initiatives have also applied for multi-year funding for 2017-18 and 2018-19 and are supported however that the applicants be advised that as a result of the likely amalgamation these will need to be reviewed by early 2017, noting that these applications are carried forward.

- Long Jetty Street Festival
- Central Coast Food Revolution Day
- PicNic Outdoor Cinema
- Embrace Life Festival
- Colour Me Rad
- Central Coast Economic Breakfast
- Business and Professional Women Central Coast

3 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant are directed to alternate funding programs:

Initiative	Requested	Applied for Tier level	Assessment
Ks for Kids Walkathon	\$5,000	Tier 3 Single year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required. The focus of this event is fundraising.
Mingara Orchid Festival	\$7,500	Tier 3 Multi Year	Initiative does not meet the potential for growth or ROI through economic development benchmarks that are required. Initiative has received sponsorship for many years and has not demonstrated growth or expansion as promised in 2015-16.

Initiative	Requested	Applied for Tier level	Assessment
Central Coast Mariners - National Youth League	\$36,000	Tier 2 Multi Year	Initiative does not meet the community benefits or community involvement benchmarks that are required. Initiative is requesting a standard sleeve sponsorship for the Central Coast Mariners National Youth League team which has no direct impact on visitor nights or community programs. The only benefit offered is brand recognition.

- 4 That Council support additional initiatives for 2015-16 and allocate \$19,500 combined cash and in-kind funds from the Sponsorship Program for 2015-16 as follows:

Applicant	Initiative	Tier level	Recommended Funding
CULTURAL INITIATIVES: Recommended for sponsorship			
Food Whisperers Inc	Central Coast Food Revolution Day	Tier 3	2015-16: Cash \$3,000
Avalon Moon P/L	Central Coast Embrace Life Festival	Tier 3	2015-16: Cash \$3,000
SPORTING INITIATIVES: Recommended for sponsorship			
Wyong Fire Brigades	2016 NSW State Fire Fighters Championships	Tier 2	2015-16: Cash \$8,000
ECONOMIC DEVELOPMENT INITIATIVES: Recommended for partnership			
Central Coast NSW Business Chamber	Central Coast Economic Breakfast	Tier 2	2015-16: Cash \$4,000
Business and Professional Women Central Coast	Business and Professional Women Central Coast: Woman of the Year	Tier 3	2015-16: Cash \$1,500

BACKGROUND

Sponsorship is a commercial arrangement in which a sponsor provides a contribution in money or in-kind to support an activity in return for a certain specified benefit. Sponsorship is provided to assist groups, organisations and business seeking support for initiatives deemed to provide benefits to our community.

Sponsorship Program 2015-16:

The total contestable sponsorship funding committed to initiatives in the 2015-16 financial year to date is:

- \$122,829 of a total budget of \$145,000
- An additional amount of \$300 in 2015-16 year sponsorship funding was approved but not spent due to cancellation of the Success Women's Network (SWN) August event. This was cancelled due to SWN staff being unavailable to host the event.

In the 2015-16 financial year **\$22,171 in budgeted sponsorship funds remains uncommitted and available for allocation.**

CURRENT STATUS

WSC Policy for Sponsorship Management and WSC Grants, Partnership and Sponsorship Framework both adopted in 2014 as well as the 2016-17 Sponsorship Program Guidelines provide clear direction to staff when considering the best interests of the public, public accountability, public perceptions and the potential risks as well as the potential benefits for any sponsorship proposal. To ensure there is openness and transparency in the Sponsorship Program the guidelines require an expression of interest process be undertaken on an annual basis (where funds are available).

2016-17 Expression of Interest and evaluation

Expression of Interest (EOI) for the 2016-17 round opened 14 September and closed 26 October 2015. Shortlisting occurred from 26 October to 1 December 2015.

In total 12 applications were received, 14 less than what was received in the previous round. While the amount received was less, the ratio of eligible applications has improved with 13 ineligible application received in the previous round and only three ineligible applications received in the current round.

The time frame should also be noted as a factor, the sponsorship program traditionally went to EOI in May with a Council report scheduled in August. This was amended to have the sponsorship EOI activity scheduled to occur in September and a Council report scheduled in January. The new timings better fit in with the grant program to allow unsuccessful sponsorship applicants more time to apply for a range of grants. The new timing also allows successful initiatives to receive a funding agreement and payment at the start of a new financial year rather than mid-way through allowing for better planning with a more secure knowledge of additional funding available to them.

OVERVIEW OF APPLICATIONS:

- 12 applications were received
- 4 have previously received a Council grant or sponsorship amount
- 9 applications progressed to final assessment stage and have been recommended for funding
- 8 are for multi-year agreements
- 9 applications were un-submitted, remaining incomplete in Smarty Grants. They were added to the grants and sponsorship database to be contacted before the next round of sponsorship EOI.
- 3 of the applications were assessed as either not meeting the eligibility requirements or the assessment benchmarks, or meeting some of the assessment benchmarks but not demonstrating as strong a return on investment or growth potential as the recommended initiatives. The three unsuccessful initiatives have been identified as not suitable for the sponsorship program but potentially eligible to apply for funding under the grants program or to reapply for sponsorship program with a different purpose:
 - Ks for Kids Walkathon
 - Mingara Orchid Festival
 - Central Coast Mariners Youth League
 - The Central Coast Mariners presented their sponsorship application at a Councillor Briefing on 25/11/2015. The proposal is for a sleeve sponsorship and this initiative does not meet the sponsorship guidelines. It will be recommended that the applicant reapply with an initiative that satisfies the sponsorship guidelines.

The expression of interest was promoted through various media outlets, networks and websites.

Recommended funding for 2016-17 is \$5,800 over funds available in the sponsorship budget line. If Council resolves to fund all of the suggested initiatives in 2016-17 an additional \$5,800 will be required in the Sponsorship Program budget to facilitate these payments.

It is recommended that the additional \$5,800 be funded from the Marketing Promotion budget.

For multi-year applicants, recommended funding for 2017-18 is \$41,800 and for 2018-19 is \$34,300. However as Council is operating in a merger proposal period, it is recommended that no financial commitment is made now for the Sponsorship Program 2017-19 and that support of these initiatives is acknowledged with cash and in-kind funds to be reviewed at a later date.

THE PROPOSAL

It is proposed to provide funding and acknowledge support to the applicants recommended in the table below under the Sponsorship Program 2015-16 to 2018-19 for the purpose of improving public perception and enjoyment of our local area as well as to assist initiatives, programs, events and activities to be staged throughout the Shire and to enhance the quality and variety of initiatives, events or activities hosted in Wyong Shire thus supporting the Place Brand.

5.2 Sponsorship Program 2016/17 (contd)

There is a positive assortment of applications recommended for sponsorship funding and support in 2015-16 to 2018-19. These range from established sporting and cultural events wanting to take a proven event to the next level, to bespoke and new initiatives which will help to activate and enhance local spaces and help businesses in Wyong Shire to grow in popularity and prosper for the future.

Included in the below recommendations are marketing, fundraising, niche and community conscious initiatives that promote the potential of a range of locations and businesses around the Shire covering the well-known, the under-utilised and the new.

The recommended initiatives encourage local residents and visitors alike to discover the hidden gems in the area, to buy local, to look at the area with fresh eyes and to make the most of the limitless opportunities Wyong Shire has to offer. The recommended funding for initiatives are fit for purpose and based on a like for like support via category of initiative. Initiatives have funding scaled back on a yearly or bi yearly basis in the hopes that they will become self-sustaining initiatives.

The recommended economic development initiatives provide ongoing services to the community such as business support, advice and recognition. For this reason it is suggested that these style of initiatives are entered into as a partnership rather than a sponsorship. The difference is outlined in the WSC Grants, Partnerships and Sponsorship Governance Framework adopted in July 2014. An initiative entering into a partnership should provide an improved service to the community with greater efficiency than if Council itself was to undergo the activity and an initiative entering into a sponsorship should allow Council to align through a commercial agreement with that initiatives specific service, product or activity for the promotional opportunities.

Both partnerships and sponsorships funding is allocated from the sponsorship budget and managed by the WSC sponsorship team.

The recommended initiatives for sponsorship are:

Recommended Sponsorship Recipient	Amount
Recommended Payment in Year 2015-2016	
Central Coast Food Revolution Day	\$3,000
Embrace Life Festival	\$3,000
State Firefighter Championships	\$8,000
Total 2015-2016	\$14,000
Recommended Payment in Year 2016-2017	
Long Jetty Street Festival	\$15,000
Central Coast Food Revolution Day	\$3,000
PicNic Festival	\$10,000
Embrace Life Festival	\$2,500
State Firefighter Championships	\$10,000
Veer Left	\$5,000
Colour Me Rad	\$10,000
Total 2016-2017	\$55,500

5.2 Sponsorship Program 2016/17 (contd)

Recommended for support in Year 2017-2018	
Long Jetty Street Festival	
Central Coast Food Revolution Day	
PicNic Festival	
Embrace Life Festival	
Colour Me Rad	
Recommended for support in Year 2018-2019	
Long Jetty Street Festival	
Central Coast Food Revolution Day	
PicNic Festival	
Embrace Life Festival	
Colour Me Rad	

It is also recommended that the following initiatives enter into a partnership arrangement with WSC:

Recommended Payment in Year 2015-2016	
Central Coast Economic Breakfast Series	\$4,000
BPW Central Coast Woman of the Year	\$1,500
Total 2015-2016	\$5,500
Recommended Payment in Year 2016-2017	
Central Coast Economic Breakfast Series	\$8,800
BPW Central Coast Woman of the Year	\$1,500
Total 2016-2017	\$10,300
Recommended for support in Year 2017-2018	
Central Coast Economic Breakfast Series	
BPW Central Coast Woman of the Year	
Recommended for support in Year 2018-2019	
Central Coast Economic Breakfast Series	
BPW Central Coast Woman of the Year	

\$5,800 in additional funding is requested to cover the recommended initiatives for sponsorship in 2016-17.

It is also proposed that that the previous offer of \$5,000 annual funding made to Mingara Leisure Group to run a community development grant jointly with WSC is reviewed in accordance with the resolution from 9/11/2011. In the past five years Mingara Leisure Group has purposed this money towards the annual Mingara Christmas Under the Stars event with minimal consultation from WSC. Mingara Leisure Group would be encouraged to apply via an EOI for the Grants or Sponsorship programs moving forward to gain future funding for this event.

SUMMARY

Year	2015-16	2016-17	2017-18	2018-19
Total current budget	\$145,000	\$145,000	NA	NA
Recommended addition to budget	\$0	\$5,800	\$0	\$0
Total recommended budget	\$145,000	\$150,800	NA	NA
Recommended new allocation	\$19,500	\$65,800	\$0	\$0
Remaining budget	\$2,671	\$0	\$0	\$0

Following on from the adoption of these recommendations, Council officers will work closely with each of the successful applicants to prepare contractual agreements. The agreements will identify the specific benefits to Council provided in terms of return on investment; these can include branding, marketing, promotion and recognition. The agreements will include details of how these will be demonstrated and evaluated, and other requirements for probity before funds are released.

OPTIONS

Council could decide not to proceed with some or all of the recommended initiatives, change the mix or amount of initiatives recommended.

The recommended initiatives have been assessed by Council staff based on the criteria in WSC Policy for Sponsorship Management adopted in May 2014 and the ICAC's recommended Sponsorship Guidelines.

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>
Marketing and Communications	Communication and marketing services that raise staff and community awareness of Council activities and support the management of Council's brand and reputation	Within budget scope	Alignment of the delivery of Council operations with the Community Strategic Plan	Marketing and Communications

Long Term Financial Strategy

No impact as budget has been allocated in the Long Term Financial Strategy.

Asset Management Strategy

Nil

Workforce Management Strategy

Nil

Link to Community Strategic Plan (2030)

The proposal supports the delivery of the economic development objectives of the Community Strategic Plan by assisting to attract, encourage and support events that will result in increased visitation and local expenditure as well as social or cultural benefits.

Budget Impact

\$145,000 funding is allocated within the Operational Budget in the 2016-17 financial year.

\$5,800 in additional funding is required to fulfil all sponsorship payments recommended in the 2016-17 financial year. Funding allocated from Sponsorship Activation budget can be moved to address the shortfall.

YEAR	2015-16	2016-17	2017-18	2018-19
Remaining Budget	\$2,671	\$0	NA	NA

CONSULTATION

Consultation was undertaken with all applicants that progressed through to shortlisting. All shortlisted applicants are subject to risk controls during assessment. Any applicants who have received previous funding are cross checked with the appropriate team such as grants, for receipt of satisfactory acquittals. An applicant who has not satisfactorily acquitted previous funding in the past two years is ineligible for sponsorship.

In relation to organisations who have a financial history with Council, they are cross checked with credit management. Those currently in arrears are ineligible for sponsorship. Applicants who request in-kind support are required to obtain quotes from the relevant Council department. Payment is then made directly to the relevant department from the available sponsorship funds.

Every sponsorship proposal is assessed against the possibility of a conflict of interest and, in particular, may be refused or terminated as outlined in the Policy. Ongoing sponsorships will be reviewed to ensure any future conflicts of interest are addressed as outlined in the agreements.

GOVERNANCE AND POLICY IMPLICATIONS

The Sponsorship Program will be run in accordance with the WSC Policy for Sponsorship Management adopted in May 2014.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

MATERIAL RISKS AND ISSUES

Risks to Council reputation from poorly managed initiatives. Risk is mitigated through the provision of business and marketing plans from all applicants and review and management of agreements.

CONCLUSION

This report provides details on the applications received through the 2016-17 Expression of Interest for Wyong Shire Council's 2016-17 to 2018-19 sponsorship program. The applicants recommended for funding in this report include single-year and multi-year sponsorships that support the Sponsorship Policy outcomes.

ATTACHMENTS

- 1 CONFIDENTIAL ATTACHMENT - Sponsorship Program 2016-17 Applications -

D12196925

5.3 Merger Submissions

TRIM REFERENCE: F2015/01469 - D12206130
MANAGER: Rob Noble, Chief Executive Officer
AUTHOR: Stephen Naven; Chief Financial Officer

SUMMARY

As part of the merger proposal period, the Chief Executive of the Office of Local Government has appointed a delegate. The delegate must hold public inquiries to allow the public to express their views and will accept written submissions from all parties. The delegate must then prepare a report to the Minister by the end of March 2016.

This paper seeks Council authority to contribute to the merger proposal process by presenting at the public inquiries, and preparing a written submission.

RECOMMENDATION

- 1 That Council authorise the Acting Chief Executive Officer to prepare and present at the public inquiries**
- 2 That Council authorise the Acting Chief Executive Officer to prepare a written submission focusing on the factors set out in section 263(3) of the Local Government Act**
- 3 That Council contribute to the submission by providing direction on**
 - The number of Councillors suggested to be included in the proposed new Council;**
 - Whether the Mayor of a Joint Council be popularly elected or otherwise;**
 - Whether the Joint Council should consist of Wards and what the configuration of those Wards should be.**
 - Any other matters**

BACKGROUND

The Minister for Local Government referred 35 merger proposals to the Chief Executive of the Office of Local Government (OLG) on 6 January 2016, including a proposal to merge Wyong Shire Council and Gosford City Council.

The Chief Executive of the OLG has delegated the function of examining and reporting on those proposals to Delegates. On 6 January 2016 the Chief Executive appointed Mr John Rayner as Delegate to perform the examination and reporting process for the Wyong / Gosford merger proposal.

The Delegate's primary task is to examine the merger proposal and to prepare a report to the Minister on the merger proposal by the end of March 2016. As part of the examination and reporting process Public Inquiries must be held. The Inquiry is a meeting for the public allowing interested parties to express their views on the merger proposal.

5.3 Merger Submissions (contd)

Mr Rayner has convened three Public Inquiry meetings on 3 February 2016. Council is assisting by publicising details of the meetings.

Also as part of the examination and reporting process, the Delegate must accept written public submissions to provide their views on the proposal.

Submissions should refer directly to the proposal and submission authors are encouraged (but not required) to focus on one or more of the factors set out in section 263(3) of the Local Government Act, being:

- the financial advantages or disadvantages of the proposal to the residents and ratepayers of the areas concerned;
- the community of interest and geographic cohesion in the existing areas and in any proposed new area;
- the existing historical and traditional values in the existing areas and the impact of change on them;
- the attitude of the residents and ratepayers of the areas concerned;
- the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as considered relevant in relation to the past and future patterns of elected representation for that area;
- the impact of the proposal on the ability of the council to provide adequate, equitable and appropriate services and facilities;
- the impact of the proposal on the employment of the staff by the council;
- the impact of the proposal on any rural communities in the resulting area;
- the desirability (or otherwise) of dividing the resulting area or areas into wards
- the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented; and
- Any other factors relevant to the provision of efficient and effective local government in the existing and proposed new areas.

CURRENT STATUS

- Three Public Inquiries are scheduled for 3 February 2016
- Submissions are now open and close at 5pm on Sunday 28 February 2016

THE PROPOSAL

That Council authorise the Acting Chief Executive Officer prepare and make a presentation at the public inquiries.

That Council authorise the Acting Chief Executive Officer to prepare a submission to the Delegate addressing the issues required to be considered.

That Council contribute to the submission by directing the Acting Chief Executive Officer regarding:

- The suggested number of Councillors to be included in the proposed new Council (Maximum legislatively possible is 15)
- Whether the Mayor of the proposed new Council be popularly elected or otherwise
- Whether the proposed new Council should comprise of Wards and what the configuration of those Wards should be.

GOVERNANCE AND POLICY IMPLICATIONS

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

Nil.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley

TRIM REFERENCE: RZ/6/2015 - D12134290

MANAGER: Scott Cox, Director

AUTHOR: Peter Kavanagh; Senior Planner

SUMMARY

Council is in receipt of a request to amend Wyong Local Environmental Plan 2013 (rezoning application), which seeks to rezone 200 Main Road Toukley from SP3 Tourist to B4 Mixed Use.

This report recommends that Council support the proposal and endorse the Beachcomber Hotel/Motel as a "Key Site". It is also recommended that Council proceed to prepare a Planning Proposal to be forwarded to the Department of Planning and Environment (DP&E) for gateway determination.

Applicant	DFP Planning Pty Limited
Owners	Rifon 2 Pty Ltd
Proposal No	RZ/6/2015
Description of Land	Lots 31 & 32, DP 805021, 200 Main Road, Toukley.
Site Area	1.084Ha
Current Zoning	SP3 – Tourist
Proposed Zoning	B4 – Mixed Use
Existing Use	Hotel/Motel and Conference Facility

RECOMMENDATION

- 1 That Council **endorse** the designation of 200 Main Road Toukley as a "Key Site".
- 2 That Council **prepare** a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to rezone the land to B4 Mixed Use, and to alter the Key Site, Height and Floor Space Ratio Maps to enable the development proposed, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979.
- 3 That Council **forward** the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the EP&A Act, 1979.
- 4 That Council **enter** into a Voluntary Planning Agreement (VPA) which will provide for contributions by the landowner toward the provision of public benefit works in the immediate locality, to the value of 1.5 times the applicable contributions applying to the development under Section 94 of the EP&A Act, 1979.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

- 5 ***That Council authorise the Acting Chief Executive Officer (or delegate) to negotiate and execute all documentation in relation to the finalisation of the VPA.***
- 6 ***That Council require, subject to the “Gateway Determination” that the landowner in conjunction with Council prepare and exhibit appropriate Development Control Plan provisions to amend Development Control Plan 2013, and that Council amend Section 94 Development Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.***
- 7 ***That Council undertake community and public authority consultation, in accordance with the “Gateway Determination” requirements, including the exhibition of the draft Voluntary Planning Agreement and draft Development Control Plan amendment and draft s.94 Development Contributions Plan amendment (if required).***
- 8 ***That Council request a report be prepared outlining the results of the community and public authority consultation.***

BACKGROUND

The subject site is located 350m west of the Toukley Town Centre and has frontages to Main Road and Lake Budgewoi. The site is located immediately west of the “Rustrum Key Site”, and is approximately 3.5 times larger. Existing development on the site comprises the Beachcomber Hotel, conference/function facilities and tourist accommodation. The Beachcomber site is a large (1.05Ha) site, sloping away from Main Road toward Lake Budgewoi and enjoys expansive lake views.



Figure 1: Beachcomber Location Site Aerial

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

The applicant has advised that increasingly there have been reports of anti-social behaviour by some persons attending the club/pub and noise complaints from the mainly residential surrounding area. These factors have contributed to a down turn in the occupancy rates of the motel component to the extent that even during peak holiday periods the occupancy rates are around 30/35%. The applicant has advised that tourist accommodation and the hotel no longer represent viable or desirable development on the site and that a mixed use zoning would enable a more viable development of the site.

THE PROPOSAL

The objective is to allow a mixed use development (tourist apartments, residential apartments, ground floor retail) in two main buildings, to be undertaken on the site.

The concept scheme provides for:

- A lake front podium which 'sits' into the slope of the land. The podium comprises 2 levels of residential apartments, fronting the underground basement parking.
- On the eastern side of the site the concept plan shows a 9 storey mixed use building comprising ground floor commercial uses (for example bar and restaurant) with 8 storeys of residential apartments above.
- On the western side of the site a 6 storey mixed use building is shown. The ground floor uses within this building as shown in the concept scheme includes community rooms associated with the residential components and a small retail outlet (for example – a convenience store).
- The area above the podium between the buildings is shown as landscaped area.
- The concept scheme provides for a minimum setback for the podium of 10m to the northern property boundary and a similar setback for the two mixed use buildings to the Main Road frontage.
- The overall FSR of the concept scheme is 1.95:1 with a maximum site coverage, excluding the podium, of 22.8%. The maximum site coverage including the podium is 36.9%.
- This compares to the existing development on the site which has an approximate FSR of 0.6:1 and a site coverage of almost 50%.

The main buildings have been deliberately angled on the site to enhance views and solar access for future apartments within the buildings and also to allow for views through the site from the public domain along Main Road. The placement of buildings as shown in the concept scheme will also provide a view corridor through the site from properties on the southern side of Main Road. The concept scheme provides for a landscaped foreshore area between the podium and the lake edge and a landscape forecourt which will extend from Main Road between the buildings and across the top of the podium at the northern edge. The concept scheme provides for the retention of some existing trees along the lake foreshore.



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 New Residential Development
 200 Main Road
 Toukley NSW 2263
 Artist's Impression - from Lake
 DWG NO.: 1511-551 ISSUE: 1
 DATE: 24 SEP 2015
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Figure 2: Concept Development, viewed from Lake Budgwoi

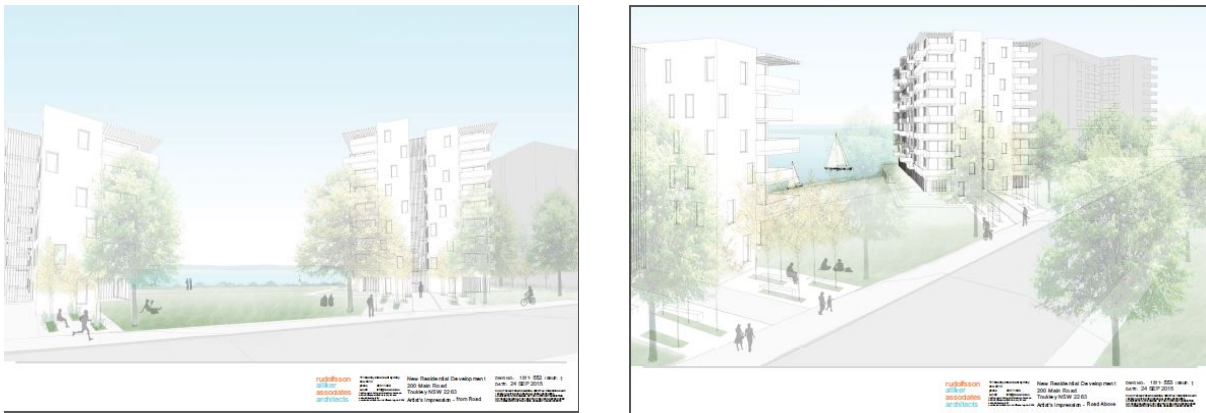


Figure 3: Eye level and Elevated Views of the Concept Development from Main Road

SITE CONTEXT

The Beachcomber site is flanked to the west by medium density residential development which is generally of a 2 storey height to the Main Road frontage, and 3-4 storeys to the lake elevation. The site is located opposite a mix of vacant lands, residential properties and existing commercial uses, being within an R3 Medium Density Residential zoning. The commercial uses include 2 motels, restaurants, shops, take-away food premises, and community organisations.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

There is a synergy between the adjoining Rustrum site and the Beachcomber site. The Rustrum site was identified as a key site for an “iconic development” in recognition of its lakeside location in close proximity to Toukley Town Centre and the Toukley Gardens park adjoining. Council recognised the potential to provide significant access and amenity benefits to the community in return for bonus development potential on the amalgamated sites, which would stimulate the further development, vitality and viability of the Toukley Town Centre. The Beachcomber site is also considered capable of delivering significant public benefits, but on a much larger scale. It is also considered that a mixed use development comprising residential apartments above ground floor commercial uses, set within large areas of ground level landscaped open space providing views to Budgewoi Lake, will further assist to activate the precinct, and will represent a more attractive and appropriate development outcome having regard to the existing and likely future character of the area. The proximity of the Beachcomber site to the Rustrum Key Site presents an opportunity to provide a transition in development height and form, stepping up to form bold and iconic development at the western gateway to the Toukley town centre.

The concept scheme for the Beachcomber site has been developed with the proposed development of the Rustrum site in mind. In particular, impacts on the streetscape, cumulative overshadowing impacts, building separation and building bulk have been considered in determining the most appropriate development controls for the Beachcomber site. Identification of the land as a “key site” will enable additional development height and density, while requiring the delivery of a green building design displaying design excellence, respecting environmental constraints and the amenity of adjoining lands, as well as delivering significant public benefits to the community.

The subject land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate the future “iconic development”. It is an urban in-fill redevelopment site, not contributing to the consumption of additional urban fringe land. The development of tourist and permanent residential accommodation, together with additional hospitality based commercial floorspace, is important to the economy of the region and will lead to the better utilisation of existing infrastructure and services.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

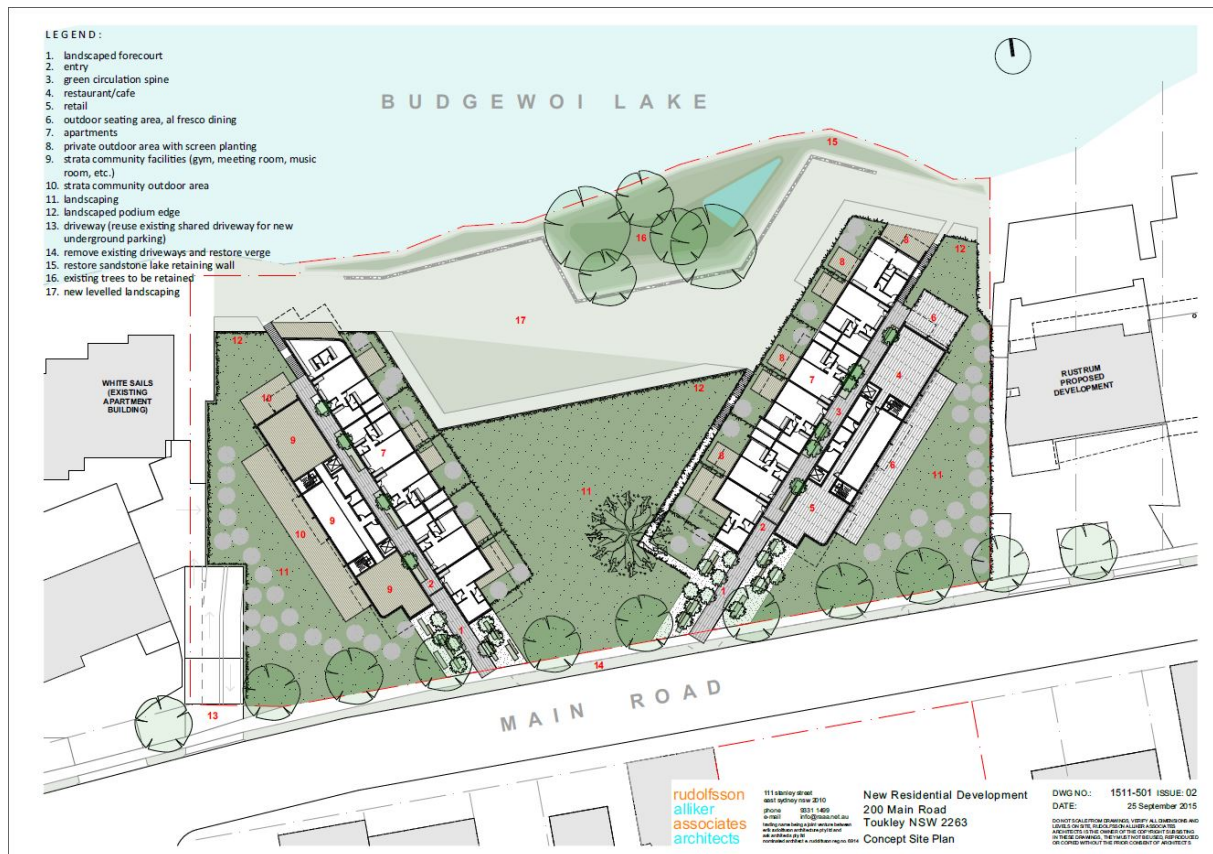


Figure 4: Development and landscape Concept

PROPOSED WLEP 2013 AMENDMENTS

Under the existing SP3 Tourist zoning a 16m (4 – 5 storey) height limit applies to the site and a limited range of tourist and compatible uses are permissible with consent. The intended outcome is to amend the provisions of WLEP 2013, to identify the land as a "key site" for "iconic development". The amendment of WLEP provisions as they apply to the site would include:

- Rezone the land from SP3 Tourist to B4 Mixed Use (the same zone proposed for the neighbouring Rustrum site);
- Retain the 16m limit on the Height Map for development on site which cannot be determined as "iconic" (as for the Rustrum site);
- Include the land on the Key Sites Map, and indicate by the numbers 26 and 36 that the height of building controls across the site permit an "iconic development" which achieves a maximum height of 36m for the eastern half of the site and a maximum of 26m for the western half; and
- Increase the maximum permissible floor space ratio (FSR) across the site to 1.7:1 (as for the Rustrum site) and maintain the identification of the site as being within Area 2.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

The “iconic development” would achieve a maximum 2.0:1 FSR (due to the size of the development parcel and the FSR bonus available to large sites under Cl. 4.4(2B) of the WLEP 2013). These changes will enable an “iconic development” (Cl.7.11) which has regard for the adjoining 10 storey Rustrum development and “steps down” in two buildings (from 9 to 6 storeys) toward the lower density developments (3 – 4 storeys) to the west of the site.

This will provide a better transition of urban forms and an interesting gateway to Toukley Town Centre. The development will be a catalyst to further economic growth and business activity.

STATUTORY COMPLIANCE - LOCAL PLANS POLICIES AND STRATEGIES

State Environmental Planning Policies

The proposal has been assessed having regard for all State Environmental Planning Policies and has been found to be consistent with those Policies. Compliance with the SEPPs is addressed in Attachment 1.

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) was released by the DP&E in July 2008. The CCRS identifies the population potential of the Central Coast expected by 2031, expected employment capacity targets and the likely phasing of release areas. The strategy also identifies actions and principles to ensure ongoing growth and prosperity of the region, including actions for centres and housing, economy and employment, environment and natural resources, natural hazards, water supply, regional infrastructure and regional transport.

The population potential as expressed by the CCRS is expected to be an additional 71,100 people in the Shire at 2031, distributed as defined by the Strategy. This urban in-fill redevelopment site within 350m of the Toukley Town Centre and on a main road frontage has the potential to contribute strongly to the provision and variety of housing in the locality. As a Shire, the strategy anticipates that Wyong will be required to create an additional 27,000 jobs. The construction and ongoing operational jobs which will be created by a development of this nature (approx. \$52.8M construction cost) addresses this aspect of the Strategy.

The CCRS provides under the “Key Economic Opportunities for the Region”, that “the regions tourism advantages are also likely to increase”. The Planning Proposal will enable a development which will attract and accommodate tourists, who will contribute to the fuller utilisation of local cultural and community facilities, open space, sports and recreation facilities. Such proposals also result in job creation in the management and service industries. Support for tourism and the economic benefits both direct and indirect are key objectives of the Strategy to the Wyong LGA.

North Wyong Shire Structure Plan

The broad strategies within the CCRS were further developed and refined in the release of the North Wyong Shire Structure Plan (NWSSP) in October, 2012. The Plan seeks the provision of approximately 7,970 additional dwellings and 1360 jobs in the north of the Wyong LGA during the medium term years to 2027.

The Proposal will increase the permissible residential density of the land (approximately 160 residential apartments) and lead to job creation in the local community and is therefore consistent with the structure plan.

Ministerial Directions under Section 117 of the Environmental Planning Assessment Act 1979

Section 117 of the EP&A Act 1979 provides for the Minister for Planning and Environment to issue directions to Council specifying principles, aims, objectives or policies that must be considered when preparing a local environmental plan. The current s.117 directions that apply to the preparation of an LEP associated with this Planning Proposal are addressed in Attachment 2. The proposal is generally consistent with the relevant Directions.

BUDGET IMPACT

The Planning Proposal is privately funded. Phase 1 fees were paid at lodgement, for preliminary assessment and the preparation of a report, to gauge whether there is merit for Council to support the Proposal. Subject to any "Gateway Determination," the proponent would be required to pay Phase 2 fees, and any subsequent fee invoices where the estimated hours are exceeded, in accordance with Council's Planning Proposal Procedure in order to recover the costs involved in further progressing the proposal.

CONSULTATION

Government Agency and Public Consultation requirements for the Planning Proposal will be established by the "Gateway" determination, and will be conducted accordingly.

It is likely that the Gateway Determination may require the following groups and NSW Public Authorities to be consulted:

- Mine Subsidence Board;
- NSW Trade and Investment - Minerals and Petroleum;
- NSW Office of Environment & Heritage;
- NSW Roads and Maritime Services; and
- NSW Planning and Environment.

5.4 Proposed Rezoning of Beachcomber Hotel/Motel Site - 200 Main Road, Toukley (contd)

Draft Development Control Plan

The applicant has submitted a draft DCP Chapter, identifying the design quality issues for the site, as required by Clause 7.11 of the WLEP 2013. The provisions require a “green” or “sustainable building design”. That means a building that incorporates design, construction and operational practices that significantly reduce or eliminate the negative impact of development on the environment and its occupants. This includes strategies for addressing:

- energy efficiency;
- greenhouse gas emission abatement;
- water conservation;
- waste avoidance, reuse and recycling;
- pollution prevention – noise, water, air, soil and light;
- enhanced biodiversity;
- reduced natural resource consumption;
- productive and healthier environments; and
- flexible and adaptable spaces.

In addition the draft DCP Chapter also incorporates amenity, siting, public domain, parking and access requirements. The draft DCP is considered to incorporate most elements however is being reviewed. It is proposed that the draft DCP be placed on public exhibition for comment, subject to the determination of Council and the gateway conditions.

Developer Contributions

Developer contributions for water and sewer services are applicable under the Toukley District Development Servicing Plan (DSP), and will be payable prior to the issue of a Construction Certificate for any development on the site. Further, development contributions toward the provision of public works and services are also applicable. These are levied in accordance with s.94 of the EP&A Act (e.g., open space, community facilities and drainage works), and s.94A (e.g., contributions toward the Art house and the Cycleway Network). Should there be any need for amendment of these plans to accommodate the development, they can be reviewed and exhibited in conjunction with public exhibition of the proposal.

Draft Voluntary Planning Agreement

The applicant has requested recognition of the site as a “key site” and has offered to provide additional contributions towards improvements in the Toukley town centre, as noted in the Toukley Town Centre Masterplan and identified within DCP 2013: Chapter 6.1 - Key Sites. Clause 2.11: “Other Public Benefits” requires that “iconic development” as identified is required to contribute payment of 1.5 x s.94 charges applying to the development proposal. This effectively means that an additional dollar amount equal to half the required total contributions is provided toward “public benefit” works.

The proponent is keen to ensure that the benefits that are provided are those which are most valued and desired by Council and the community, and will engage with Council to determine the scope of potential public benefits which can be facilitated through those contributions, via Voluntary Planning Agreement (VPA). The proposed VPA (and amendments to WLEP, WDCP and (if necessary) applicable s.94 Development Contributions Plans) will be exhibited concurrently to maximise clarity and certainty for the community. The suite of planning controls will be site specific to deliver quality built outcomes and secure substantial public benefit.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “*Council Decision Making during Merger Proposal Periods*” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

An assessment of the request to rezone 200 Main Road Toukley, the Beachcomber Site, has been undertaken. The proposal is considered to have merit and would facilitate additional development of iconic and architectural value which will encourage further investment within the Toukley area. The ‘significant public benefit’ offer that the owner has proposed will be secured through the Voluntary Planning Agreement and draft Development Control Plan provisions, which are to be developed by Council in conjunction with the applicant.

It is considered that the proposal should be supported and be forwarded to the DP&E for a gateway determination.

ATTACHMENTS

- | | | |
|---|---------------------------------------------------------------------------|-----------|
| 1 | Attachment 1 - State Environmental Planning Policy Assessment - RZ_6_2015 | D12135152 |
| 2 | Attachment 2 - Ministerial Section 117 Directions - RZ62015 | D12135158 |

RZ/6/2015 – Beachcomber Site – 200 Main Road, Toukley

State Environmental Planning Policy (SEPP)		Applicable?	Comments
1	Development Standards	No	<ul style="list-style-type: none"> Excluded by Cl. 1.9(2) of WLEP, 2013
14	Coastal Wetlands	No	
15	Rural Land-sharing Communities	No	
19	Bushland in Urban Areas	No	
21	Caravan Parks	No	
26	Littoral Rainforests	No	
29	Western Sydney Recreation Area	No	
30	Intensive Agriculture	No	
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	<ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in potential housing forms for the land, subject to merit assessment via Development Application. The Proposal is consistent with the aims of the Policy.
33	Hazardous and Offensive Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
36	Manufactured Home Estates	Yes	<ul style="list-style-type: none"> The Proposal is not inconsistent with the aims of the Policy.
39	Spit Island Bird Habitat	No	
44	Koala Habitat Protection	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal – land is less than 1 Ha and there is no Koala habitat on site
47	Moore Park Showground	No	
50	Canal Estate Development	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
52	Farm Dams & Other works in Land & Management Plan Areas	No	
55	Remediation of Land	Yes	<ul style="list-style-type: none"> There is no evidence of fill or any site history consistent with potential contamination. Not relevant to this Proposal.
59	Central Western Sydney Regional Open Space and Residential	No	
62	Sustainable Aquaculture	Yes	<ul style="list-style-type: none"> Not relevant to this Proposal
64	Advertising and Signage	Yes	<ul style="list-style-type: none"> The Proposal is not inconsistent with the aims of the Policy.
65	Design Quality of Residential Flat Development (Cont'd Over)	Yes	<ul style="list-style-type: none"> The Proposal will include a Residential Flat Building (as defined by the SEPP), which would be subject to the design quality provisions of the SEPP and merit assessment via DA. Issues for consideration will include the FSR, height, overshadowing, amenity, traffic and parking generation, waste minimisation and foreshore

State Environmental Planning Policy (SEPP)		Applicable?	Comments
65	(Cont'd)		<p>treatment/amenity arising from the development. The proposal will also be subject to the design excellence provisions of the WLEP, 2013, as well as a site specific DCP.</p> <ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in tourist accommodation and permanent housing forms for the land, subject to merit assessment via Development Application. The Proposal is likely to be consistent with the aims of the Policy.
70	Affordable Housing (Revised Schemes)	No	
71	Coastal Protection	Yes	<ul style="list-style-type: none"> The Proposal is located on land within the Coastal Zone, and is land which is identified as a "sensitive coastal location" under SEPP 71 – Coastal Protection. The subject land is situated on the Budgewoi Lake foreshore. The land currently has an SP3 zoning and it is proposed to implement a B4 zoning. This will have no material impact on the issues relevant to the Coastal Protection Act or SEPP 71. Any proposals for development or modification of the foreshore land will be assessed on merit, having regard to the provisions of the SEPP. The Proposal is not inconsistent with the aims of the Policy.
SEPP	Affordable Rental Housing 2009	Yes	<ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in potential housing forms for the land, and is therefore consistent with the aims of the Policy.
SEPP	(Building Sustainability Index: BASIX) 2004	Yes	<ul style="list-style-type: none"> The Proposal is consistent with the aims of the Policy.
SEPP	(Exempt and Complying Development Codes) 2008	Yes	<ul style="list-style-type: none"> E & C Development is enabled by the SEPP for the land. The Proposal is consistent with the aims of the Policy.
SEPP	(Housing for Seniors or People with a Disability) 2004	Yes	<ul style="list-style-type: none"> The Proposal will enable increased density, supply and diversity in potential housing forms for the land, and is therefore consistent with the aims of the Policy.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
SEPP	Infrastructure 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	No	
SEPP	(Kurnell Peninsula) 1989	No	
SEPP	(Major Development) 2005	Yes	▪ Not relevant to this Proposal
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Miscellaneous Consent Provisions) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Penrith Lakes Scheme) 1989	No	
SEPP	(Rural Lands) 2008	Yes	▪ Not relevant to this Proposal
SEPP	SEPP 53 (Transitional Provisions) 2011	No	
SEPP	(State and Regional Development) 2011	Yes	▪ Not relevant to this Proposal
SEPP	(Sydney Drinking Water Catchment) 2011	No	
SEPP	(Sydney Region Growth Centres) 2006	No	
SEPP	(Three Ports) 2013	No	
SEPP	(Urban Renewal) 2010	No	
SEPP	(Western Sydney Employment Area) 2009	No	
SEPP	(Western Sydney Parklands) 2009	No	

Deemed State Environmental Planning Policy (SEPPs which were previously referred to as SREPs before 1/7/2009)		Applicable?	Comments
8	Central Coast Plateau Areas	Yes	▪ Not relevant to this Proposal
9	Extractive Industry (No 2 – 1995)	Yes	▪ Not relevant to this Proposal
16	Walsh Bay	No	
18	Public Transport Corridors	No	
19	Rouse Hill Development Area	No	
20	Hawkesbury-Nepean River (No 2 – 1997)	No	
24	Homebush Bay Area	No	
26	City West	No	
30	St Marys	No	
33	Cooks Cove	No	
SREP	(Sydney Harbour Catchment) 2005	No	



Ministerial Section 117 Directions

Direction	Comment
Employment & Resources	
1.1 Business & Industrial Zones	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Not Applicable</p> <p>Whilst the Direction is not applicable, the Planning Proposal will result in employment growth in the construction, tourism and service industries and will support the viability of the Toukley Town Centre.</p>
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Not Applicable</p>
1.3 Mining, Petroleum Production and Extractive Industries	
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>Not Applicable</p>
1.4 Oyster Aquaculture	
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of</p>	<p>Not Applicable</p>



Direction	Comment
land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Wyong LGA</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>Part of the land is identified as a 'sensitive coastal location' under SEPP 71 as the land is situated on the foreshore of Budgewoi Lake.</p> <p>The proposed change in zoning from SP3 Tourist to B4 Mixed Use will have no impact in terms of the matters for consideration under the Coastal Protection Act or SEPP 71.</p> <p>Potential impacts that might occur as a result of the proposed increase in development potential, particularly in terms of impacts on the natural and scenic environment as a result of bulk, scale and built form, have been addressed through a range of development controls in the draft site specific DCP, which will be utilised to assess and control design details through the development Application assessment process.</p> <p>The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.</p>
2.2 Coastal Protection	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in</p>	<p>Applicable</p> <p>The Proposal is located on land within the Coastal Zone, and is for land which is identified as a</p>



Direction	Comment
<p>the coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p>	<p>"sensitive coastal location" under SEPP 71 – Coastal Protection, being adjacent to Budgewoi Lake.</p> <p>The subject land currently has an SP3 zoning and it is proposed to implement a B4 zoning. This will have no material impact on the issues relevant to the CP Act or SEPP 71.</p> <p>The issues of bulk, scale and overall built form in relation to the natural scenic quality of the surrounding area, are addressed in controls within the site specific Development Control Plan. These issues will be subject to merit assessment of the final design, via the Development Application process.</p> <p>Sufficient controls relating to development on land near the lake foreshore are retained within the WLEP, 2013 (Clauses 5.5, 5.7, 7.1,7.2, & 7.11), to ensure that appropriate environmental assessment will be undertaken prior to the issue of any consent for development on the land. These controls are reinforced through the site specific Development Control Plan, which details the relevant building setback from HWM and the foreshore treatment controls for the site.</p> <p>There is currently no public access to the foreshore in this locality as each lot to the east and west of the site has frontage to High Water Mark. The topography and lack of opportunity for foreshore access was identified within the Toukley Planning Strategy and Masterplan.</p> <p>The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.</p>
<p>2.3 Heritage Conservation</p>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>There are no known sites or relics of European or Aboriginal Heritage significance on or near the land.</p> <p>The Proposal is not inconsistent with this Direction</p>
<p>2.4 Recreational Vehicle Areas</p>	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p>	<p>Applicable</p> <p>The Proposal does not enable the land to be used for</p>



Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	a recreation vehicle area. The proposal is not inconsistent with this Direction.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable</p> <p>The Planning Proposal increases the future housing choice and density on the site that is located within 350m of a town centre and adjacent to an established public transport route.</p> <p>The Proposal will enable a development which will attract and accommodate tourists, who will contribute to the use of local cultural and community facilities, open space, sports and recreation facilities. Support for tourism and the economic benefits both direct and indirect are key objectives of the applicable strategies to Wyong. Council is currently seeking to increase utilisation of existing facilities.</p> <p>The Proposal will allow for the better and more efficient utilisation of existing infrastructure and services. The land is currently serviced with electricity, telephone, water, sewerage and drainage infrastructure which can be embellished to accommodate the development.</p> <p>The Proposal will increase the permissible residential density of the land for a wider variety of quality housing types including multi-level medium density housing. It is a vacant urban in-fill site, not contributing to the consumption of additional land.</p> <p>The proposal is consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The Planning Proposal is not inconsistent with this Direction, or if it is inconsistent, the inconsistency is of a minor nature.</p>
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses.	<p>Applicable</p> <p>Home Occupations provide important economic</p>



Direction	Comment
<p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>activity and job opportunities in the local economy. They often comprise "start-up" level businesses which later expand to larger enterprises and relocate to larger premises. Home Occupations are a permissible use with consent in dwellings in the B4 zone. The proposal is consistent with this Direction.</p>
<p>3.4 Integrating Land Use & Transport</p>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable</p> <p>The Planning Proposal is consistent with the principles of the Direction in terms of locating future housing density proximate to a town centre and adjacent to an established public transport route.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 & 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable</p>
<p>3.6 Shooting Ranges</p>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares</p>	<p>Not Applicable</p>



Direction	Comment
<p>a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable</p> <p>The Site is mapped as being Class 5 Acid Sulfate Soils (ASS) under Wyong LEP 2013. The Planning Proposal does not propose to change the Acid Sulfate mapping under the LEP.</p> <p>As part of any future development of the site investigations regarding the incidence of ASS will be required to be investigated. If ASS are found to be present an Acid Sulfate Soil Management Plan will be required to be prepared.</p> <p>The proposal is not inconsistent with this Direction.</p>
4.2 Mine Subsidence & Unstable Land	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable</p> <p>The land is within the Swansea / North Entrance Mine Subsidence District. The Mine Subsidence Board will impose appropriate building controls for development on the land.</p> <p>The Proposal is not inconsistent with this Direction.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Applicable</p> <p>Council's Flood Mapping indicates that part of the land (the Lake foreshore land below the embankment) is classified as Flood Prone.</p> <p>An SP3 Tourist zoning applies to the whole of the land including down to the High Water Mark. It is proposed to implement a B4 Mixed Use zoning over the same land, as "residential flat building" is not a permissible use within the SP3 zone. This zoning</p>



Direction	Comment
	<p>change will have no material impact on the issues relevant to flood planning for the site, as the change does not "intensify" the permissible residential density or flood risk – tourist apartments are currently permissible, and are materially the same as residential flats. No habitable rooms or structures are proposed within the Flood Prone area.</p> <p>Sufficient controls relating to development on land near the lake foreshore are retained within the WLEP, 2013 (Clauses 5.5, 5.7, 7.1,7.2, & 7.11), to ensure that appropriate environmental assessment will be undertaken prior to the issue of any consent for development on the land. These controls are reinforced through the site specific Development Control Plan, which details the required building setback from HWM and the foreshore treatment controls for the site. These controls provide for future management of likely impacts due to flooding, sea level rise and the shoreline response to sea level rise.</p> <p>The proposal is therefore consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable</p> <p>The land is not classified as Bushfire Prone Land.</p> <p>The proposal is not inconsistent with this Direction.</p>
Regional Planning	
5.1 Implementation of Regional Strategies	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional strategies.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within the Far North Regional Strategy, Lower Hunter Regional Strategy, Central Coast Regional Strategy, Illawarra Regional Strategy & South Coast Regional Strategy.</p>	<p>Applicable.</p> <p>The Central Coast Regional Strategy (CCRS p29) provides under the Key Economic Opportunities for the Region, that "the regions tourism advantages are (also) likely to increase". The Planning Proposal will enable a development which will attract and accommodate tourists and permanent residents, who will contribute to the fuller utilisation of local cultural and community facilities, open space, sports and recreation facilities.</p> <p>A proposal of this nature will also result in job creation in the management and service industries. Support for tourism and the economic benefits both</p>



Direction	Comment
	<p>direct and indirect are key objectives of the applicable strategies to Wyong.</p> <p>This vacant urban in-fill development site also has the potential to contribute strongly to the provision and variety of housing in the locality.</p> <p>The development of tourist accommodation is important to the economy of the Region and the concurrent development of the land for medium density housing will lead to the better utilisation of existing infrastructure and services.</p> <p>As a Shire, the strategy anticipates that Wyong will be required to create an additional 27,000 jobs. The construction and ongoing operational jobs which will be created by a development of this nature (approx. \$52.8M construction cost) addresses this aspect of the Strategy.</p> <p>The Proposal is consistent with this Direction.</p>
5.2 Sydney Drinking Water Catchments	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City and Richmond Valley Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>



5.8 Second Sydney Airport: Badgerys Creek	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development. The proposal is consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal does not seek to reserve land for public purposes.</p> <p>The Proposal is not inconsistent with this Direction</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable</p> <p>The Proposal will apply a zone existing within the EPI to the land. The proposal will adjust site specific provisions as they apply to Key Sites under Wyong LEP 2013. The adjustments requested are not more restrictive than those which currently apply.</p> <p>The Proposal is consistent with this Direction.</p>
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
<p>Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Wyong LGA.</p>

5.5 Councillor Attendance - 2016 Australian Institute of Company Directors (AICD) Australian Governance Summit

TRIM REFERENCE: F2004/06517 - D12167675

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

The Australian Institute of Company Directors (AICD) Australian Governance Summit is being held 3 - 4 March 2016 in Melbourne Victoria.

RECOMMENDATION

- 1** *That Council authorise those interested Councillors to attend the Australian Institute of Company Directors Australian Governance Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.*
- 2** *That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.*

BACKGROUND

The inaugural AICD Australian Governance Summit will focus on *Directing for Performance* and is designed to enhance governance capabilities and provide insights into best practice and trends.

The Summit will provide the opportunity to:

- Connect with a community of established and aspiring directors
- Hear from leading authorities on governance and directorship
- Discover best practices that will strengthen the governance of your organisation
- Understand how today's leaders plan to solve tomorrow's boardroom challenges

THE PROPOSAL

The AICD Australian Governance Summit will be held at the Melbourne Convention Centre, South Wharf Melbourne, Victoria on 3 and 4 March 2016.

Councillors have expressed interest in attending this course.

STRATEGIC LINKS

Wyong Shire Council Strategic / Annual Plan

Nil impact.

Budget Impact

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

The AICD Australian Governance Summit	Councillor Fees
Registration	\$ 1,475
Accommodation	\$ 900
Travel (Return flights)	\$ 320
Car hire	\$ 390
Sustenance	\$ 600
Total (estimate) inc GST	\$ 3,685

CONSULTATION

Nil.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

Part of clause D11 as well as clauses D12 and D17 is relevant in this instance:

Attendance at Conferences, Workshops, Seminars, Professional Development and Training Courses

- D11 Council will reimburse expenses for attendance at conferences, workshops and seminars as follows:
- Each event must be authorised by Council resolution.
 - Each event must relate to the business of the Council
 - A combined total of six attendances, per Councillor, per year.
 - The limit of six will only include those events occurring over one or more consecutive days unless otherwise approved by Council.
 - Total reimbursement of attendance cost per conference, per Councillor is limited to \$5,000 (except where authorised by the Chief Executive Officer) with a maximum total cost for conferences per year of \$12,000, subject to a total expenditure limit for all Councillors of \$100,000 per year.
 - The maximum number of Councillors authorised to attend an event is 3 with the exception of the Local Government NSW annual conference and National General Assembly of Local Government or as resolved by Council. These conferences are not included in the cost threshold.
 - Where Council has incurred costs and a replacement is not nominated by the Mayor/Deputy Mayor and the elected member's non-attendance is not a family or

employment or medical emergency, all costs incurred by Council will be charged to the elected member.

- Before requesting attendance Councillors must satisfy themselves:
 1. that the program is likely of benefit to Council, the Community and/or to his/her professional development as an elected member
 2. that he/she is able to commit the time necessary to attend the conference sessions in the terms of this policy

D12 The attendance costs that will be paid up front to the event organiser or reimbursed to the Councillor under this section are identified as follows:

- Registration costs – costs charged by organisers including official luncheons dinners and tours which are relevant to the interests of this Council.
- Travel costs (actual costs as detailed in the travel section of this policy)
- Accommodation (actual costs for accommodation as detailed in the accommodation section of this policy)
- Sustenance (food and beverage) limit of \$150.00 per day per Councillor and verified by receipts
- Out of pocket expenses such as Internet and phone access, laundry limit of \$50.00 per day per Councillor and verified by receipts.
- Cost of mandatory textbooks or other supporting documentation if separate to course fees limit \$500 per course
- Spouse and Partner Costs (as detailed in the Spouse and Partner Section of this Policy)."

Spouses, Partners, Carer and Accompanying Persons

D17 Council will pay the cost as further described in this section, for a spouse or partners or carer or one accompanying person per Councillor and children under 18 years in attending the following events as per the table below:

Event	Registration	Ticket	Accommodation	Sustenance	Partner Tours	Travel	Carer
Other Council approved conferences and events including any Councillor Workshop	No	No	Yes. If staying in same room as Councillor and no additional tariff charges are incurred as a result of the additional persons in the room (eg room upgrade, bedding, linen)	Yes if for official conference events. (eg formal dinner, welcome drinks) No additional meals and beverages included	No	Yes. If travelling In company of Councillor in same vehicle No additional air or other travel fares included)	Yes"

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

Attendance at this course will be in accordance with Council's Facilities and Expenses Policy for Councillors.

ATTACHMENTS

- 1 2016 AICD Australian Governance Summit Brochure D12167660

AUSTRALIAN INSTITUTE
of COMPANY DIRECTORS

AUSTRALIAN GOVERNANCE SUMMIT

DIRECTING FOR PERFORMANCE

Thursday 3 to Friday 4 March 2016, Melbourne

companydirectors.com.au/ags

#govsummit16

WELCOME TO THE AUSTRALIAN GOVERNANCE SUMMIT

This new event is an evolution of our past conferences designed to enhance the governance capabilities of our members. We have gathered more than 40 of Australia's leading authorities on governance and directorship, and structured a program that will deliver real insights into best practice and trends.

The inaugural Australian Governance Summit will focus on *Directing for Performance*.

“Governance is part of every aspect of our society. As the gold standard for governance in the nation, the Australian Institute of Company Directors leads the conversation to transform governance from conformance to performance.”

John Brogden AM FAICD

MD & CEO, Australian Institute of Company Directors



The Summit provides you with the opportunity to:

- › Connect with a community of established and aspiring directors
- › Hear from leading authorities on governance and directorship
- › Discover best practices that will strengthen the governance of your organisation
- › Understand how today's leaders plan to solve tomorrow's boardroom challenges

RELEVANT TOPICS

You will also be able to customise your Summit experience by choosing the topics best suited to you. Leading experts from the ASX listed, private, not-for-profit and public sectors will discuss issues, debate ideas and share war stories.

KEYNOTE AND PLENARY SESSIONS

Our keynote and plenary sessions are designed to inspire you to governance excellence and provoke robust discussion and debate with your peers and colleagues.

SECTOR SESSIONS

The sector sessions target the unique needs of four sectors: ASX listed, private, not-for-profit and public sector. Day one topics are themed around organisational effectiveness and day two focusses on long-term sustainability.

GENERAL SESSIONS

The general sessions consider the most topical day-to-day issues facing directors and provide insights into how these issues impact on governance and directing for performance.

NETWORKING

Our networking events provide you with the opportunity to meet and connect with like-minded directors and governance professionals from around Australia.

WHO SHOULD ATTEND?

The Australian Governance Summit is the pre-eminent event for any director or governance professional.

Whether you report to a board, are an aspiring or established director or chair, our program is designed to guide you to achieve excellence in governance.

REGISTRATION INCLUSIONS:

- › Access to all plenary sessions
- › A choice of two sector-specific sessions
- › A choice of two general sessions
- › All-day summit catering
- › Welcome reception
- › Networking breakfast
- › Biggest boardroom lunch
- › Pre- and post-summit articles, research, videos and content

EVENT DETAILS

Date

Thursday 3 to Friday 4 March 2016

Venue

Melbourne Convention Centre
1 Convention Centre Place, South Wharf, Melbourne

Cost (GST Exempt)

Member: \$1,475.00 / Non-member: \$1,875.00

Contact

Nicky Leadley, Manager – Conference and Forums
t: 02 8248 6600 e: govsummit@aicd.com.au

Register online at companydirectors.com.au/ags
or return the completed form on this brochure



PROGRAM

THURSDAY 3 MARCH 2016
DAY 1: 8.00AM TO 7.00PM

Registration

Opening and welcome

Directing for performance

Speaker: David Gonski AC FAICDLife

Morning tea

Your choice of sector session

ASX: The board's role in influencing culture

Speaker: Mark Burrell

Panellists: Brian Schwartz AM FAICD and Greg Tanzer

Private Enterprise: The benefits of a board

Speaker: Andrew Mostyn FAICD

Panellists: Amanda Kailis GAICD

and Patricia Kailis AM OBE FAICD

NFP: Performance measures and metrics

Panellists: Paul Murnane FAICD

and Justine Jarvinen GAICD

Public Sector: Integrity management and public responsibility

Speakers and Panellists TBC

Networking lunch

Your choice of general session

Tax reform in action

Speaker: Grant Wardell-Johnson

Panellists: Jane Michie and David Linke

The board's role in strategy and risk

Speaker: Simon McKeon AO FAICD

Panellist: David Shortland MAICD

Afternoon tea

Tales from the corporate battlefield

Speakers: Roger Corbett AO FAICD

and Siobhan McKenna

Close

Welcome reception – networking drinks and canapés

FRIDAY 4 MARCH 2016
DAY 2: 7.00AM TO 5.00PM

Networking breakfast

Welcome

Policy making for the long-term

Moderator: Jennifer Hewett

Panellists: Graham Bradley AM FAICD

and Christine Hawkins FAICD

Morning tea

Your choice of sector session

ASX: CEO succession planning

Speaker: Graham Bradley AM FAICD

Panellist: Dr Sally Pitkin FAICD

Private Enterprise: Identifying the succession pipeline

Speakers and Panellists TBC

NFP: Mergers and acquisitions

Speaker: Lynn Wood FAICD

Panellist: Susan Pascoe AM FAICD

Public Sector: Innovative and collaborative models of governance

Speaker: Göran Roos

Panellists: Dr Marlene Kanga FAICD,

Andrew Balmaks MAICD and Erma Ranieri

The biggest boardroom lunch

Speaker: Diane Smith-Gander FAICD

Your choice of general session

Driving productivity from the boardroom

Speakers and Panellists TBC

Technology and disruption in action

Speaker: Guy Holland

Panellists: Nigel Phair GAICD and Susan Oliver FAICD

Afternoon tea

Directing for performance

Speaker: Lt Gen. David Morrison AO (Rtd)

Close

* Visit our website for a full list of Summit speakers. Program correct at time of publication, but may be subject to change.

KEYNOTE SPEAKERS



David Gonski AC FAICD Life
Directing for performance

David is Chair of the Australian and New Zealand Banking Group Ltd and Coca-Cola Amatil Limited. He is also Chancellor of the University of New South Wales, Chair of the Sydney Theatre Company and the UNSW Foundation Ltd. David is a member of the SIC External Advisory Panel and the board of the Lowy Institute for International Policy and is a Patron of the Australian Indigenous Education Foundation and Raise Foundation.



Diane Smith-Gander FAICD
The biggest boardroom lunch

Diane is Chair of Transfield Services, Non-executive Director of Wesfarmers, and a Board Member of the Committee for Perth. Previously, Diane has held roles as Deputy Chair of NBN Co, Non-executive Director of the CBH Group and Commissioner of Tourism WA. Diane's last executive role was Group Executive at Westpac, a Member of the leadership team of the corporation, responsible for all information technology, back office operations, global vendor management and property.



Lt Gen. David Morrison AO (R)
Directing for performance

General Morrison concluded his appointment as Australia's Chief of Army in May 2015. In his tenure at the top of Australia's Army, David has faced many leadership challenges but he is probably best known for his strong public stance on gender equality and leading cultural change in large organisations. He has led a dynamic, energetic work force of over 30,000 men and women, has had to address business resilience issues and handled the immediacy of decision making required during periods of crisis management.



Jennifer Hewett

Policy making for the long term

Jennifer is the National Affairs Columnist for *The Australian Financial Review*, Australia's national financial and political paper. She writes a daily column for page two of the paper discussed on business and political issues. Jennifer has been a journalist for more than three decades, working in Canberra, Sydney and the US for major Australian papers owned by News and Fairfax. She also appears regularly on TV and radio. Originally from Western Australia, she now lives in Sydney with her family.



Roger Corbett AO FAICD

Tales from the corporate battlefield

Roger has been involved in the retail industry for more than 40 years. He is a Director of the Reserve Bank of Australia, Wal-Mart Stores, Inc. and Chair of Mayne Pharma Group Limited, the Salvation Army Advisory Board, Australian Eastern Territory and a member of the Dean's Advisory Group, Faculty of Medicine University of Sydney. Previously, Roger has held roles as CEO and Director of Woolworths Limited, Managing Director of BIG W Australia and Director of Operations for David Jones Australia.



Siobhan McKenna

Tales from the corporate battlefield

Siobhan is a Director of Ten Network Holdings Ltd, Nova Entertainment, The Australian Ballet, a Trustee of the MCG Trust and the Managing Partner of a media investment company, Illyraia Pty Ltd. She has previously held positions as Commissioner of the Australian Productivity Commission, Chair and Board Member of NBN Co, Partner of McKinsey & Company, Director of the Australian Fashion Chamber, member of the ANU Finance Committee, and member of the Advisory Board of the Australian Bureau of Meteorology.

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ASX	The board's role in influencing culture	<input type="checkbox"/>	
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	Mergers and acquisitions		<input type="checkbox"/>
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	Innovative and collaborative models of governance		<input type="checkbox"/>

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5.6 The Entrance Town Centre App Proposed Fees and Charges

TRIM REFERENCE: F2014/00795 - D12190764
MANAGER: Peter Stokes, Manager Property Management
AUTHOR: Darryl Rayner; Manager Workplace Change

SUMMARY

Council has recently provided free Wi Fi to The Entrance Town Centre. Stage 2 of this project involves a free smart phone App which will include the ability for retailers to display promotions and special offers via the App. A standard fee for retailers to access this facility is proposed. This report seeks to adopt amendments to the Fees and Charges schedule for 2015-16, subject to submissions received during the public exhibition period.

RECOMMENDATION

- 1 That Council exhibit the proposed fees and charges for Retailer Access to The Entrance Town Centre App for public comment for a period of 28 days in accordance with Section 610F and 205 of the Local Government Act, 1993.**
- 2 That Council request a further report be submitted if objections are received in response to the proposed fee.**

BACKGROUND

In late December 2015, Council introduced a free Wi Fi service for residents and visitors within The Entrance Town Centre precinct. During early 2016, there will be further enhancement of this service through the provision of a smart phone App which will provide information on issues within the Town Centre, including a facility for retailers to advertise offers and special promotions via the App. Any retailer wishing to make use of this facility will need to pay an annual fee. As the fee was not adopted in the 2015/16 Fees and Charges, it is proposed to set a fee for the remainder of the current financial year.

This report seeks Council's endorsement to place the proposed fees on exhibition for public comment.

CURRENT STATUS

There is no fee currently in place and roll-out of the app is expected during January/February 2016, so it is necessary that the proposed fee be advertised as soon as possible so that the facility can be promoted to retailers.

THE PROPOSAL

The estimated annual maintenance and operating costs of around \$45,000 for the free Wi Fi and App can be partially off-set by retailer and third party advertising. It is proposed that the initial annual fee for retailers be \$500 (excluding GST), to be charged on a monthly pro-rata basis for the remainder of 2015/2016. A new annual fee will then be set in the 2016/17 Fees and Charges process. The opportunity also exists to attract significant third party advertising using the App, any proposal by a third party would be negotiated and reported separately to Council.

OPTIONS

Option 1

Charge a higher fee. The proposed fee of \$500 per annum is considered reasonable for retailers within The Entrance Town Centre.

Option 2

Charge no fee. This would result in no off set income to Council.

STRATEGIC LINKS

Long term Financial Strategy

The increase to Council's income will help off-set the cost of providing this service, which is consistent with the principles in the Long Term Financial Strategy.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

CONCLUSION

It is considered that this fee will be attractive to retailers and allow for benefits to flow to the local business community, as well as off-set some of the cost of providing the service.

ATTACHMENTS

Nil.

5.7 Future Operation of Pools and Lake Haven Recreation Centre

TRIM REFERENCE: F2004/06260 - D12202039

MANAGER: Maxine Kenyon, Director

AUTHOR: Brett Sherar; Manager

SUMMARY

This report is to inform Council of the outcome of negotiations with the Young Men's Christian Association (YMCA) in relation to the Resolution of Council on 9 September 2015 for the General Manager to negotiate a one year extension to the contract for Wyong Pool and Recreation Centre and to provide recommendations for alternate management options for these and The Entrance Baths and Toukley Pool.

RECOMMENDATION

- 1 That Council decline YMCA's offer for a non-guaranteed cost based contract to manage Lake Haven Recreation Centre and Wyong Pool for the period July 2016 – June 2017 due to a change in their commercial management philosophy.**
- 2 That Council approve the operation of the Lake Haven Recreation Centre as a community facility until master planning by Council staff of the area is finalised or until a further review can occur after the likely amalgamation of Wyong and Gosford councils.**
- 3 That Council approve that the temporary management of The Entrance Baths, Wyong Pool and Toukley Pool be undertaken by Council staff until a further review can occur after the likely amalgamation.**
- 4 That Council temporarily increase fulltime equivalent staffing by seven in the Open Space and Recreation unit to allow for the temporary provision of services at Wyong Pool, The Entrance Baths and Toukley Pool.**

BACKGROUND

Following a report to the Ordinary Meeting of Council on 9 September 2015, recommending the extension of the contract for Wyong Pool and Lake Haven Recreation Centre (LHRC), Council unanimously resolved as follows:

"964/15 That Council note that significant master planning is occurring in and Wyong where the Recreation Centre and Wyong Pool are located. Due to this, and the possibility of changes to the area, there may be financial impacts on future possible tender outcomes.

- 965/15 *That Council determine a satisfactory result would not be achieved by going to Tender due to master planning being undertaken on these sites and the likelihood of changes to the sustainability of the facilities in the next twelve months.*
- 966/15 *That Council request the General Manager to negotiate a one year extension to the contract with Young Men's Christian Association (YMCA to manage both Lake Haven Recreation Centre and Wyong Pool."*

YMCA currently have contracts to manage and operate Lake Haven Recreation Centre, Wyong Pool, The Entrance Baths and Toukley Pool. Their contract ends on 30 June 2016. For the last year, the operations of all facilities cost Council \$1.2m including the costs of the YMCA contract.

CURRENT STATUS

Staff wrote to and met with various YMCA staff to implement this resolution, unfortunately due to their staff changes, delays occurred in the negotiations. Negotiations have now taken place and their offer for extending their contract for Lake Haven Recreation Centre and Wyong Pool until the end of June 2017 is not recommended. Their offer is based around a non-guaranteed pricing agreement with Council holding all the risk. Two reasons were given for this approach, the first being a new management philosophy that diverts financial risk from YMCA to the facility owner and secondly their modelling of the Recreation Centre (LHRS) membership has shown a likely reduction of between 20-40% due to the new health centre opening at Doyalson Returned and Services League (RSL).

Although requested to provide a cost for just Wyong Pool and LHRC, the YMCA included Toukley pool in their proposal. Their estimated loss, and expected Council contribution, for 2016/17 financial year was \$310,000.00 based on LHRC only losing 20% membership. However, the non-guaranteed pricing arrangement means that their proposal would require Council to fund whatever the costs ended up being.

Master planning at both Lake Haven and Wyong Pool sites is still yet to be finalised.

Staff have undertaken an indicative assessment of the costs of running The Entrance Baths, Wyong Pool and Toukley Pool using YMCA figures compared to the costs of using Council staff.

With the YMCA contract ending on 30 June 2016, other arrangements must be made. However with Gosford and Wyong council's likely amalgamation this year, s.23A guidelines need to be considered. Council must consider where any proposed contract exceeds the 1% of rates revenue threshold and will reduce the options available to the new Council. The total cost of providing the four YMCA managed sites for 2014/15 was \$1,161,856. This included YMCA contract cost, utilities, other operating costs and capital works. The 2015/16 projected costs for the same is \$1,362,742. Estimated costs for 2016/17 are similar to 2015/16 but these are uncertain until a new management process is adopted. If Council were to enter into new external contracts for management of these sites, this could be seen as locking the new Council into a particular method and budget allocation for operating pools / recreation centres for a period. If this situation does occur and therefore deviates from the s.23A guidelines, a clear and reliable explanation on the options needs to be provided and considered and show that all other reasonable alternatives have been considered.

Gosford City Council currently manage their pools and recreation centres through day labour, however informal advice from staff has identified that they would also like to review their service model as a result of the amalgamation.

THE PROPOSAL

The following proposal includes all three Council pools, being the Entrance Baths, Wyong Pool and Toukley Pool, as well as LHRC. Staff are mindful of the services provided to the community at all sites and have considered the potential impact if this service is changed. The proposed recommendations aim to minimise this impact.

The offer from YMCA for management of the Lake Haven Recreation Centre, Wyong Pool (and Toukley Pool even though not requested by Council) is a non-guaranteed pricing agreement with Council holding all the risk. This is not a feasible option to manage operations and considering s.23A guidelines it would have an impact of an unknown amount into the future of a newly amalgamated council. As a result, it is not recommended to accept the YMCA offer for the one year extension on the two sites.

The options below, also considered the unknown timeframes of the amalgamation process and therefore recommendations are provided that enable the most flexibility to enable a new Council to have the time needed to review the operations and identify the future business model required.

Recreation Centre

Based on the master planning proposed for this site and the shorter time frame for any potential contract, staff investigated a number of options:

- Going out to tender – based on the shorter time frame available and as YMCA note, there are many private providers of gyms emerging and the value from a short term contract would unlikely attract contracts that would provide a positive financial return to Council.
- Council staff run the facility as it currently operates – We do not have Council staff on board with the required skills, it will require additional staff and would also require purchase of relevant equipment (ie gym equipment) if the gym were to continue to operate.
- Council run the facility as a community facility – we have existing procedures for managing community buildings. This could be an additional facility allowing individuals to book the spaces. Fees and charges would be required in the 2016/17 strategic plan. It would mean that the space would not include a gym as this would require extensive purchase or lease of equipment (there are many privately provided gyms located in the area). This would also enable ease of management if there are changes required as a result of master planning and provide some income to Council for use of the space, rather than it being closed. This would not require additional FTE. With the departure of YMCA, they would need to communicate and manage their membership base.

Wyong Pool

Based on the master planning proposed for this site and the shorter time frame for any potential contract, staff investigated a number of options:

- Going out to tender –based on the shorter time frame available the value from a short term contract would unlikely attract contracts that would provide a positive financial return to Council.
- Council staff run the facility – This site would need a Centre Manager to oversee the site operations. The facility would require an additional 2.2 FTE and operate for seven months of the year. Council lifeguards could be utilised, however this would also require additional FTE to ensure existing lifeguard services are maintained. This would be a relatively easy service to transition to Council and maintain services to the community.

The Entrance Baths

The Entrance Baths is a relatively simple operation and it is free, so the only income is through the kiosk.

- Council staff run the facility - Council undertook a cost benefit analysis in relation to the most efficient way to provide the current level of service to The Entrance Baths. The analysis identified that if the lifeguard service reverted to being provided by the lifeguards day labour staff with toilet cleaning being undertaken by current staffing, the estimated savings to Council are \$84,000.00 per annum. This would require an additional temporary 1 FTE. The building facilities onsite, including the kiosk, could be leased for a commercial return where possible. However, if not possible, Council staff could operate the kiosk.

Toukley Pool

Toukley Pool is a busy facility and seems to function well.

- Go out to Expression of Interest – to operate the facility on behalf of Council. Given the s.23A guidelines the time period offered would be shorter than 5-10 years which would be ideal and provide a contractor an opportunity to develop and invest in a service and the facility. It is envisaged that a lesser time frame may not provide incentive to appropriate offers.
- Council staff run the facility – Council does not have appropriate staffing to manage this facility, this would require additional temporary FTE of 3.8.

Recommendations:

For Wyong Pool, The Entrance Baths and Toukley Pool, it is recommended that:

- all sites be temporarily managed by Council staff at the conclusion of the YMCA contract
- additional temporary Full Time Equivalent (FTE) staff of 7 is required to be recruited on a temporary basis to undertake this work
- due to the likely amalgamation that this be a temporary arrangement until it can be reviewed by the new Council and the best model is determined.

For Lake Haven Recreation Centre it is recommended that:

- the site be temporarily managed by existing Council staff as a community facility at the conclusion of the YMCA contract
- due to the likely amalgamation that this be a temporary arrangement until it can be reviewed by the new Council and the best model is determined.

Depending on the approach taken by Council, communication with current users of all facilities will be required, noting that YMCA will need to directly engage with their members.

OPTIONS

All of the recommendations are based on trying to get the most appropriate return for Council given the following:

- The YMCA offer received to extend the contract for Lake Haven and Wyong was not financially viable
- The short time frame available to implement options until the YMCA contract ends on 30 June 2016
- To consider other planning being undertaken on key sites and future potential impact
- To maintain the service or part of the service where possible
- To minimise the cost to Council
- To consider the s.23A guidelines as a result of the likely amalgamation and therefore undertake these arrangements on a temporary basis until a new Council is in place and can determine their business model for pools and recreation centres.

Council may choose either of the following options for any of the services / facilities:

- a. Close the services
- b. Go out to external contract / call for expressions of interests
- c. Undertake the services using Council staff.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community Recreation	Recreational Planning and Development	Facilities and Services	General Fund	Community Recreation

Contribution of Proposal to the Principal Activity

These facilities provide a service to the community which is used by individuals, sporting and recreation groups.

Long Term Financial Strategy

Costs of managing all centres are included in the Long Term Planning Strategy.

Asset Management Strategy

No change as assets will not change based on change of management strategy.

Workforce Management Strategy

With the recommendation for all pools to be managed using day labour, there will need to be a temporary increase in FTE of 7. These FTE will sit within the Open Space and Recreation unit. This is not currently identified in the Workforce Management Strategy.

Link to Community Strategic Plan (2030)

Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

Budget Impact

Currently the cost of managing these facilities is approximately \$1.4m per annum which includes YMCA overheads. It is envisaged that the above options will reduce this financial burden on Council. However until a determination is made we will not be able to fully understand the detailed operations of each facility and the potential savings we could make, likely until the YMCA exit the facilities and we operate them.

Other than staffing costs which will likely be higher due to different industrial awards, most other cost will be maintained. These include utilities, being water, electricity and gas, capital expenditure and depreciation. Savings will be made in contract management cost and YMCA corporate overheads, likely offsetting any extra staffing costs. Some of these staff will need to commence in 2016/17 to ensure appropriate handover from YMCA is undertaken, this may require consideration at a quarterly review.

New fees and charges will need to be developed and adopted through the 2016/17 strategic planning process for all sites.

CONSULTATION

No external consultation was undertaken other than requesting an offer from YMCA.

GOVERNANCE AND POLICY IMPLICATIONS

It is considered that all recommendations in this report meet procurement guidelines.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

Increases in staff will be managed within the s.23A Guidelines ensuring no increase in permanent staffing to provide the alternate management of the facilities. It is recommended that staff be engaged on a temporary basis to enable the service to operate and for the newly amalgamated Council to determine the future approach to these services.

MATERIAL RISKS AND ISSUES

Reputation management of these services and facilities will require an appropriate handover from YMCA to the new operations and for staff to be brought on prior to the end of contract to enable handover to occur.

CONCLUSION

Due to YMCA's offer being dependant on a non-guaranteed financial agreement with Council carrying all financial risk, it has become necessary to undertake a different approach to the management of Council's pools and recreation centre. In addition, with the likely imminent merger of Gosford and Wyong councils it is recommended that these solutions are temporary until such time a review can be undertaken with all Central Coast Council pool and recreation facilities, therefore meeting s.23A guidelines.

The recommended options are considered the most financially beneficial to Council considering the current master planning and the likely amalgamation of Wyong and Gosford councils, while still providing essential services to the community.

ATTACHMENTS

Nil.

5.8 Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee

TRIM REFERENCE: F2004/07986 - D12204403

MANAGER: Greg McDonald, Director

AUTHOR: Peter Ham; Manager

SUMMARY

This report proposes a revision to clarify the membership term of Committee Members.

RECOMMENDATION

That Council adopt the Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.

BACKGROUND

The Charter of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee was last reviewed in January 2013.

A draft revised Charter showing tracked changes is attached for discussion (Attachment 2), along with a copy of the current Charter for the sake of comparison (Attachment 1).

The main amendments are as follows:

- Clarification of the term of the Committee, and
- Clarification of the term of membership for Community members

The revised Charter was reviewed at the Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee on 3 December and it was resolved unanimously:

“That the Committee request Council to adopt the Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.”

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled “*Council Decision Making during Merger Proposal Periods*” pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- | | | |
|---|----------------------------------------------------------------------------|-----------|
| 1 | Tuggerah Lakes Estuary Coastal and Floodplain Management Committee Charter | D03292368 |
| 2 | Revised Committee Charter November 2015 | D12204445 |

CHARTER

TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE

1. MEMBERSHIP

Voting Members (7)

- | | | |
|---|-------------------|--------------------------------------------|
| 1 | Mayor | (If in attendance will be the Chairperson) |
| 3 | Councillors | (One to Chair if Mayor is not present) |
| 3 | Community Members | |

Regular Non-Voting Members (5)

- | | | |
|---|---------------------------|------------------------------------------|
| 2 | OEH Representatives | (NSW Office of Environment and Heritage) |
| 3 | Wyong Shire Council Staff | (Estuary, Coastal & Floodplain) |

Irregular Non-Voting Representatives

(by specific invitation when a relevant item is being discussed as per clause 8)

- | | |
|---|-------------------------------------------|
| 1 | NSW State Emergency Service |
| 1 | NSW DPI Fishing and Aquaculture |
| 1 | NSW Hunter/Central Rivers CMA |
| 1 | NSW Land & Property Information |
| 1 | NSW Roads & Maritime Services |
| 1 | Local Aboriginal Community Representative |
| 1 | Commercial Fishing Representative |

2. OBJECTIVE

The principal objective of the Committee is to advise Council on the development and implementation of Estuary, Coastal, and Floodplain Risk Management Plans. In particular:

- Providing a link between the local community and Council,
- Overseeing the collection of necessary data,
- Overseeing the consideration of management options,
- Advising on implementation strategies for management plans,
- Advising on the effectiveness of management plans during and after their implementation, and
- Advising on coordination with other government agencies, advisory bodies or stakeholders, and
- Advising on associated funding, capital works, maintenance & operations, environmental protection, social and economic opportunities, financial sustainability, planning instruments, land management, community education, or associated policy or strategy.

3. MEETING TIMEFRAMES

The interval between meetings will not exceed three months but will usually be monthly except January each year.

Notification will be given by the Chairperson at least one week in advance together with a copy of the proposed agenda.

4. DECISION MAKING PROCEDURES

The Committee has no delegated powers from Council; rather, it has an advisory role.

The Committee reports directly to Council.

5. QUORUM

A quorum shall consist of 4 voting members.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson shall reschedule the meeting for another time.

6. COMMITTEE MEMBERS' NON-ATTENDANCE AT MEETINGS

Committee members are expected to attend all Committee meetings.

Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, the organisation that that person represents will be requested to replace its representative.

7. EXPENSES OF COMMITTEE MEMBERS

Each participating organisation with membership of the Committee shall meet all costs of their member's participation and attendance at Committee Meetings.

8. NON-MEMBERS' ATTENDANCE AT COMMITTEE MEETINGS

Any persons shall be permitted to attend meetings subject to:

- Prior agreement at the previous meeting, if the invitee is known, or
- Agreement by the Chairperson.

Such person may be requested to provide input by virtue of having special knowledge or information for the benefit of members, or may come as an observer, in which case no contribution is allowed.

Permission to attend the meeting can be withdrawn at any time by the Chairperson.

9. VACANCY

If for any reason a vacancy is created, the position shall be filled by nomination from the affected organisation as soon as practicable after the vacancy has occurred.

If a community member position becomes vacant then it shall be filled via a public expressions-of-interest process.

10. CHAIRPERSON

The Chairperson will be the designated Councillor/alternate, or the Mayor if present.

11. SECRETARY

The position shall be filled by an Infrastructure Management Department staff member.

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

12. AGENDA

All agenda items shall be submitted to the Secretary 14 days before the meeting. Members submitting items should ensure the content is given in sufficient detail to assist members understand the issues raised, or by providing additional supporting information.

If a Committee member wishes to raise an urgent/late item that is not on the agenda, it is at the Chairperson's discretion to determine the appropriate manner for dealing with the matter.

13. MINUTES

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- a. Description of the meeting, date, time and venue at which the meeting was held.
- b. A list of persons present.
- c. Notification of endorsement of minutes from previous the meeting.
- d. Whether there was business arising from the minutes.
- e. Notation of reports or correspondence.
- f. Items of general business.
- g. Time meeting closed, date and venue for next meeting.

14. PROCEDURE FOR CHANGING THE CHARTER

- a. Council may amend the Charter by resolution.
- b. The following procedures shall apply for the Committee to consider amendment to the Charter.
 - Any proposed changes will require the support of the majority of the voting Committee membership.
 - Proposed amendments to the Charter can be effective only after approval by the Council.
- c. Any requests from Council management to amend the charter shall be directed to the management representative for submission to the Committee.

15. TERM

The Committee will report to the Council and cease operation on 1 October 2016.

The Committee will cease to operate before that time if Council adopts a review of the Committee that indicates that the Committee is either not fulfilling or is in breach of its Charter.

Established	31 May 1995
Reports to	Council
File Reference	F2004/07986
Reviewed	6 December 2012
Adopted by Council	23 January 2013

DRAFT FOR DISCUSSION

CHARTER
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN
MANAGEMENT COMMITTEE

1. MEMBERSHIP**Voting Members (7)**

- | | | |
|---|-------------------|--------------------------------------------|
| 1 | Mayor | (If in attendance will be the Chairperson) |
| 3 | Councillors | (One to Chair if Mayor is not present) |
| 3 | Community Members | |

Regular Non-Voting Members (5)

- | | | |
|---|---------------------------|------------------------------------------|
| 2 | OEH Representatives | (NSW Office of Environment and Heritage) |
| 3 | Wyong Shire Council Staff | (Estuary, Coastal & Floodplain) |

Irregular Non-Voting Representatives (by specific invitation when a relevant item is being discussed as per clause 8)

- | | | |
|---|-------------------------------------------|--|
| 1 | NSW State Emergency Service | |
| 1 | NSW DPI Fishing and Aquaculture | |
| 1 | NSW Hunter/Central Rivers CMA | |
| 1 | NSW Land & Property Information | |
| 1 | NSW Roads & Maritime Services | |
| 1 | Local Aboriginal Community Representative | |
| 1 | Commercial Fishing Representative | |

2. OBJECTIVE

The principal objective of the Committee is to advise Council on the development and implementation of Estuary, Coastal, and Floodplain Risk Management Plans. In particular:

- Providing a link between the local community and Council,
- Overseeing the collection of necessary data,
- Overseeing the consideration of management options,
- Advising on implementation strategies for management plans,
- Advising on the effectiveness of management plans during and after their implementation, and
- Advising on coordination with other government agencies, advisory bodies or stakeholders, and
- Advising on associated funding, capital works, maintenance & operations, environmental protection, social and economic opportunities, financial sustainability, planning instruments, land management, community education, or associated policy or strategy.

3. MEETING TIMEFRAMES

The interval between meetings will not exceed three months but will usually be monthly except January each year.

Notification will be given by the Chairperson at least one week in advance together with a copy of the proposed agenda.

4. DECISION MAKING PROCEDURES

The Committee has no delegated powers from Council; rather, it has an advisory role.

The Committee reports directly to Council.

5. QUORUM

A quorum shall consist of 4 voting members.

If for any reason a quorum is not present within half an hour of the scheduled commencement of the meeting, the meeting shall be rescheduled.

If, before the scheduled meeting date, the Chairperson has knowledge that a quorum will not be present, the Chairperson shall reschedule the meeting for another time.

6. COMMITTEE MEMBERS' NON-ATTENDANCE AT MEETINGS

Committee members are expected to attend all Committee meetings.

Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, the organisation that that person represents will be requested to replace its representative.

7. EXPENSES OF COMMITTEE MEMBERS

Each participating organisation with membership of the Committee shall meet all costs of their member's participation and attendance at Committee Meetings.

8. NON-MEMBERS' ATTENDANCE AT COMMITTEE MEETINGS

Any persons shall be permitted to attend meetings subject to:

- Prior agreement at the previous meeting, if the invitee is known, or
- Agreement by the Chairperson.

Such person may be requested to provide input by virtue of having special knowledge or information for the benefit of members, or may come as an observer, in which case no contribution is allowed.

Permission to attend the meeting can be withdrawn at any time by the Chairperson.

9. VACANCY

If for any reason a vacancy is created, the position shall be filled by nomination from the affected organisation as soon as practicable after the vacancy has occurred.

If a community member position becomes vacant then it shall be filled via a public expressions-of-interest process.

10. CHAIRPERSON

The Chairperson will be the designated Councillor/alternate, or the Mayor if present.

11. SECRETARY

The position shall be filled by ~~an Infrastructure Management Department~~ Councillor Services staff member.

A suitable meeting place and facilities will be made available by Council for the conduct of Committee meetings.

12. AGENDA

All agenda items shall be submitted to the Secretary 14 days before the meeting. Members submitting items should ensure the content is given in sufficient detail to assist members understand the issues raised, or by providing additional supporting information.

If a Committee member wishes to raise an urgent/late item that is not on the agenda, it is at the Chairperson's discretion to determine the appropriate manner for dealing with the matter.

13. MINUTES

Minutes of all ordinary/extraordinary Committee meetings will be kept in the Corporate Information filing system.

The Secretary is responsible for recording the minutes, which shall contain:

- a. Description of the meeting, date, time and venue at which the meeting was held.
- b. A list of persons present.
- c. Notification of endorsement of minutes from previous the meeting.
- d. Whether there was business arising from the minutes.
- e. Notation of reports or correspondence.
- f. Items of general business.
- g. Time meeting closed, date and venue for next meeting.

14. PROCEDURE FOR CHANGING THE CHARTER

- a. Council may amend the Charter by resolution.
- b. The following procedures shall apply for the Committee to consider amendment to the Charter.
 - Any proposed changes will require the support of the majority of the voting Committee membership.
 - Proposed amendments to the Charter can be effective only after approval by the Council.
- c. Any requests from Council management to amend the charter shall be directed to the management representative for submission to the Committee.

15. TERM

The Committee will report to the Council and cease operation ~~on 1 October 2016~~ at each general Council election. All Committee Members, including Community Members, shall remain in office (subject to this Charter) for the full term of the Council, and until the next general Council election. Committee membership shall be reconstituted after each general Council election.

The Committee will cease to operate before that time if Council adopts a review of the Charter that indicates that the Committee is either not fulfilling or is in breach of its Charter.

Established	31 May 1995
Reports to	Council
File Reference	F2004/07986
Reviewed	6 December 2012 <u>26 October 2015</u>

5.9 Review of Meeting Procedures - Amend Code of Meeting Practice

TRIM REFERENCE: F2004/06502 - D12190285

MANAGER: Brian Glendenning, General Counsel

AUTHOR: Lesley Crawley; Manager Corporate Governance

SUMMARY

Reporting a proposal for minor amendments to Council's Code of Meeting practice as a result of a review of meeting procedures emanating from enquiries made by the Office of Local Government.

RECOMMENDATION

- 1 That Council amend the Code of Meeting Practice in accordance with the draft Code attached to this report.**
- 2 That the Council exhibit the amended Code for public comment in accordance with the provisions of the Local Government Act, 1993.**
- 3 That Council adopt the amended Code of Meeting Practice subject to no significant objections being received as a result of the public exhibition.**

BACKGROUND

The *Local Government Act 1993* (the Act) and the *Local Government Regulations* (the regulations) make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors. Council may adopt a code of meeting practice that incorporates the regulations and supplements those regulations with provisions that are not inconsistent with them.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

Wyong Shire Council adopted its current code of meeting practice in 2011 after a comprehensive review of the entire document, in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009. Minor amendments to the Code were made in 2013.

CURRENT STATUS

In December 2015 the Office of Local Government (OLG) made enquiries in relation to the manner in which Council uses the exception method to deal with items of business at its meetings.

5.9 Review of Meeting Procedures - Amend Code of Meeting Practice (contd)

The current Code of Meeting Practice provides that items of business reported to Council as Information Reports (ie with a staff recommendation for the report to be '*Received and Noted.*') may be considered by the exception method. The intent was to provide an avenue for Council to adopt, as a group, a number of information reports where Councillors indicated that there was no intention to debate the matter. The exception method supports efficient meeting practice and frees up more time for other items to be debated. More recently Council had also been varying its meeting practice to consider any of its items under the exception method.

THE PROPOSAL

It is proposed to amend the Code of Meeting Practice to formalise the current process of varying meeting practice to consider reports via the exception method. The Code will be amended to enable any item on the business paper to be adopted via the exception method with the exception of the following:

- Matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or
- Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

The proposal will require an amendment to the order of business clause and the clauses relating to the exception method and information reports. More detail is provided in the table below.

As part of the general review of the Code two other items of housekeeping are also proposed.

- Include the Special Disclosure of Interest provisions as recently amended in the *Local Government Act 1993* (the Act). A councillor is no longer required to disclose the nature of a pecuniary interest (s451(1)) or remove themselves from the meeting of the council or committee (s451(2)) where the pecuniary interest arises only because of an interest of the councillor in the councillor's principle place of residence or an interest of another person (whose interests are relevant under s443) in that person's principle place of residence, where the councillor has made a special disclosure in relation to the interest before the commencement of the meeting (s451(4)(a1)). As a result, councillors with property interests, other than their principle place of residence, within a local government area will be precluded from participating in the consideration of planning changes which relate to these areas. This is a significant change which has been introduced by the Minister in order to prevent councillors from participating in the consideration of changes to a planning instrument affecting an area in which they have a pecuniary interest.
- Amend the definition of 'due notice' to reflect current practice of provision of business papers via electronic means no later than 5 days prior to the meeting (note the Act prescribes a notice period of 3 days).
- Amend the 'Order of business' clause to include the consideration of Urgency motions for late reports (those reports issued outside the 5 day notice period require a motion of urgency to be passed in order to be considered).

A schedule detailing the items is provided below and a 'track changes' version of the amended code is attached to this report. The separate index at the rear of the document is yet to be updated as the version contains track changes which have a false effect on page numbering. The rear index will be updated when the new Policy is adopted.

Table of Proposed Amendments

Clause No	Proposed Amendment	Comment
NA	<p>Definition of 'due notice' Amend part (b) to provide for 5 days' prior notice of business to be transacted at the meeting.</p> <p align="center"><i>(b) provided to the members of the Council or Committee 5 days prior to the meeting.</i></p>	Reflects current practice
NA	<p>Definition of 'exception method' Insert definition of exception method.</p> <p align="center"><i>exception method means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:</i></p> <ul style="list-style-type: none"> - <i>A resolution of Council to use the Exception Method</i> - <i>The exclusion of reports nominated by Councillors to be considered individually</i> - <i>The exclusion of matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest;</i> - <i>The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.</i> 	Reflects current practice
3.6.4	<p>Late Reports Delete 7 days and replace with 5 days.</p> <p align="center"><i>For matters not listed on the agenda of meetings and where less than (5) days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.</i></p>	To align with amendment to due notice provision
5.3.2	<p>Order of Business for Ordinary Meetings Include items for consideration of motions for 'Late Items' and 'Exception Method'. Delete Committee Reports as these are reported by the GM/Director in accordance with the Act and delete reference to Information reports by exception method.</p>	Reflects current practice

Clause No	Proposed Amendment	Comment
	<p>5.3.2 <i>The general order of business for Ordinary Meetings of Council will be:</i></p> <ul style="list-style-type: none"> (a) <i>Opening Prayer</i> (b) <i>Acknowledgement of Country</i> (c) <i>Apologies/Requests for leave of absence</i> (d) <i>Report on Disclosure of Pecuniary and Non-Pecuniary Interests</i> (e) <i>Report on Proposed Inspections</i> (f) <i>Report on Proposed Briefings</i> (g) <i>Report of Address by Invited Speakers</i> (h) <i>Notice of Intention to Deal with Matters in Confidential Session</i> (i) <i>Confirmation of Ordinary Meeting Minutes</i> (j) <i>Confirmation of Extraordinary Meeting Minutes</i> (k) <i>Confirmation of Confidential Meeting Minutes</i> (l) <i>Business Arising out of the Minutes</i> (m) <i>Minutes of the Mayor</i> (n) <i>Consider Motion of Urgency for Late Items</i> (o) <i>Consider Motion for Exception Method</i> (p) <i>Reports of Directors and General Manager</i> (q) <i>Reports of Delegates</i> (r) <i>Information Reports</i> (s) <i>Question of which due notice has been given</i> (t) <i>Answers to Questions without on Notice</i> (u) <i>Notices of Motion</i> (v) <i>Notices of Rescission</i> (w) <i>Motions of Urgency</i> (x) <i>Questions on Notice</i> (y) <i>Correspondence</i> (z) <i>Confidential Items</i> 	
5.10.14 and 5.10.15	<p>Exception Method Insert details of how to consider reports via exception method</p> <p>5.10.14 <i>Council may resolve to consider items of business via the Exception Method other than the following items of business:</i></p> <ul style="list-style-type: none"> (a) <i>Report on Disclosure of Pecuniary and Non-Pecuniary Interests</i> (b) <i>Matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or</i> (c) <i>Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.</i> 	Reflects current practice

Clause No	Proposed Amendment	Comment
	<p>5.1015 <i>The method of adoption of reports by Exception will be as follows:</i></p> <p>(a) <i>The Chairperson will call for a motion that indicates the manner in which Reports will be considered as follows:</i></p> <ul style="list-style-type: none"> • <i>“That Council use the exception method to deal with the balance of the Agenda.”</i> <p>(b) <i>Should Council resolve to consider the reports individually the meeting will proceed in accordance with adopted meeting practice.</i></p> <p>(c) <i>Should Council resolve to consider the reports by nominated exception the Chairperson will:</i></p> <ul style="list-style-type: none"> • <i>Invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution and adopting the remainder of the reports and recommendations in total.</i> • <i>Seek a mover and seconder for the following motion:</i> <p style="padding-left: 40px;"><i>“That with the exception of report numbers ..., ..., and ... Council adopt the recommendations contained in the remaining reports.”</i></p> <ul style="list-style-type: none"> • <i>The Chairperson will then call the excluded items in order of how each were listed on the business paper and call the Councillor who nominated the item to move a motion in respect of the item.</i> 	
5.11.2	<p>Councillor responsibility to disclose Pecuniary Interest</p> <p>Include the provisions of the Act relating to Special Disclosures in relation to planning instruments.</p> <p>(4) <i>Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:</i></p> <p>(a) <i>the matter is a proposal relating to:</i></p> <p style="padding-left: 40px;"><i>(i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council’s area, or</i></p>	<p>Reflect provisions of the Act</p> <p>Note recent change where</p>

Clause No	Proposed Amendment	Comment
	<p><i>(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and</i></p> <p><i>(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and</i></p> <p><i>(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.</i></p> <p><i>(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:</i></p> <p><i>(a) be in the form prescribed by the regulations, and</i></p> <p><i>(b) contain the information required by the regulations.</i></p>	
5.15	<p>Information Reports Delete references in Clause that related to the Exception method as reports other than just Information reports may now be included in the Exception Method process.</p>	Reflect current practice
7.14	<p>Matters to be recorded in the minutes Include section in table identifying provisions of the Local Government Regulation 2005 which require that a full copy of the schedule of Special Pecuniary Interest be included in the minutes.</p> <p><i>A special disclosure of interest made at a meeting of council or committee including the individual schedule, in full as completed by the Councillor.</i></p>	Reflect the provisions of the Act and the Regulations

OPTIONS

- 1 Adopt the amended Code of Meeting Practice as proposed for exhibition.
- 2 Identify further amendments to Code of Meeting Practice as proposed for exhibition.
- 3 Reject the suggested changes and retain the current Code of Meeting Practice.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

The Community Strategic Plan 2030 identifies a list of objectives including Civic Leadership. Objective 9(a) states that *“government is conducted with openness and transparency involving the community in the decisions that affect it.”* The adoption and continual review of the Code of Meeting Practice contributes to a suite of governance arrangements put in place by Wyong Shire Council to meet the objective of Civic Leadership in the community strategic plan and therefore is underpinned in Council’s strategic and operational plans.

Budget Impact

Nil

CONSULTATION

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

Should Council adopt the proposal for exhibition the amended Code will be placed on public exhibition in accordance with the above provisions. Should no submissions be received the Code will be adopted. If submissions are received the submissions will be reported to Council for further consideration.

GOVERNANCE AND POLICY IMPLICATIONS

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

Consideration of Gosford City Council Policy

On 6 January 2016 the Minister for Local Government advised Council that he had referred his formal “merger proposal” to the Chief Executive of the Office of Local Government. The making of that proposal was the first step in the formal process under the Local Government Act 1993 to (potentially) amalgamate the Wyong and Gosford local government areas.

While there are several formal processes to be undertaken before a final determination in relation to a merger is made, it is prudent for Council to consider the policies in place at Gosford City Council (GCC) when making adjustments to its own policies.

5.9 Review of Meeting Procedures - Amend Code of Meeting Practice (contd)

The GCC Code of Meeting Practice was last adopted in 2013. The GCC Code contains identical provisions to the WSC code in relation to those in the Act and Regulations. These provisions make up the bulk of the Code. There are some minor differences between the WSC and GCC Codes which would require further detailed investigation and more properly should be considered by the new council, if formed. Given that the scope of amendments in this proposal do not represent a materially different departure between the two Codes it is considered that the amendments proposed will not affect any future review of the Code under a new Council.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

MATERIAL RISKS AND ISSUES

Nil

CONCLUSION

A review of the Code of Meeting Practice has been undertaken to ensure that the Code reflects legislative requirements and current meeting practice. Several amendments are recommended to Council for adoption.

ATTACHMENTS

- 1 Code of Meeting Practice - Council Meeting 27 January 2016 Attachment D12206601 (with track changes)



Wyong
Shire
Council

POLICY No: WSC069

CODE OF MEETING PRACTICE

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AUTHORITY	NAME & TITLE
AUTHOR	
MANAGER	
DIRECTOR	
CHIEF EXECUTIVE OFFICER	Rob Noble

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	

History of Revisions:

Version	Date	TRIM Doc. #
1	November 2011	D02903535
2	November 2012	D03180087
3	October 2014 (as per Council resolution 28/8/2013)	D11738375
4	10 December 2014	D11747236
5	27 January 2016 Draft for Council Meeting	



TABLE OF CONTENTS

	Page
1 GENERAL.....	6
1.1 Making of this Code.....	6
1.2 Citation.....	6
1.3 Scope and Objectives.....	6
1.4 Amendment to the Code	7
1.5 Definitions	7
1.6 Other Definitions	10
1.7 Legislation	10
2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS.....	10
2.1 Notice of Meetings	10
2.2 Convening of Meetings.....	12
3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS.....	14
3.1 Agendas and Business Papers for Council and Committee Meetings.....	14
3.2 Staff Reports and Recommendations	15
3.3 Confidential Matters	16
3.4 Confidential information not to be disclosed	16
3.5 Councillor Requests for reports.....	17
3.6 Availability of Items on Agenda.....	17
3.7 Agendas and Business Papers for Extraordinary Meetings.....	18
3.8 Access and Availability of Agendas and Business Papers	19
4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS	20
4.1 Quorum	20
4.2 Presence and Departure at Council and Committee Meetings.....	21
4.3 Seating in the Chamber.....	22
4.4 Entitlement to Attend Committee Meetings.....	22
4.5 Attendance of the General Manager	22
4.6 Attendance and Exclusion from Council and Committee Meetings.....	22



5	CONDUCT OF COUNCIL MEETINGS	29
5.1	Chair of Meetings of Council and Committees	29
5.2	Rights and Duties of the Chairperson of Meetings of Council and Committees	30
5.3	Order of Business at Meetings of Council and Council Committees.....	31
5.4	Transaction of Business at Meetings of Council and Committees	33
5.5	Motions and Resolutions of Council.....	34
5.6	Mayoral Minutes.....	36
5.7	Notices of Motion and Notices of Motion to Rescind.....	36
5.8	Rescinding or Altering Resolutions.....	37
5.9	Rules of Debate	39
5.10	Voting.....	42
5.11	Disclosure of Pecuniary and Non- Pecuniary Interests	46
5.12	Letters, Submissions or Petitions	48
5.13	Confidential Session of Council or Committee.....	49
5.14	Questions	49
5.15	Information Reports.....	51
6	KEEPING ORDER AT MEETINGS	53
6.1	Responsibility and Authority for Keeping Order at Meetings.....	53
6.2	Points or Questions of Order.....	54
6.3	Acts of Disorder	54
6.4	Dealing with Disorder	56
6.5	Maintenance of Public Order at Meetings	57
6.6	Power to Remove Persons from Meeting after Expulsion	58
7	MINUTES	59
7.1	Minutes.....	59
7.2	Business Arising from Minutes	63
8	COMMITTEES	63
8.1	Committees of Council.....	63
9	MISCELLANEOUS	65



9.1	Matters not covered by this Code	65
9.2	Non – Official Recording of meeting of council or committee	66
9.3	Official Audio Recording of Council and Committee Meetings	66
9.4	Council Seal	67
10	ALPHABETICAL INDEX	69
11	AMENDMENTS	74
11.1	Schedule 1	74
11.2	Schedule 2	76
11.3	Schedule 3	78



1 GENERAL

1.1 Making of this Code

This Code is made under the Local Government Act, 1993 and in accordance with the Local Government (General) Regulation, 2005 and subsequent amendments.

1.2 Citation

This Code may be cited as the "Code of Meeting Practice".

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act, 1993).
- 1.3.3 The provisions of this Code are substantially based on the provisions of the Local Government Act, 1993 and Part 10 (Meetings) of the Local Government (General) Regulation, 2005, subsequent amendments and Council policy decisions.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the Shire's ratepayers, residents and visitors.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support the basic organisation principle of Councillors not involving themselves in the day-to-day administration



of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

1.4 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

agenda means a list of items for consideration at a meeting together with reports and other attachments relating to those items.

amendment means a motion moved as an alternative to the original motion.

chairperson

- (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the Local Government Act 1993; and
- (b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Council of the Shire of Wyong

Committee means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005.

confidential session is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10(A) of the Local Government Act 1993.

council chamber includes the public gallery, the foyer areas on the ground floor and the first floor immediately adjacent to the meeting room.



Councillor means a councillor of the Shire of Wyong and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Shire of Wyong.

due notice means:

- (a) a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting;
- (b) ~~delivered-provided~~ to the members of the Council or Committee 5 days prior to the meeting, 7 days by pre-paid post or 5 days by hand.

EP&A Act means the Environmental Planning and Assessment Act

exception method means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:

- A resolution of Council to use the Exception Method
- The exclusion of reports nominated by Councillors to be considered individually
- The exclusion of matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest;
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

General Manager is the General Manager of Wyong Shire Council, or in the absence of that person, the employee designated to act for the General Manager.

Mayor means the Mayor of the Shire of Wyong.

meeting room means:

- Civic Centre - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- Committee Rooms (Civic Centre) First Floor - Inside the doors of the Committee Room being used for the meeting.



- Any Other Location - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media representatives or guests.

misbehaviour for the purposes of this Code means, any of the following:

- (a) a contravention by the Councillor of the Local Government Act, 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.

original Motion means the motion before the meeting at the time.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* :

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

record means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council or of a Committee of Council.



the Regulation means the Local Government (General) Regulation, 2005.

the Act or **this Act** means the Local Government Act, 1993 unless specified.

this Code means the Shire of Wyong Code of Meeting Practice.

Urgency in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

1.6 Other Definitions

Except as otherwise provided, expressions used in this code which are defined in the dictionary at the end of the Act have meanings set out in the dictionary of the Act.

1.7 Legislation

References to Act and Regulation

1.7.1 This code is made pursuant to Clause 360(2) of the Act.

The Council and a Committee of which all members are Councillors must conduct its meetings in accordance with this Code in accordance with Clause 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.

2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

Notice of meeting to Councillors

2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.

2.1.2 Section 367 of the Act

(2) *Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. The General Manager would decide what an emergency is.*

(3) *A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the*



business papers in that form.

Notice of Meetings
to the Public

2.1.3 Section 232 of the Regulation

- (1) *This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.*
- (2) *A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (3) *The notice must specify the time and place of the meeting.*
- (4) *Notice of more than one meeting may be given in the same notice.*
- (5) *This clause does not apply to an extraordinary meeting of a council or committee.*

Frequency of
Ordinary Meetings
of Council and
Committees

2.1.4 Section 365 of the Act

Council is required to meet at least 10 times each year, each time in a different month.

2.1.5 Ordinary meetings of Council will be held as follows:

- on the second and fourth Wednesday of the months February to November inclusive.
- on the fourth Wednesday in January
- on the second Wednesday of December.

2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.

2.1.7 Ordinary meetings will commence at 5:00pm.

2.1.8 Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.

2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the



Council Chambers, unless the Council or a Committee by resolution decides to meet in another location.

- 2.1.10 Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.
- 2.1.11 Ordinary Meetings of Council will conclude at 9.00pm.
- 2.1.12 Council can suspend standing orders to allow the meeting to continue.
- 2.1.13 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of
Extraordinary
Meetings

- 2.2.1 Section 366 of the Act

"If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request."

- 2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.
- 2.2.3 The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.
- 2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.
- 2.2.5 The General Manager must ensure that the agenda for an Extraordinary Meeting of a council deals only with the matters stated in the notice of the Meeting. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the



business in the agenda is finished.

Convening of
Extraordinary
Meetings for the
Election of Mayor

2.2.6 Section 290 of the Act

"The election of the Mayor by Councillors is to be held:

(a) if it is the first election after an ordinary election of Councillors - within three weeks after the ordinary election; or

(b) if it is not that first election or an election to fill a casual vacancy - during the month of September; or

(c) if a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the Council to be held within 14 days after the occurrence of the vacancy."

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on a Wednesday in September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy will be held on a Wednesday, commencing at 5.00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in accordance with Schedule 7 of the Regulation.

Convening of
Extraordinary
Meetings of the
Election of Deputy
Mayor

2.2.12 The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be conducted immediately after the conclusion of the election of the Mayor.

2.2.13 The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers,



method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.

2.2.14 Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the notice calling the meeting.

2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content

3.1.1 Clause 240 of the Regulation

- (1) *The General Manager must ensure that the business paper for a meeting of Council or a Committee states:

 - (a) *all matters to be dealt with arising out of the proceedings of former meetings of Council;*
 - (b) *if the Mayor is the Chairperson - any business that the Mayor may decide to put before the meeting without notice; and*
 - (c) *any business of which due notice has been given that has not been excluded under Clause 240 (2) of the Regulation.**
- (2) *The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.*

Page 14



- (3) *The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

General Manger's authority for staff reports and recommendations

3.2.1 All staff reports are to be made to the General Manager who will exercise discretion on their presentation to Council or Committee.

3.2.2 Where two or more feasible alternatives arise from a staff report, the General Manager may decide the alternative to be recommended to Council or a Committee for consideration.

3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.

3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.

Recommendations for staff reports

3.2.5 Staff reports should include a single recommendation:

- (a) where clearly defined policy exists; or
- (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.

Identification and numbering of staff reports

3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.

3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.

3.2.8 Questions on Notice will be numbered consecutively for



each calendar year.

3.3 Confidential Matters

- | | | |
|----------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confidential matters circulated separately | 3.3.1 | If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately. |
| Confidential matters referred to in business paper | 3.3.2 | If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act. |

3.4 Confidential information not to be disclosed

- | | | |
|--------------------------------------|-------|------------------------|
| Disclosure and misuse of information | 3.4.1 | Section 375 of the Act |
|--------------------------------------|-------|------------------------|
- (1) *A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:*
- (a) *with the consent of the person from whom the information was obtained, or*
 - (b) *in connection with the administration or execution of this Act, or*
 - (c) *for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or*
 - (d) *in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or*
 - (e) *with other lawful excuse.*
- (1A) *In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.*



(1B) Subsection (1A) does not apply to:

- (a) the report of a committee of a council after it has been presented to the council, or
- (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
- (c) disclosure made in circumstances prescribed by the regulations, or
- (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

3.5 Councillor Requests for reports

- | | |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor request for EP&A Act Part 4 Application | 3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors. |
| | 3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act. |

3.6 Availability of Items on Agenda

- | | |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Removal of items from the agenda | 3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting. |
| Items unavailable to certain Councillors | 3.6.2 Where a councillor is, or in the opinion of the General Manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10a of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person. |
| Late Reports | 3.6.3 As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the |



item is to be considered.

- 3.6.4 For matters not listed on the agenda of meetings and where less than ~~(75)~~ days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.
- 3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting.

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

- (1) *The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.*
- (2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
- (a) *a motion is passed to have the business transacted at the meeting, and*
 - (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) *Despite clause 250 (limitation on the number of speeches), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion
not permitted on

- 3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee



Agendas and
Business Papers
for Extraordinary
Meetings

where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas
and Business
Papers

3.8.1 Section 9 of the Act

(2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

(2A) *In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:*

(a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*

(b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

(3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*

(4) *The copies are to be available free of charge.*

(5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

Web Access to
Agendas and
Business Papers

3.8.2 Agendas and Business Papers will be posted on the WSC website as soon as possible after electronic distribution to the Councillors.

Media access to
Agendas and
Business Papers

3.8.3 Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors.

Commercial or

3.8.4 Other persons or organisations may access copies of

VALUE. CREATE. LEAD.



other access to Agendas and Business Papers

business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the WSC website.

Community groups access to Agendas and Business Papers

3.8.5 Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows:

- (a) The community group must formally register its interest in writing on an annual basis.
- (b) Each group being restricted to one copy of the business paper for each meeting.
- (c) The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting.
- (d) Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group received prior advice of that item.

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.

4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

Absence of a quorum

4.1.1 Clause 233 of the Regulation

(1) *A meeting of Council or a Committee must be adjourned if a quorum is not present:*

(a) within half an hour after the time designated for the holding of the meeting;

OR

(b) at any time during the meeting.

Page 20



- (2) *In either case, the meeting must be adjourned to a time, date and place fixed:*
- (a) *by the Chairperson; or*
 - (b) *in his or her absence - by the majority of the Councillors present; or*
 - (c) *failing that, by the General Manager.*
- (3) *The General Manager must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence	4.2.1 Clause 235A of the Regulation	<p>(1) <i>A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.</i></p> <p>(2) <i>A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.</i></p>
Presence at meetings	4.2.2 Clause 235A of the Regulation	<p><i>A Councillor cannot participate in a meeting of Council or a Committee unless personally present at the meeting and is present in the meeting room.</i></p>
Departure from meetings	4.2.3 Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.	4.2.4 Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion and voting on that matter the Councillor will be excluded from being present in the area



defined in this Code as the Council Chamber.

4.3 Seating in the Chamber

Seating in the Chamber	4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.
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4.4 Entitlement to Attend Committee Meetings

Mayor member of each Committee	4.4.1 The Mayor is a member of each Committee and entitled to attend all meetings of Committees.
Non member Councillor attendance at Committee meeting	<p>4.4.2 Clause 263 of the Regulation</p> <p><i>A Councillor who is not a member of a Committee is entitled to attend and speak at a meeting of a Committee; however the Councillor is not entitled:</i></p> <ul style="list-style-type: none"> (a) <i>to give notice of business for inclusion in the business paper for the meeting; or</i> (b) <i>to move or second a motion at the meeting; or</i> (c) <i>to vote at the meeting.</i>

4.5 Attendance of the General Manager

Attendance and Participation of General Manager at Council or Committee Meetings	<p>4.5.1 Section 376 of the Act</p> <ul style="list-style-type: none"> (1) <i>The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.</i> (2) <i>The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.</i> (3) <i>However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.</i>
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4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the Public	4.6.1 Section 10 of the Act
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- (1) Except as provided by this clause:
- (a) Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, except as provided by this clause.
 - (b) A Council must ensure that all meetings of the Council and of such Committees are open to the public.
- (2) A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:
- (a) by a resolution of the meeting;
 - (b) by a ruling of the Chairperson if the Council has, by resolution, authorised the Chairperson to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

Exclusion of the Public

4.6.2 Section 10A of the Act

- (1) Council, or a Committee of which all the members are Councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in sub-clause (10A) (2); or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than Councillors);
 - (b) the personal hardship of any resident or ratepayer;
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;



- (d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- (e) information that would, if disclosed, prejudices the maintenance of law;
- (f) matters affecting the security of Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on Community Land.

(3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

(4) A Council, or a committee of Council of which all members are Councillors, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public as to whether that part of the meeting should be closed.

4.6.3 It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position.

Representations
by members of the
Public – Closure of
part of meeting

4.6.4 Clause 252 of the Regulation

- (1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.



Closure of Parts of Meetings – Further Limitations

(2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*

4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.

4.6.6 Section 10B of the Act

(1) *A meeting is not to remain closed during the discussion of anything referred to in section 10(A)(2) of the Local Government Act 1993:*

(a) *except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*

(b) *if the matter concerned is a matter other than a personnel matter concerning particular individuals (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to public interest.*

(2) *A meeting is not to be closed during the receipt and consideration of information or advice referred to in section (10A)(2)(g) of the Local Government Act 1993 unless the advice concerns legal matters that:*

(a) *are substantial issues relating to a matter in which the council or committee is involved, and*

(b) *are clearly identified in the advice, and*

(c) *are fully discussed in that advice.*

(3) *If a meeting is closed during the discussion of a motion to close another part of the meeting to the public, the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than*



consideration of whether the matter concerned is a matter referred to in section 10A(2) of the Local Government Act 1993.

(4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

(5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

Note: The matters in 10A and the limitations in 10B are provided side by side in a table to assist clarity. See Schedule 2.

Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

(1) Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2) of the Local Government Act 1993, and
- (b) the council or committee, after considering any representations made under section 10A(4) of the Local Government Act 1993, resolves that further



discussion of the matter:

- (i) should not be deferred (because of the urgency of the matter), and
- (ii) should take place in a part of the meeting that is closed to the public.

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (1) *The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A(2) of the Local Government Act 1993,*
 - (b) *the matter that is to be discussed during the closed part of the meeting;*
 - (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

- (1) *A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.*
- (2) *This section does not apply if the correspondence or reports:*
 - (a) *relate to a matter that was received or discussed, or*
 - (b) *were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.*
- (3) *This section does not apply if the council or committee*



Wyong
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Council

resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.



5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees

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| Chair of Meetings of Council | 5.1.1 Section 369 of the Act |
| | <p>(1) <i>The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.</i></p> <p>(2) <i>If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.</i></p> |
| Chair of Meetings of Committees | 5.1.2 The Chairperson of each Committee meeting must be: |
| | <p>(a) the Mayor; or</p> <p>(b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or</p> <p>(c) if Council does not elect such a member - a member of the Committee elected by the Committee.</p> |
| | 5.1.3 Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson. |
| | 5.1.4 If neither the Mayor nor the Deputy Chairperson of a Committee is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the committee to be acting Chairperson of the Committee. |
| Election of Temporary Chairperson at Council and Committee Meetings | 5.1.5 Clause 236 of the Regulation |
| | <p>(1) <i>If no Chairperson is present at a meeting of Council or a Committee at the time designated for the holding of the meeting, the first business of the meeting must be election of a Chairperson to preside at the meeting.</i></p> <p>(2) <i>The election must be conducted;</i></p> <p>(a) <i>by the General Manager or, in his or her absence, an employee of Council designated by the General</i></p> |



Manager to conduct the election, or;

- (b) *if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.*
- (3) *If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.*
- (4) *For the purposes of subclause (3), the person conducting the election must:*
 - (a) *arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and*
 - (b) *then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.*
- (5) *The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.*

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to have precedence

5.2.1 Clause 237 of the Regulation

When the Chairperson rises during a meeting of Council or a Committee:

- (1) *any Councillor then speaking or seeking to speak must immediately resume his or her seat; and*
- (2) *every Councillor present must be silent to enable the Chairperson to be heard without interruption.*

Chairperson's Duty With Respect to Motions

5.2.2 Clause 238 of the Regulation

- (1) *It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*



- (2) *The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) *Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees

Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings

5.3.1 Clause 239 of the Regulation

- (1) *At an ordinary meeting of Council (other than an Extraordinary Meeting) the general order of business is (except as provided by the Local Government (General) Regulation 2005) as fixed by the Council's Code of Meeting Practice or if its Code of Meeting Practice does not fix the general order of business as fixed by resolution of the Council (Clause 239(1) of the Local Government (General) Regulation 2005).*
- (2) *The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.*
- (3) *Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.*

Order of Business for Ordinary Meetings-

5.3.2 The general order of business for Ordinary Meetings of Council will be:

- (a) Opening Prayer
- (b) Acknowledgement of Country
- (c) Apologies/Requests for leave of absence
- (d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests
- (e) Report on Proposed Inspections
- (f) Report on Proposed Briefings
- (g) Report of Address by Invited Speakers
- (h) Notice of Intention to Deal with Matters in Confidential Session
- (i) Confirmation of Ordinary Meeting Minutes
- (j) Confirmation of Extraordinary Meeting Minutes



- (k) Confirmation of Confidential Meeting Minutes
- (l) Business Arising out of the Minutes
- (m) Minutes of the Mayor
- (n) ~~Committee Reports~~ Consider Motion of Urgency for Late Items
- (o) Consider Motion for Exception Method
- (p) Reports of Directors and General Manager
- (q) Reports of Delegates
- (r) ~~Consideration and Adoption of~~ Information Reports ~~either individually or with nominated exceptions, or in total~~
- (s) Question of which due notice has been given
- (t) Answers to Questions without on Notice
- (u) Notices of Motion
- (v) Notices of Rescission
- (w) Motions of Urgency
- (x) Questions on Notice
- (y) Correspondence
- ~~(yz)~~ Confidential Items

5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.

Order of Business of Extraordinary Meetings - after a Local Government Election - fixed by this Code

5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country
- (c) Apologies
- (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
- (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor
- (h) Determine Committees for the term of the Council
- (i) Election of Committee members for the term of
- (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
- (k) Determine delegation of Authorities to Committees for the term of Council
- (l) Election of Delegates and Representatives for the term



of the Council.

- (m) Determination of Times and Dates of meetings for the term of the Council.
- (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
- (o) Setting venue and date for the briefing of Councillors.

Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election

5.3.5 The General Order of Business at the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, will be:

- (a) Opening prayer
- (b) Acknowledgement of Country
- (c) Apologies
- (d) Mayoral Report for past term
- (e) Determine the method of voting to be used for the election of Mayor and Deputy Mayor
- (f) Election of Mayor
- (g) Election of Deputy Mayor

5.4 Transaction of Business at Meetings of Council and Committees

Giving notice of business

5.4.1 Clause 241 of the Regulation

(1) *Council must not transact business at a meeting of Council or a Committee;*

- (a) *unless a Councillor has given notice of the business in accordance with this Code; or*
- (b) *unless a Councillor has given notice of the business in accordance with this code; and*
- (c) *unless contained in a report by the General Manager or a Department Director through the General Manager; and*
- (d) *notice of the business has been sent to the Councillors in accordance with this Code.*

(2) *Sub clause (1) does not apply to the consideration of business at a meeting if the business:*

- (a) *is already before, or directly relates to a matter that is already before the Council or;*
- (b) *is the election of a chairperson to preside at the meeting as provided by clause 236(1) of this Code;*
- (c) *is a Mayoral minute;*



- (d) *is a motion for the adoption of recommendations of a Committee.*
- (3) *Despite sub clause (1) business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, but only if:*
- (a) *a motion (which may be moved without notice) is passed to have the business transacted at the meeting; and*
- (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*
- (4) *Despite clause 34 of this Code, only the mover of a motion referred to in sub clause 3 above can speak to the motion before it is put.*

Business not to be transacted for reports on Inspections and Briefings

5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.

5.5 Motions and Resolutions of Council

Motions and Resolutions

5.5.1 A Council must resolve transactions by resolution of a vote by the majority.

5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.

5.5.3 A motion must be seconded by another Councillor before debate can proceed.

5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.

Motions to be Moved/Seconded

5.5.5 Clause 246 of the Regulation

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).

5.5.6 Despite the clause above, the chairperson may allow the



mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion.

Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.

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| Seconded may reserve the right to speak. | 5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate. |
| Debate of motion and amendment | 5.5.8 It is permissible to debate the motion and an amendment concurrently. |
| Content of Amendment | 5.5.9 An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion. |
| | 5.5.10 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost. |
| Withdrawal of Amendment | 5.5.11 An amendment may be withdrawn or modified by the mover with the consent of the seconder. |
| Recording of Motions and Amendments | 5.5.12 Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes. |
| Further amendments | 5.5.13 Clause 247 of the Regulation

<i>If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.</i> |
| | 5.5.14 If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting. |
| Foreshadowed amendments | 5.5.15 Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content. |

5.5.16 Foreshadowed amendments are not recorded in the

VALUE. CREATE. LEAD.



minutes.

5.6 Mayoral Minutes

Mayoral Minute entitlement	<p>5.6.1 Clause 243 of the Regulation</p> <p>(1) <i>If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.</i></p> <p>(2) <i>Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.</i></p> <p>(3) <i>A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.</i></p>
Content of Mayoral Minutes	<p>5.6.2 It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.</p> <p>5.6.3 Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.</p>
Mayoral Minute amendment by Councillors	<p>5.6.4 Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.</p>

5.7 Notices of Motion and Notices of Motion to Rescind

Form of lodgement and content of notice of motion	<p>5.7.1 Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.</p>
General Manager may amend notice of motion	<p>5.7.2 The General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In such event the General Manager will, as soon as is practicable, inform the author</p>



of the notice of motion of the action which the General Manager has taken and the reasons for that action.

Limitation on number of notices of motion	5.7.3 A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4 All notices of motion will be dated and numbered as received and will be entered by the General Manager upon the business paper in the order in which they are received.
Absence of mover - notice of motion	<p>5.7.5 Clause 245 of the Regulation</p> <p>(1) <i>In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council or a Committee:</i></p> <p style="padding-left: 40px;">(a) <i>any other Councillor may move the motion at the meeting; or</i></p> <p style="padding-left: 40px;">(b) <i>the Chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.</i></p>
Adoption of unopposed notices of motion	5.7.6 The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.
Speakers on Notices of Motion and Notices of Rescission are permitted	<p>5.7.7 A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council.</p> <p>5.7.8 The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.</p>

5.8 Rescinding or Altering Resolutions

Notice of Motion to Rescind	<p>5.8.1 Section 372 of the Act</p> <p>(1) <i>A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice</i></p>
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has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.

<p>Deferral of Actioning resolutions pending consideration of Rescission Motions</p>	<p>5.8.2 Section 372 of the Act</p> <p>(2) <i>If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.</i></p> <p>5.8.3 If notice of motion to rescind a resolution is given by 9:30 am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.</p>
<p>Negatived motion not to be considered without due notice</p>	<p>5.8.4 Section 372 of the Act</p> <p>(3) <i>If a motion has been negatived by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.</i></p>
<p>Signature of 3 Councillors required if less than 3 months</p>	<p>5.8.5 Section 372 of the Act</p> <p>(4) <i>A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</i></p>
<p>Subsequent negatived motions and subsequent negatived rescission motions not to be considered again within 3 months</p>	<p>5.8.6 Section 372 of the Act</p> <p>(5) <i>If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as previously negatived motion, is negatived, no similar motion may be brought forward within three months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.</i></p>
<p>Motions to alter or rescind may be moved on reports of Committees</p>	<p>5.8.7 Section 372 of the Act</p> <p>(6) <i>A motion to which this clause applies may be moved on the report of a Committee of Council and any such report must be recorded in the minutes.</i></p>



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| Not applicable to motions of adjournment | 5.8.8 Section 372 of the Act

(7) <i>The provisions of this clause concerning negated motions do not apply to motions of adjournment.</i> |
| When motions to alter or rescind are considered | 5.8.9 All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply. |

5.9 Rules of Debate

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| Irrelevant Speech | 5.9.1 In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge. |
| Debate | 5.9.2 Clause 250 of the Regulation |
| Right of Reply | (1) <i>A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. No new arguments or material should be raised during the 'right of reply'.</i> |
| Right to Speak | (2) <i>A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.</i>

(3) <i>A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than 5 minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</i> |
| Putting the amendment and | (4) <i>Despite Subclause (1) a Councillor may move that a motion or an amendment be now put:</i> |



motion

- (a) *if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or*
 - (b) *if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.*
- (5) *The Chairperson must immediately put to the vote, without debate, a motion moved under sub clause (4). A seconder is not required for such a motion.*
- (6) *If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under sub clause (1).*
- (7) *If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.*

Order of Speech	5.9.3	The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.
Explanation of previous speech	5.9.4	With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.
Interruption of Speaker	5.9.5	A speaker will not be interrupted except on a point of order.
	5.9.6	A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.
Mode of Address	5.9.7	A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor,



as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).

5.9.8 At Meetings of the Council, Councillors, may choose to:

- (a) sit or stand when speaking.
- (b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

Motions of Dissent

5.9.9 Clause 248 of the Regulation

- (1) *A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, and the motion is seconded, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.*
- (2) *If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.*
- (3) *Despite clause 34 of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.*

5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.

5.9.11 The wording for a motion of dissent will be in the form:-

"I move dissent from the Chairperson's ruling in respect of "(insert matter of dissent and item number and heading or other detail as appropriate)".

Motions on Adjournment

5.9.12 A motion for adjournment of a Council or Committee meeting must be seconded.

5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.



5.9.14 If a motion to adjourn is negated the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.

5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the general manager, shall make a determination those matters.

5.10 Voting

Voting
Entitlements of
Councillors

5.10.1 Section 370 of the Act

(1) *Each Councillor is entitled to one vote at a Council meeting.*

5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.

Casting Vote

5.10.3 Section 370 of the Act

(2) *The person presiding at a meeting of Council or a Committee has, in the event of an equality of votes, a second or casting vote*

5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.

Voting at Council
or Committee
meetings

5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.

5.10.6 Clause 251 of the Regulations

(1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*

(2) *If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.*



- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note. *Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.*

5.10.7 Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.

Voting on Planning Decisions

5.10.8 Section 375 A of the Act

- (2) *The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.*
- (3) *For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.*
- (4) *Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.*



(5) This section extends to a meeting that is closed to the public.

Decisions of the Council

5.10.9 Section 371 of the Act

A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

5.10.10 Section 374 of the Act

Proceedings at a meeting of Council or a Council Committee are not invalidated because of:

- (a) *a vacancy in a civic office, or*
- (b) *a failure to give notice of the meeting to any councillor or committee member, or*
- (c) *any defect in the election or appointment of a councillor or committee member, or*
- (d) *a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451, or*
- (e) *a failure to comply with the code of meeting practice.*

Right to demand a division

5.10.11 Clause 251(3) of the Regulation

- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*

Motion to Recommit

5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item.

5.10.13 If the motion to recommit is carried, the item shall be reconsidered.

Exception Method

5.10.14 Council may resolve to consider items of business via the Exception Method other than the following items of business:

- (a) Report on Disclosure of Pecuniary and Non-Pecuniary Interests



(b) Matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or

(c) Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

5.10.15 The method of adoption of reports by Exception will be as follows:

(a) The Chairperson will call for a motion that indicates the manner in which Reports will be considered as follows:

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

(b) Should Council resolve to consider the reports individually the meeting will proceed in accordance with adopted meeting practice.

(c) Should Council resolve to consider the reports by nominated exception the Chairperson will:

- Invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution and adopting the remainder of the reports and recommendations in total.
- Seek a mover and seconder for the following motion:

"That with the exception of report numbers ..., ... and ... Council adopt the recommendations contained in the remaining reports."

- The Chairperson will then call the excluded items in order of how each were listed on the business paper and call the Councillor who nominated the item to move a motion in respect of the item.



Actioning the Decisions of Council

~~5.10.14~~5.10.16 Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests and Special Disclosures

Pecuniary Interest

5.11.1 Section 448 of the Act

- (1) *For the purposes of this Chapter, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.*
- (2) *A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.*

Councillor responsibility to disclose Pecuniary Interest

5.11.2 Section 451 of the Act

- (1) *A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) *The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest*

Special Disclosures
= Planning Instruments



in the matter of a kind referred to in section 448.

(4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and

(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:

(a) be in the form prescribed by the regulations, and

(b) contain the information required by the regulations.

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of
Pecuniary Interest

5.11.3 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Disclosure by

5.11.4 Section 456 of the Act



- Advisor
- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
 - (2) The person is not required to disclose the person's interest as an adviser.
- Non-Pecuniary Interest
- 5.11.5 A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable.
- 5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.
- 5.11.7 Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their public duty.
- 5.11.8 Council's Code of Conduct provides guidance to Councillors on how to manage their obligations with regards to Pecuniary and Non-Pecuniary Interests.
- Disclosures to be recorded
- 5.11.9 Section 453 of the Act
- A disclosure made at a meeting of Council or a Committee must be recorded in the minutes of the meeting.*

5.12 Letters, Submissions or Petitions

- Presentation of Letters, Submissions or Petitions
- 5.12.1 Letters, Submissions or Petitions must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.
- 5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive



language or include statements made with malice.

- 5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

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| Provisions of Code also apply to Confidential session | 5.13.1 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session. |
| Making resolution of confidential session public | 5.13.2 Clause 253 of the Regulation

<i>If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.</i> |
| How confidential session resolutions are reported | 5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.

5.13.4 Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

5.13.5 The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting. |

5.14 Questions

- | | |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Questions to staff and employees | 5.14.1 Clause 249 of the Regulation

(1) <i>A councillor:</i>
(a) <i>may, through the chairperson, put a question to another councillor, and</i>

(b) <i>may, through the general manager, put a question to a council employee.</i>

(2) <i>However, a councillor or council employee to whom a</i> |
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question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

- (3) *The councillor must put every such question directly, succinctly and without argument.*
- (4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

Questions on Notice	5.14.2 A Councillor may ask two Questions On Notice at an ordinary meeting of Council. A written copy of each question asked must be handed by the Councillor to the General Manager, or in his or her absence to the most senior member of staff present at the meeting.
Reasonable notice of Question on Notice	5.14.3 A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.
Content of Question on Notice	5.14.4 An individual Councillor may not request a staff report. Staff reports to Council may only be generated by way of a Council resolution.
Chairperson authority – Question on Notice	<p>5.14.5 A Councillor must put every such question directly, succinctly and without argument.</p> <p>5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.</p> <p>5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:</p> <ul style="list-style-type: none"> (a) normally require the presentation of a report after consideration by a Committee or by the General Manager; (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or (c) require the commitment or redirection of significant resources.



Responses to Questions on Notice

5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.

5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.

5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.

5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.

5.14.12 Where a comprehensive report is provided as an answer to a Question on Notice it may be the subject of debate and a motion may be brought forward as long as it directly relates to the question and the report in response.

5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month.

Questions on Notice to be recorded in Minutes

5.14.14 Questions asked at meetings will be recorded in the minutes of that meeting.

5.15 Information Reports

Information Reports ~~Procedure~~

5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council.

~~5.15.2 Information Reports may be considered by Council either:~~

- ~~• Individually~~
- ~~• By nominated exception~~
- ~~• or in total~~

~~5.15.3 The method of adoption of Information Reports will be:~~



~~(a) The Chairperson will call for a motion that indicates the manner in which the Information Reports will be considered.~~

~~(b) Should Council resolve to consider the Information Reports individually the reports will be considered in the same manner as Director's Reports.~~

~~(c) Should Council resolve to consider the Information Reports by nominated exception the Chairperson will:~~

- ~~• invite Councillors to call the report and page number of any report they may require to be excluded from the general resolution adopting the remainder of the information report and recommendations in total.~~

- ~~• Seek a mover and seconder for the following motion:~~

~~"That the Information reports and recommendations with the exception of reports numbered,, (etc), be adopted.~~

- ~~• Following adoption of the motion referred to above, the Chairperson will then call the excluded numbers "seriatim" calling in turn on the Councillor who requested the exclusion to move a motion in respect of that matter. The Councillor may either:~~

- ~~i. Move a motion in conflict with the recommendation; or~~

- ~~ii. Move adoption of the recommendation and seek further information form the Chairperson or Officers for the purpose of clarification.~~

- ~~iii. —~~

- ~~iv. (d) Should the Council resolve to adopt the Information Reports in total the following resolution will be made:~~

- ~~v. —~~

- ~~vi. "That the Information Reports of the Ordinary Meeting of Council be received and the information noted".~~



Invited Speakers

~~5.15.45.15.2~~ Any person may address the Council in accordance with procedures that the Council may determine.

~~5.15.55.15.3~~ Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address.

~~5.15.65.15.4~~ An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires.

~~5.15.75.15.5~~ The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions.

6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

Chairperson keeps order

6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.

6.1.2 The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.

6.1.3 Clause 255 of the Regulation

(1) *The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.*

(2) *A councillor who claims that another councillor has committed an act of disorder, or is out of order, may*



call the attention of the chairperson to the matter.

- (3) *The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.*
- (4) *The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.*

6.2 Points or Questions of Order

Examples of Points or Questions of Order

6.2.1 Some examples of points of order are:

- (a) personal remarks about other Councillors
- (b) departing from procedures contained within Council's Code of Meeting Practice
- (c) breaching Council's Code of Conduct
- (d) referring to irrelevant subject matter during the course of debate
- (e) improper decorum such as offensive language or behaviour
- (f) discussing matters not before the Council
- (g) factual errors

6.2.2 Examples which are NOT points of order are:

- (a) disagree with the opinion of another Councillor
- (b) disagreeing with a ruling by the Chair

6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

- (1) *A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*
 - (a) *contravenes the Act or any regulation in force under the Act, or*
 - (b) *assaults or threatens to assault another councillor or person present at the meeting, or*
 - (c) *moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the*



jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or*
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

- 1 Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances; or*
- 2 Conduct that is detrimental to the pursuit of the charter of a Council; or*
- 3 Improper or unethical conduct; or*
- 4 Abuse of power and other misconduct; or*
- 5 Action causing, comprising or involving any of the following:*
 - (a) intimidation, harassment or verbal abuse*
 - (b) discrimination, disadvantage or adverse treatment in relation to employment*
 - (c) prejudice in the provision of a service to the community*
- 6 Conduct of a Councillor causing, comprising or involving any of the following:*
 - (a) directing or influencing, or attempting to direct or influence, a member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate*
 - (b) an act of disorder committed by the*



Councillor at a meeting of the Council or a Committee of the Council

Examples of Acts of Disorder – this Code

6.3.4 Further examples of Acts of Disorder are:

- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.

Acts of Disorder at Committee meetings

6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with 270 of the Regulation.

6.4 Dealing with Disorder

How Chairperson may deal with disorder

6.4.1 Clause 256 of the Regulation

- (2) *The chairperson may require a councillor:*
- (a) *to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or*
- (b) *to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or*
- (c) *to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).*

Note : Subclause (1) Examples of Acts of Disorder earlier in this Code.

6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.

How the Council may deal with disorder

6.4.3 Clause 256 of the Regulation

- (3) *A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not*



prevent any other action from being taken against the councillor for the act of disorder concerned.

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| 6.4.4 | No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled. |
| 6.4.5 | Clause 257 of the Regulation |
| (1) | <i>If disorder occurs at a meeting of Council or a Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council or the Committee, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.</i> |
| 6.4.6 | Clause 257 of the Regulation |
| (2) | <i>Council or a Committee may, as provided by Section 10(2) (a) or (b) of the Local Government Act 1993, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.</i> |
| 6.4.7 | In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council. |

Adjournment as a result of Disorder

Council may expel a member of the Public for disorderly conduct

Provisions regarding disorder are also applicable at Committee meetings

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder

Examples of public disorder

- | | |
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| 6.5.1 | The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain. |
| 6.5.2 | Behaviour likely to prejudice orderly conduct |



includes:

- the person being dressed to a standard that is inappropriate for the meeting
- the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter
- the use of any electronic device including mobile phones, computers and recording devices
- attempting to address the meeting without permission
- verbal or physical action disrupting the conduct of the meeting.

6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove Councillor or other person as a result of Council Resolution

6.6.1 Clause 258 of the Regulation

If a Councillor or a member of the public fails to leave the place where a meeting of Council or Committee is being held:

- (a) *immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or*
- (b) *where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,*

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person



who has been expelled by a decision of the council.

- 6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

- (1) *Council and each Committee must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee.*
- (2) *The minutes must, when they have been confirmed at a subsequent meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent meeting.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Matters to be recorded in Minutes

7.1.4 The General Manager must ensure that the minutes of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation



Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure of interest made at a meeting of a council or council committee.	Section 453 of the Act
<u>A special disclosure of interest made at a meeting of council or committee including the individual schedule, in full as completed by the Councillor.</u>	<u>Sec 453 of the Act and Clause 195A and schedule 3A of the Regulation</u>
The circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.	Clause 233(3) of the Regulation
When a division on a motion is demanded, the names of those who vote for the motion.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the General Manager on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions The names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.	375A of the Act



Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code
Questions on Notice	This Code
Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code

Minutes of Committees

7.1.5 The General Manager must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes

7.1.6 Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

Format and Signature of Minutes

7.1.7 On each sheet of the Council or Committee minute book there will be placed a heading setting out:

- (a) the nature of the meeting;
- (b) the date of the meeting; and
- (c) the page number.



7.1.8 Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:

"This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on

.....
(This signature must be an original signature). Chairperson"

7.1.9 At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the General Manager or his/her delegate if they are in attendance at the meeting when the minutes are confirmed, in/or to the following effect:

"This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on

.....
Chairperson"

This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

Inspection of Original Minutes

7.1.10 Clause 272 of the Regulation

(1) *An inspection of the minutes of Council or a Committee Meeting of which all its members are Councillors, is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those*



minutes.

- (2) *The General Manager must ensure that the minutes of Council and any minutes of a Committee Meeting are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.*

7.1.11 Copies of Minutes of the Council and Committees will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes

- 7.2.1 Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.

8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees

- 8.1.1 Section 375 of the Act

- (1) *A council may, by resolution, establish such committees as it considers necessary.*
- (2) *A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) *The quorum for a meeting of a committee is to be:*
- (a) *such number of members as the council decides, or*
- (b) *if the council has not decided a number-a majority of the members of the committee.*

Functions of Committees

- 8.1.2 Clause 261 of the Regulation

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.



- 8.1.3 A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.
- 8.1.4 If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)
- Absence from Committee Meetings
- 8.1.5 (1) A member (other than the Mayor) ceases to be a member of a committee if the member:
- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.
- Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act*
- 8.1.6 For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's quorum.
- Procedure in Committees
- 8.1.7 Clause 265 of the Regulation
- (1) *Subject to subclause (3), each committee of a council may regulate its own procedure.*



- (2) Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.

Committees Reporting to Council

8.1.9

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the council.

9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.



9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.*

- (3) *In this clause, "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

NOTE: The power to expel by the Chairperson, under Section 10(2)(b) of the Local Government Act 1993, applies to this clause.

9.3 Official Audio Recording of Council and Committee Meetings

Recording of Meetings by Council secretariat staff

9.3.1 Meetings of Council and Committees, may be audio recorded by the Council.

Purpose of recordings of meetings

9.3.2 The purpose of Audio recording meetings of Council and Committees is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes.

Participants not protected by privilege

9.3.3 Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would



leave itself open to a charge of defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993.

Notice to speakers and meeting attendees regarding official recordings of meetings

9.3.4 At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being recorded. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making personal imputations. The speaker is to be made aware that the audio recording is generally available to the public under section 12 of the Local Government Act 1993.

9.3.5 Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded.

Access to Official Recordings of Council and Committee meetings

9.3.6 Access to audio recordings (or requests for transcripts) by Councillors and members of the Public will be determined by the Public Officer in accordance with section 12 of the Local Government Act 1993 and WSC policy for Access to Audio Recordings of Council and Committee meetings.

Destruction of recordings

9.3.7 An audio recording will be destroyed at the expiration of seven years. The seven years will commence from day the original recording was made.

9.4 Council Seal

Use of Council seal

9.4.1 Clause 400 of the Regulation

(4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*

(5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an*



Wyong
Shire
Council

employee of the council does not relate to the business of the council.

10 ALPHABETICAL INDEX

A

Absence from Committee Meetings	55
Absence of a quorum	19
Absence of mover - notice of motion	33
Access and Availability of Agendas and Business Papers	17
Access to Agendas and Business Papers.....	17
Access to Official Recordings of Council and Committee meetings	58
Accurate Minutes of Council and Committees are to be taken and signed.....	51
Actioning the Decisions of Council	40
Acts of Disorder	47
Acts of Disorder at Committee meetings.....	48
Adjournment as a result of Disorder	49
Adoption of Minutes.....	55
Adoption of unopposed notices of motion	33
Agendas and Business Papers for Council and Committee Meetings.....	13
Agendas and Business Papers for Extraordinary Meetings	17
Alteration of Minutes.....	53
Amendment to the Code	7
Attendance and Exclusion from Council and Committee Meetings.....	21
Attendance and Participation of General Manager at Council or Committee Meetings.....	20
Attendance of the General Manager	20
Attendance of the Public	21
Availability of Items on Agenda	16

B

Business Arising from minutes.....	55
Business not to be transacted for reports on Inspections and Briefings.....	30

C

Casting Vote	38
Chair of Meetings of Committees	26
Chair of Meetings of Council	26
Chair of Meetings of Council and Committees	26
Chairperson authority – Question on Notice	43
Chairperson authority regarding public disorder.....	50
Chairperson keeps order.....	46
Chairperson to have precedence	27
Chairperson's Duty With Respect to Motions	27
Citation	6
Closure of Parts of Meetings – Further Limitations.....	23
Commercial or other access to Agendas and Business Papers	18
Committees of Council	55
Committees Reporting to Council	56
Community groups access to Agendas and Business Papers	18
Confidential information not to be disclosed	15
Confidential Matters	14
Confidential matters circulated separately	14
Confidential matters referred to in business paper	15
Confidential Session of Council or Committee	42
Content	13
Content of Amendment.....	31
Content of Mayoral Minutes.....	32
Content of Question on Notice	43

Code of Meeting Practice

Convening of Extraordinary Meetings	11
Convening of Extraordinary Meetings for the Election of Mayor.....	12
Convening of Extraordinary Meetings of the Election of Deputy Mayor	12
Convening of Meetings	11
Council May Appoint and Dissolve Committees.....	55
Council may expel a member of the Public for disorderly conduct.....	50
Council Seal	59
Councillor request for EP&A Act Part 4 Application	16
Councillor Requests for reports	16
Councillor responsibility to disclose Pecuniary Interest.....	40

D

Dealing with Disorder	49
Debate	35
Debate of motion and amendment	31
Decisions of the Council	39
Deferral of Actioning resolutions pending consideration of Rescission Motions	34
Definitions.....	7
Departure from meetings	20
Destruction of recordings	58
Disclosure and misuse of information	15
Disclosure by Advisor	41
Disclosure of Pecuniary and Non- Pecuniary Interests	40
Disclosures to be recorded	42

E

Election of Temporary Chairperson at Council and Committee Meetings.....	26
Electronic recording of meetings of council or committee prohibited without permission	57
Entitlement to Attend Committee Meetings.....	20
Examples of Acts of Disorder – this Code	48
Examples of Acts of Disorder (the Act)	47
Examples of Points or Questions of Order	47
Examples of public disorder.....	50
Exclusion of the Public.....	21
Explanation of previous speech	36

F

Foreshadowed amendments	32
Form of lodgement and content of notice of motion.....	33
Format and Signature of Minutes	53
Frequency of Ordinary Meetings of Council and Committees.....	10
Functions of Committees	55
Further amendments	32

G

General Manager may amend notice of motion.....	33
General Manger's authority for staff reports and recommendations	14
Giving notice of business.....	30

H

How Chairperson may deal with disorder.....	49
How confidential session resolutions are reported.....	42
How the Council may deal with disorder.....	49

I

Identification and numbering of staff reports.....	14
Information Reports.....	44

Code of Meeting Practice	
Information Reports Procedure	44
Inspection of Original Minutes	54
Interruption of Speaker.....	36
Invited Speakers.....	46
Irrelevant Speech	35
Items unavailable to certain Councillors	16
K	
Knowledge of Pecuniary Interest	41
L	
Late Reports.....	16
Leave of absence	19
Legislation.....	9
Letters, Submissions or Petitions	42
Limitation on number of notices of motion.....	33
M	
Maintenance of Public Order at Meetings	50
Making of this Code	6
Making resolution of confidential session public	42
Matters not covered by this Code	57
Matters to be recorded in Minutes	52
Mayor member of each Committee.....	20
Mayoral Minute amendment by Councillors.....	32
Mayoral Minute entitlement	32
Mayoral Minutes.....	32
Media access to Agendas and Business Papers	18
Minutes.....	51
Minutes of Committees	53
Mode of Address	36
Motion to Recommit	40
Motions and Resolutions	31
Motions of Dissent.....	37
Motions on Adjournment	37
Motions to alter or rescind may be moved on reports of Committees	35
Motions to be Moved/Seconded	31
N	
Negated motion not to be considered without due notice	34
Non – Official Recording of meeting of council or committee	57
Non member Councillor attendance at Committee meeting	20
Non-Pecuniary Interest.....	41
Not applicable to motions of adjournment	35
Notice of Closure of Parts of Meetings Not Required in Urgent Cases	24
Notice of meeting to Councillors.....	10
Notice of Meetings	10
Notice of Meetings to the Public.....	10
Notice of Motion to Rescind.....	34
Notice to speakers and meeting attendees regarding official recordings of meetings	58
Notices of Motion and Notices of Motion to Rescind	33
Notices of Motion not permitted on Agendas and Business Papers for Extraordinary Meetings.....	17
O	
Objectives	6
Official Audio Recording of Council and Committee Meetings	58
Order of Business for Ordinary Meetings Fixed by this Code	28

Code of Meeting Practice

Order of Business of Extraordinary Meetings - after the Local Government Election - fixed by this Code	29
Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election	29
Order of notices of motion	33
Order of Speech.....	36
Other Definitions	9

P

Participants not protected by privilege.....	58
Pecuniary Interest	40
Points or Questions of Order.....	47
Power to remove Councillor or other person as a result of Council Resolution	50
Power to Remove Persons from Meeting after Expulsion.....	50
Presence and Departure at Council and Committee Meetings.....	19
Presence at meetings.....	19
Presentation of Letters, Submissions or Petitions	42
Procedure in Committees	56
Provisions of Code also apply to Confidential session.....	42
Provisions regarding disorder are also applicable at Committee meetings.....	50
Public access to correspondence and reports	25
Purpose of recordings of meetings.....	58
Putting the amendment and motion	35

Q

Questions.....	43
Questions on Notice	43
Questions on Notice to be recorded in Minutes	44
Questions to staff and employees	43
Quorum	19

R

Reasonable notice of Question on Notice	43
Recommendations for staff reports	14
Recording of Meetings by Council secretariat staff	58
Recording of Motions and Amendments.....	31
References to Act and Regulation	9
Removal of items from the agenda	16
Representations by members of the Public – Closure of part of meeting	22
Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings	28
Rescinding or Altering Resolutions.....	34
Responses to Questions on Notice.....	44
Responsibility and Authority for Keeping Order at Meetings	46
Right of Reply	35
Right to demand a division.....	40
Right to Speak	35
Rights and Duties of the Chairperson of Meetings of Council and Committees	27
Rules of Debate	35

S

Scope	6
Scope and Objectives	6
Seating in the Chamber	20
Seconder may reserve the right to speak	31
Signature of 3 Councillors required if less than 3 months	34
Speakers on Notices of Motion and Notices of Rescission are permitted	33

Code of Meeting Practice

Specifying Grounds for Closing Part of a Meeting.....	24
Staff Reports and Recommendations	14
Subsequent negatived motions and subsequent negatived rescission motions not to be considered again within 3 months	34
<i>T</i>	
Transaction of Business at Meetings of Council and Committees	30
<i>U</i>	
Use of Council seal	59
<i>V</i>	
Voting	38
Voting at Council or Committee meetings	38
Voting Entitlements of Councillors	38
Voting on Planning Decisions.....	39
<i>W</i>	
Web Access to Agendas and Business Papers	18
When motions to alter or rescind are considered	35
Withdrawal of Amendment.....	31

Code of Meeting Practice

11 AMENDMENTS**11.1 Schedule 1****CODE OF MEETING PRACTICE**

Adoption	Pages Amended	Date
Adopted Code	NA	September 2003
Subsequent Amendment		
Updated entire Manual due to new regulations – (Local Government (General) Regulation 2005 – Adopted September 1 2005	All Pages	April 19 2006
Updated changes as per Council Report 529 October 26 2005 which included: Motions of Urgency Reports of Directors and General Manager Notices of Motion Deletion of Clause 22 (3)(c)	All Pages	April 19 2006
Major review with Mandatory Changes and changes recommended by the Department of Local Government	All Pages	9 May 2007
Updated changes as per Council Report 309 25 July 2007 which included: Election of Mayor – Calling of Extraordinary Meeting How Subsequent Amendments May be Moved	14 and 32	1 August 2007
Updated changes as per Rescission Motion 373 12 September 2007 which included: How Subsequent Amendments may be Moved. Election of Mayor – Calling of Extraordinary Meeting Speakers on Notice of Motion and Rescission Motions	14 and 32	12 September 2007
Updated changes as per Council Report 050 resolution of 13 February 2008 under Clause 22 Order of Business for Notices of Motion, Notices of Rescission and Motions of Urgency	26 and 27	12 March 2008
Various Amendments at request of Councillors	All pages	9 March 2011
Entire document review in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009	All Pages	9 March 2011
Updated changes as per Mayoral Minute 2.1 resolution of 23 November 2011 under Clause 2.1 Notice of Meetings	11	23 November 2011
PROPOSED Various amendments including re-ordering of Chapter 5.	All pages	14 November 2012

Code of Meeting Practice

Amend Clause 2.2.8 - Date of Mayoral Election	12	Council resolution 28 August 2013 Amended after exhibition October 2014
Include New clause 5.15.5- Invited Speakers items may be brought forward		Council resolution 24 September 2014
<u>Amend various clauses relating to Due notice, exception method, Special interest disclosures</u>	<u>Various</u>	<u>Council resolution 27 January 2016</u>

11.2 Schedule 2

Matter – Section 10A	Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

Code of Meeting Practice

Matter – Section 10A	Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.	(3) must not include any consideration of the matter or information to be discussed

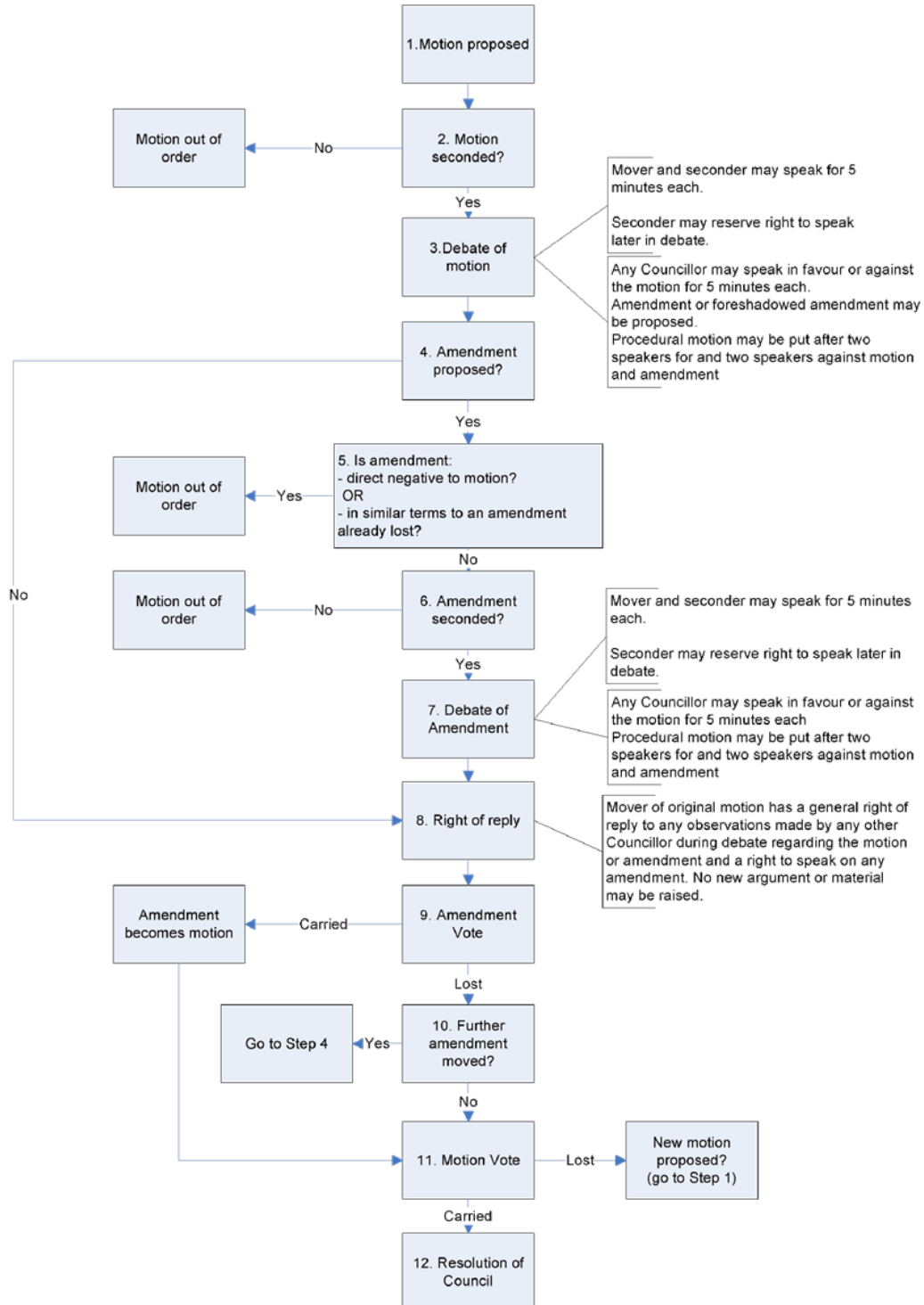
* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion,
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

11.3 Schedule 3

Motions and Amendments



6.1 Investment Report for December 2015

TRIM REFERENCE: F2004/06604 - D12192094

MANAGER: Stephen Naven, Chief Financial Officer

AUTHOR: Devini Susindran; Financial Accountant

SUMMARY

This report details Council's investments as at 31 December 2015.

RECOMMENDATION

That Council receive the Investment Report for December 2015.

BACKGROUND

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

CURRENT STATUS

Cash and Term Deposit Funds

Cash flows were managed through term deposit maturities, with a net outflow of \$12,066k for the month of December. Outgoings predominantly consisted of contractual payments due in December 2015 including settlement of Jilliby land acquisition.

Table 1 - Movement in Cash and Term deposits

Institution	Term (Approx. Months)	Interest Rate %	Maturity	Investment / (Redemption) \$'000
Movement in Term Deposits				
CUA	12.5	3.60%	Dec 2015	(\$5,000)
CBA	10.0	3.11%	Dec 2015	(\$5,000)
Workcover	6.0	2.80%	Dec 2016	(\$4,167)
Workcover	0.5	Estimate 2.00%	Jan 2016	\$4,167
MyState	7.0	3.00%	Jul 2016	\$5,000
ANZ	11.0	3.02%	Nov 2016	\$5,000
ANZ	11.5	3.02%	Nov 2016	\$5,000
Total Term Deposit Movement				\$5,000

6.1 Investment Report for December 2015 (contd)

Cash Movement - WBC				(\$17,090)
Interest earned on all call accounts				24
Total Cash at Call Movement				(\$17,066)
Total Cash & Term Deposit Movement				(\$12,066)

Total Portfolio

Total net return in interest earnings for December 2015 was \$442k.

Table 2 - Net Return

	Full Year 2014-15 \$'000	Qtr1 2015 \$'000	Oct 2015 \$'000	Nov 2015 \$'000	Dec 2015 \$'000	Year To Date 2015-16
Net Capital Gain/(Loss) Realised	-	-	-	-	-	-
Income Distribution on Managed Funds	25	-	-	-	-	-
Net Earnings From Managed Funds *	25	-	-	-	-	-
Interest Earnings on Call Deposits Received	431	116	20	16	24	176
Interest Earnings on Term Deposits received at Maturity	5,189	1,220	442	415	418	2,495
Total Interest Earnings	5,620	1,336	462	431	442	2,671
Total return for the period	5,645	1,336	462	431	442	2,671

* Until October 2013, Council's portfolio included investments in managed funds (Blackrock Care and Maintenance Fund). A further distribution, deposited with ASIC and received in April 2015

Financial Year to Date (YTD) returns to December of 3.39% is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 2.34% and Council guidelines of BBSW + 10 basis points.

Table 3 - Investment Returns

Investment Class	Portfolio Balance \$ '000	Financial YTD Return \$ '000	Financial YTD Return %
Cash at Call	9,440	176	2.13
Term Deposits	143,167	2,495	3.54
Total Investments	152,607	2,671	3.39

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. The investment strategy includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the Term Deposit maturities are listed in Table 4 below.

Table 4 - Term Deposits Maturities

Time Horizon	Maturity on or before	Value \$ '000
At Call	Immediate	9,440
Term Deposits		
0 - 3 months	Mar 2016	35,167
4 - 6 months	Jun 2015	35,000
7 - 12 months	Dec 2016	54,000
1 - 2 years	Dec 2017	9,000
2 - 3 years	Dec 2018	5,000
3 - 4 years	Dec 2019	-
4 – 5 years	Dec 2020	5,000
Total Term Deposits		143,167
Total Portfolio		152,607

The target maximum allocation limit in each investment risk category and the current spread of investments is listed in Table 5.

The portfolio is still overweight in A1 reflecting where the best returns are (and simultaneously representing the lowest risk). Aside from A1, weightings for all categories remain within policy guidelines.

Table 5 - Portfolio Credit Framework

Investment Category Short Term	Target Maximum Allocation	Portfolio Allocation
A1*	10.0%	56.75%
A2	75.0%	39.97%
A3	10.0%	2.62%
Unrated	15.0%	0.66%

* Council has provided security for Self-Insurance by way of a Term Deposit invested in an ADI (with a Short term S & P rating of A1) through WorkCover. This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal WorkCover security providing Council with the best return possible.

Portfolio Movements

The decrease in the value of the portfolio for December 2015 was \$12,066k. Movements are shown in Table 6.

Table 6 – Portfolio Movements for the year

	Full Year 2014-15 \$'000	Qtr. 2015 \$'000	Oct 2015 \$'000	Nov 2015 \$'000	Dec 2015 \$'000	Year to Date 2015-16 \$'000
Movement in Assets						
Opening Balance	145,394	152,541	166,077	161,517	164,673	152,541
Net movement in Managed fund to Liquidation in Oct'13	-	-	-	-	-	-
Net Cash/Investments (Withdrawals)	7,147	13,536	(4,560)	3,156	(12,066)	66
Closing Balance	152,541	166,077	161,517	164,673	152,607	152,607

Portfolio Interest and Investment Returns compared to budget

Year to date returns as at 31 December 2015 on Council's investment portfolio of deposit accounts and term deposits, show a \$171k or 6.87% favourable variance when compared to the year to date budget due to funds held at higher returns, invested prior to fall in rates.

Table 7 – Year to-date Investment Portfolio Performance

Investment Source	Financial YTD Actual Interest Income \$ '000	Financial YTD Budget \$ '000	Financial YTD Variance to Budget \$ '000
	A	B	C=A-B
General	1,645	1,342	303
Water	499	539	(40)
Sewerage	527	619	(92)
Total	2,671	2,500	171

Interest rates in the month, ranged from 2.80% to 5.20% (with the exception of deposit with Heritage Bank at 7.25%), all of which exceeded the annualised *monthly* Bank Bill Swap Rate (BBSW) benchmark of 2.07%.

Comparison to Neighbouring Councils

Portfolio Valuation

WSC's investment portfolio reflects our strong cash position, which is comparable with neighbouring Councils. Balances are summarised in table 8 below.

There is a lag in the information available for neighbouring Councils with reports for November and December not being available at the time of writing this report.

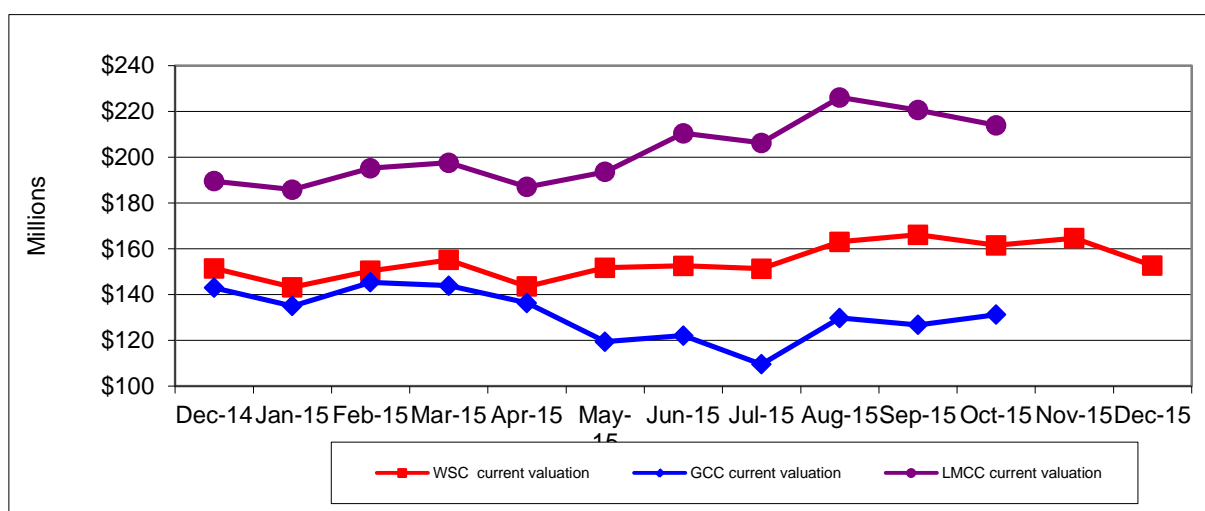
Table 8 – Summary of Investment Portfolio Balances

Month / Council	Wyong Shire Council \$'000	Gosford City Council \$'000	Lake Macquarie Council \$'000
May 2015	\$151,698	\$119,426	\$193,612
Jun 2015	*\$152,540	\$122,104	\$210,429
Jul 2015	\$151,309	\$109,590	\$206,208
Aug 2015	\$163,053	\$129,781	\$226,077
Sep 2015	\$166,077	\$126,765	\$220,542
Oct 2015	\$161,517	\$131,258	\$213,911
Nov 2015	\$164,673	Not available	Not available
Dec 2015	\$152,607	Not available	Not available

* WorkCover security reclassified from deposit to investment

Graph 1 shows the monthly portfolio balances over a twelve month period for all three Councils.

Graph 1 – Portfolio Valuations – Comparison to Neighbouring Councils



Portfolio Returns (Annualised)

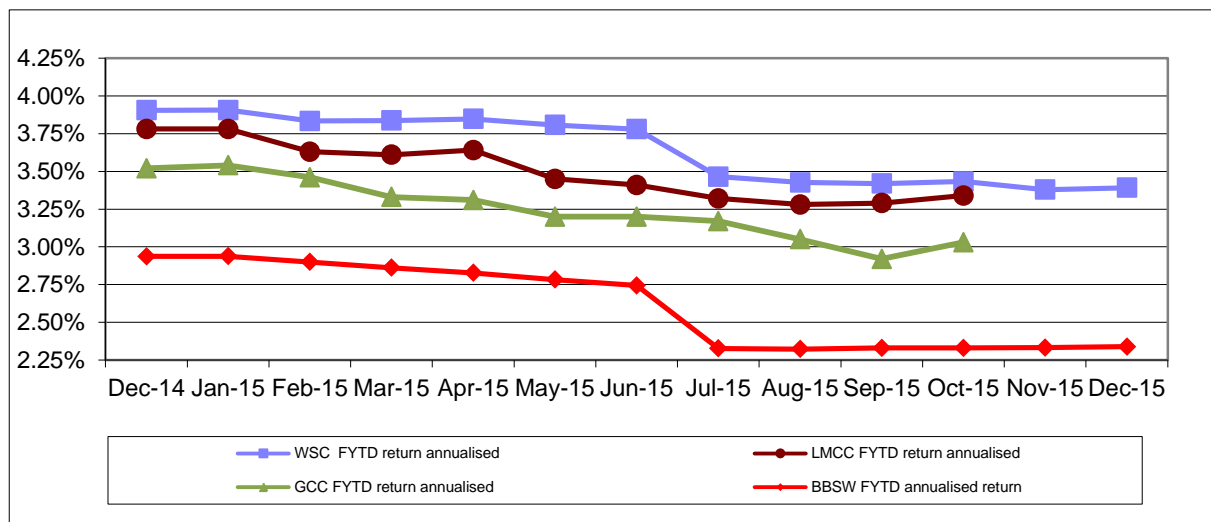
WSC’s investment yield compares favourably to neighbouring Councils as outlined in table 9 below. We expect the overall portfolio return to reduce in the next few months as a number of term deposits yield returns above the overall portfolio approach maturity.

Table 9 – Summary of Investment Portfolio Returns

Month	BBSW	Wyong Shire Council	Gosford City Council	Lake Macquarie Council
May 2015	2.78%	3.81%	3.20%	3.45%
Jun 2015	2.74%	3.78%	3.20%	3.41%
Jul 2015	2.33%	3.46%	3.17%	3.32%
Aug 2015	2.32%	3.43%	3.05%	3.28%
Sep 2015	2.33%	3.42%	2.92%	3.29%
Oct 2015	2.33%	3.43%	3.03%	3.34%
Nov 2015	2.33%	3.38%	Not available	Not available
Dec 2015	2.34%	3.39%	Not available	Not available

Graph 2 shows the Financial Year to date, annualised portfolio returns over a 12 month period for all three Councils compared to the BBSW.

Graph 2 – Portfolio Return – Comparison to Neighbouring Councils



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 December 2015 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- 1 Summary of Investment by Type - December 2015 D12192317

Wyong Shire Council Summary of Investments - By Type As at 31 December 2015									
FUND MANAGER	TYPE OF INVESTMENT	RATINGS		MATURITY	PORTFOLIO BALANCE 30.11.15 \$	PORTFOLIO BALANCE 31.12.15 \$	AS A % OF TOTAL PORTFOLIO	INCOME FOR MONTH OF DECEMBER \$	INTEREST RATES %
		Short Term	Long Term						
CASH AT CALL:									
Westpac	Corporate Investment Account	A1	AA	Daily	21,931,660	4,855,529		13,869	2.10
CBA	At Call Deposit	A1	AA	Daily	-	-		0	
ANZ	11am Call Account	A1	AA	Daily	-	-		-	2.00
AMP	Business Saver Account	A1	A	Daily	4,574,418	4,584,325		9,907	2.55
Total Cash At Call					26,506,078	9,439,854	6.19%	23,776	
TERM DEPOSITS & BONDS									
<u>Short term deposits & bills (less than 90 days)</u>									
CUA	Term Deposit	A2	BBB	16/12/2015	5,000,000			7,397	3.60
Workcover	Term Deposit	A1	AA	22/12/2015	4,167,000		with banks rating A1/AA	7,033	2.80
Workcover	Term Deposit	A1	AA	11/01/2016		4,167,000	With Workcover	2,055	2.00
CBA	Term Deposit	A1	AA	23/12/2015	5,000,000			9,372	3.11
NAB	Term Deposit	A1	AA	10/01/2016	5,000,000	5,000,000		13,334	3.14
CBA	Term Deposit	A1	AA	18/01/2016	5,000,000	5,000,000		13,079	3.08
WSCU	Term Deposit	UNRATED	UNRATED	31/01/2016	1,000,000	1,000,000		2,803	3.30
CBA	Term Deposit	A1	AA	10/02/2016	5,000,000	5,000,000		13,079	3.08
CBA	Term Deposit	A1	AA	22/02/2016	5,000,000	5,000,000		13,079	3.08
NAB	Term Deposit	A1	AA	7/03/2016		5,000,000		13,292	3.13
Rural Bank	Term Deposit	A2	A	24/03/2016		5,000,000		12,315	2.90
					35,167,000	35,167,000	23.04%	106,838	
<u>Medium Term Deposits (up to 365 days)</u>									
NAB	Term Deposit	A1	AA	7/03/2016	5,000,000				3.13
Rural Bank	Term Deposit	A2	A	24/03/2016	5,000,000				2.90
Rural Bank	Term Deposit	A2	A	13/04/2016	5,000,000	5,000,000		12,315	2.90
Bankwest	Term Deposit	A1	AA	20/04/2016	5,000,000	5,000,000		12,315	2.90
Bankwest	Term Deposit	A1	AA	11/05/2016	5,000,000	5,000,000		12,315	2.90
Bendigo Adelaide Bank	Term Deposit	A2	BBB	27/05/2016	5,000,000	5,000,000		12,527	2.95
Bendigo Adelaide Bank	Term Deposit	A2	BBB	15/06/2016	5,000,000	5,000,000		12,527	2.95
NAB	Term Deposit	A1	AA	24/06/2016	10,000,000	10,000,000		23,951	2.82
MyState	Term Deposit	A2	BBB	6/07/2016		5,000,000		12,329	3.00
Bendigo Adelaide Bank	Term Deposit	A2	BBB	26/07/2016	5,000,000	5,000,000		12,103	2.85
Bank of Queensland	Term Deposit	A2	BBB	2/08/2016	6,000,000	6,000,000		26,499	5.20
Bendigo Adelaide Bank	Term Deposit	A2	BBB	25/08/2016	5,000,000	5,000,000		12,103	2.85
ANZ	Term Deposit	A1	AA	23/08/2016	4,000,000	4,000,000		9,716	2.86
Bank of Queensland	Term Deposit	A2	BBB	8/09/2016	5,000,000	5,000,000		15,712	3.70
ANZ	Term Deposit	A1	AA	22/09/2016	4,000,000	4,000,000		9,682	2.85
Bank of Queensland	Term Deposit	A2	BBB	13/10/2016	5,000,000	5,000,000		12,103	2.85
Bendigo Adelaide Bank	Term Deposit	A2	BBB	25/10/2016	5,000,000	5,000,000		12,740	3.00
ANZ	Term Deposit	A1	AA	3/11/2016		5,000,000		12,825	3.02
ANZ	Term Deposit	A1	AA	21/11/2016		5,000,000		12,825	3.02
					84,000,000	89,000,000	58.32%	234,587	
<u>Non - Current</u>									
Heritage	Senior Bond	A3	BBB	20/06/2017	4,000,000	4,000,000		24,630	7.25
ME Bank	Term Deposit	A2	BBB	25/08/2017	5,000,000	5,000,000		16,562	3.90
ANZ	Term Deposit	A1	AA	30/10/2018	5,000,000	5,000,000		20,681	4.87
Rabo Bank	Term Deposit	A1	A	7/09/2020	5,000,000	5,000,000		14,863	3.50
					19,000,000	19,000,000	12.45%	76,736	
Total Term Deposit & Bonds:					138,167,000	143,167,000	93.81%	418,161	
TOTAL PORTFOLIO					164,673,078	152,606,854	100.00%	441,937	
Current					145,673,078	133,606,854	87.55%		
Non-Current					19,000,000	19,000,000	12.45%		
TOTAL PORTFOLIO					164,673,078	152,606,854	100.00%		

6.2 Wyong Water Management Committee update

TRIM REFERENCE: F2015/00722 - D12200178

MANAGER: Greg McDonald, Director

AUTHOR: Greg Cashin; Manager, Wyong Water Commercial and Planning

SUMMARY

The Wyong Water Management Committee has been placed on hold pending the proposed merger of Gosford and Wyong Councils.

RECOMMENDATION

That Council receive the update report on the Wyong Water Management Committee update.

BACKGROUND

Council resolved to establish the Wyong Water Management Committee at its meeting on 8 April 2015 meeting. The Wyong Water Management Committee comprises an external Chair, an external Deputy Chair, Council's Director of Infrastructure and Operations, Director of Property and Economic Development and Chief Financial Officer. Meetings are also attended by the Wyong Water Manager Operations and Wyong Water Manager Commercial and Planning.

The Terms of Reference for the Management Committee require the meetings of the Management Committee to be reported monthly to Council. The minutes of the September meeting were reported to Council on 11 November 2015.

A key role of the Management Committee is providing input into the strategic direction of Wyong Water. It became apparent in November 2015 that the strategy of the water business could not be considered in isolation of the proposed merger of Gosford and Wyong Councils. As such the Management Committee was placed on hold until the form, direction and timing of the merged business was known.

As the November meeting of the Management Committee was not held, the minutes of the October meeting remain in draft form.

GOVERNANCE**Consideration of s.23A guidelines**

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

Nil.

6.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 December 2015

TRIM REFERENCE: F2004/07986 - D12182409

MANAGER: Peter Ham, Manager

AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee held on Thursday 3 December 2015.

RECOMMENDATION

That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 December 2015.

BACKGROUND

A meeting of the Tuggerah Lakes Estuary Management, Coastal and Floodplain Management Committee was held on Thursday 3 December 2015. The agenda for the meeting is available at the following link: [Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee Agenda - 3 December 2015](#).

Council has not delegated its authority to the Committee to make decisions on its behalf nor does the Committee have the authority to direct staff. Accordingly any recommendations of the Committee requiring the authorisation of Council will be reported to Council separately.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- 1 MINUTES - Tuggerah Lakes Estuary, Coastal & Floodplain Management Committee Meeting - 3 December 2015 D12166281

WYONG SHIRE COUNCIL

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

**HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 03 DECEMBER 2015
COMMENCING AT 5.00PM**

PRESENT

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

IN ATTENDANCE

Mr Greg McDonald (Wyong Shire Council)
Mr Peter Ham (Wyong Shire Council)
Mr Luke Sulkowski (Wyong Shire Council) Arrived 5.02pm
Mr Peter Sheath (Wyong Shire Council) – Arrived 5.03pm and Departed 5.43pm
Ms Lara Davis (Office of Environment and Heritage) – Arrived 5.14pm
Ms Jade Maskiewicz (Wyong Shire Council)

APOLOGIES

Mayor D Eaton (Wyong Shire Council)

The meeting was declared open by Councillor Taylor at 5.00pm.

At the commencement of the committee meeting report nos 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.5, 3.6, 3.7, 3.8 and 3.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

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

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

1.2 Confirmation of Minutes of Previous Meeting

RESOLVED *unanimously on the motion of Ms M PENNINGS and seconded by Mr B DAVIES:*

That the Committee confirm the minutes of the previous Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 1 October 2015.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

1.3 Address by invited Speakers

RESOLVED *unanimously on the motion of Mr K DERRY and seconded by Councillor TROY:*

That the Committee receive the report on Invited Speakers.

2.1 2016 Meeting Dates

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

That the Committee endorse the proposed meeting dates for 2016 except for October, November and December.

2.2 Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee

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

That the Committee request Council to adopt the Revised Charter for the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.

2.3 Investigation of Lighting Options at The Entrance

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr K DERRY:

- 1 That the Committee receive the report on Investigation of Lighting Options at The Entrance.**
- 2 That the Committee note that the preferred solution to improved lighting in the area west of The Entrance bridge is Option 2.**
- 3 That the Committee request Council consider providing budget funding for this exercise in the financial year 2015/16 Q2 capital budget review, if that review identifies any funds that are unable to be spent in this financial year.**

PROCEDURAL MOTION

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

That the Committee consider items 3.5 – 3.8 first and then the remaining items in order.

3.1 November Coastal Zone Management

Councillor Troy left the meeting at 5.46pm and returned to the meeting at 5.48pm during consideration of this item.

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

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

3.2 December Coastal Zone Management

RESOLVED unanimously on the motion of Councillor TROY and seconded by Mr K DERRY:

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

3.3 November Report on Lake Management Operations

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

That the Committee receive the November Report on Lake Management Operations.

3.4 December Report on Lake Management Operations

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Mr K DERRY:

That Council receive the report on December Report on Lake Management Operations.

3.5 November Gross Pollutant Trap Capital Works

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Ms M PENNINGS:

That the Committee receive the report on November Gross Pollutant Trap Capital Works.

3.6 December Gross Pollutant Trap Capital Works

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Ms M PENNINGS:

That the Committee receive the report on December Gross Pollutant Trap Capital Works.

3.7 November Floodplain Risk Management

RESOLVED unanimously on the motion of Mr K DERRY and seconded by Mr B DAVIES:

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

3.8 December Floodplain Risk Management

RESOLVED unanimously on the motion of Mr K DERRY and seconded by Mr B DAVIES:

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

3.9 Status Report on Outstanding Actions

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

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

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

Item #	Meeting Date	Report Title	Action	Responsibility	Status/ Notes
3.2	1 October 2015	Report on Lake Management Operations	<p>1 That the Committee <u>receive</u> the Report on Lake Management Operations.</p> <p>2 That the Committee <u>note</u> that staff will report on the Lake Beach wrack removal arrangements to the November Committee meeting.</p> <p>3 That the Committee <u>request</u> Council to urgently arrange removal of the algae mass at Gorokan and Colongra Bay.</p>	Peter Ham Manager Waterways and Asset Management	Mr Luke Sulkowski addressed these issues at 3 December 2015 Committee meeting.

**WYONG SHIRE COUNCIL
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN MANAGEMENT COMMITTEE
COMPLETED SINCE 1 OCTOBER 2015**

Item #	Meeting Date	Report Title	Status/ Notes
2.2	3 September 2015	Gross Pollutant Trap Capital Works	Report was tabled on the agenda at 1 October 2015 Committee meeting with an update provided by Peter Ham.
2.5	3 September 2015	Commercial Fishing on Tuggerah Lakes - Response from NSW Department of Primary Industries (Fisheries)	Report was tabled on the agenda at 1 October 2015 Committee meeting with an update provided by Peter Ham.
2.6	3 September 2015	Black Ooze Removal Feasibility Study	Report was tabled on the agenda at 1 October 2015 Committee meeting with an update provided by Peter Ham.

3.0 GENERAL BUSINESS

GB16/16 Weed at Canton Beach Mr Bob Davies

Mr Bob Davies advised he has noticed weed growing through the new sand at Canton Beach within 4-5 metres of the beach front. Mr Luke Sulkowski advised he thought it may be alligator weed which is a noxious weed has become an issue since the April storm event. Mr Greg McDonald advised that staff will follow this up.

GB17/16 Tuggerah Lakes Care Barge Purchase Mr Bob Davies

Mr Bob Davies advised that there is a build-up of litter along the foreshore on the eastern side of Toukley Bridge. Tuggerah Lakes Care have been contemplating raising money to purchase a barge and would like to know if Council would permit them to collect this rubbish from the foreshore if they did purchase such a barge or if there was an alternative option.

Mr Luke Sulkowski advised Council has a punt and historically have sent it around to do litter runs around the foreshore and does not believe it would be a problem for Council to conduct a litter run around this area.

Mr Greg McDonald suggested the best option would be for Tuggerah Lakes Care to formalise this request in writing.

**GB18/16 Little Terns at Karagi Point
Ms Marlene Pennings**

Ms Marlene Pennings wish to advise the Committee that the little terns have migrated back to Karagi Point, The Entrance.

Mr Luke Sulkowski confirmed he was aware of this and that they appear to be situated at the southern end of the northern sands on the inside of the channel.

THE MEETING terminated at 6.23pm.

6.4 Activities of the Development and Rezoning and Building Certification Compliance and Health Units - November and December 2015

TRIM REFERENCE: F2004/07830 - D12175487

MANAGER: Tanya O'Brien, Manager

AUTHOR: Jane Doyle; Development Assistant

SUMMARY

The report includes information and statistics regarding the operations of the Development and Rezoning Unit and the Building Certification, Compliance and Health Unit which covers the submission and determination of development, construction and subdivision applications for the months of November and December 2015.

RECOMMENDATION

That Council receive the report on Activities of the Development and Rezoning and Building Certification, Compliance and Health Units for the months of November and December 2015.

Development Applications Received and Determined – Development and Rezoning Unit - November 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	12	8,321,892	10	26,882,675
Industrial	-	-	-	-
Residential (Multiple Dwellings/Dual Occupancy)	12	21,072,564	6	1,716,560
Other Applications	1	300,000	3	40,000
Subdivisions	3	16,875,000	5	370,000
Section 96 Applications	6	-	6	-
Total	34	46,569,456	30	29,009,235

Development Applications Received and Determined – Development and Rezoning Unit - December 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	9	5,402,000	12	311,824,200
Industrial	-	-	2	1,741,171
Residential (Multiple Dwellings/Dual Occupancy)	12	13,046,000	8	3,406,180
Other Applications	3	393,000	2	15,000
Subdivisions	4	22,700,000	3	610,000
Section 96 Applications	9		11	
Total	37	41,541,000	38	317,596,551

Note: During December DA/1080/2014 for the Lakeside Plaza mixed use development at The Entrance was approved valued at \$298 million.

Development Applications Received and Determined – Building Certification Compliance and Health Unit – November 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	1	35,000	1	24,000
Industrial	-	-	-	-
Residential-Multiple Dwellings (Dwellings)	16	3,793,713	37	9,317,495
Residential (Alterations and Additions)	54	3,537,870	55	3,047,134
Other Applications	2	58,000	1	8,000
Section 96 Applications	7	-	7	-1
Total	80	7,424,583	101	12,396,629

6.4 Activities of the Development and Rezoning and Building Certification Compliance and Health Units - November and December 2015 (contd)

Development Applications Received and Determined – Building Certification Compliance and Health Unit – December 2015

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	2	34,200	1	35,000
Industrial	1	32,000	-	-
Residential-Multiple Dwellings (Dwellings)	25	8,501,271	20	4,707,370
Residential (Alterations and Additions)	35	4,184,803	53	2,948,260
Other Applications	4	63,000	2	30,000
Section 96 Applications	8	-	10	-
Total	75	12,815,274	86	7,720,630

Jobs created during reporting period

During **November 2015 131** DA's were approved representing approximately \$41M worth of investment.

During **December 2015 124** DA's were approved representing approximately \$325M worth of investment.

The following table outlines the number of jobs which could be created, should the DA's which have been approved be fully taken up:

Month 2015	Value of Development Applications Determined \$	Equivalent Jobs Created through DAs determined (based on 10 jobs per \$1M)	Equivalents jobs created through Council's expenditure and materials contracts operating expenditure (based on 10 jobs per \$1M)	Central Growth monthly target (based on 947 jobs per year)	Coast Plan jobs
February	35,839,564	350	unknown		79
March	13,555,491	130	58		79
April	15,479,929	150	65		79
May	23,414,861	230	43		79
June	29,081,083	290	71		79
July	27,840,069	270	13		79
August	64,694,141	640	49		79
September	59,517,333	590	63		79
October	31,449,841	315	50		79
November	41,405,864	410	50		79
December	325,317,181	3253	65		79

Subdivision Applications Received and Determined November 2015

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	1	1	1	41
Industrial	-	-	-	-
Residential	2	55	4	40
Rural	-	-	-	-
Total	3	56	5	81

Subdivision Applications Received and Determined December 2015

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	2	119	2	22
Industrial	-	-	-	-
Residential	2	273	1	2
Rural	-	-	-	-
Total	4	392	3	24

November

Financial Year	Residential & Strata Lots Created (Actual)	Residential & Strata Lots Created (DA Approved)	Secondary Dwellings Approved	Required Homes per CC Growth Plan
2012/2013	145	282	59	1288
2013/2014	95	943	96	1288
2014/2015	204	413	131	1288
2015/2016	228	321	83	1288

December

Financial Year	Residential & Strata Lots Created (Actual)	Residential & Strata Lots Created (DA Approved)	Secondary Dwellings Approved	Required Homes per CC Growth Plan
2012/2013	145	282	59	1288
2013/2014	95	943	96	1288
2014/2015	204	413	131	1288
2015/2016	273	345	104	1288

Net Median Turn-around Time – November 2015

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during November 2015 was **18** days. The net median turnaround time in working days for Section 96 applications was **15** days.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for November 2015 was **21** days. The net median turn-around time in working days for Section 96 applications was **7** days.

The net median turn-around time in working days for all development applications determined in the Building Certification Compliance and Development Assessment units for November 2015 was **21** days.

Net Median Turn-around Time – December 2015

The net median turn-around time in working days for development applications determined within the Development Assessment Unit during December 2015 was **25** days. The net median turnaround time in working days for Section 96 applications was **12** days.

The net median turn-around time in working days for development applications determined in the Building Certification Compliance and Health for December 2015 was **21** days. The net median turn-around time in working days for Section 96 applications was **10** days.

The net median turn-around time in working days for all development applications determined in the Building Certification Compliance and Development Assessment units for December 2015 was **21** days.

Other Approvals and Certificates

Type	Determined November 2015	Determined December 2015
Section 149 D Certificates <i>(Building Certificates)</i>	8	6
Construction Certificates	80	59
Complying Development Certificates	18	21

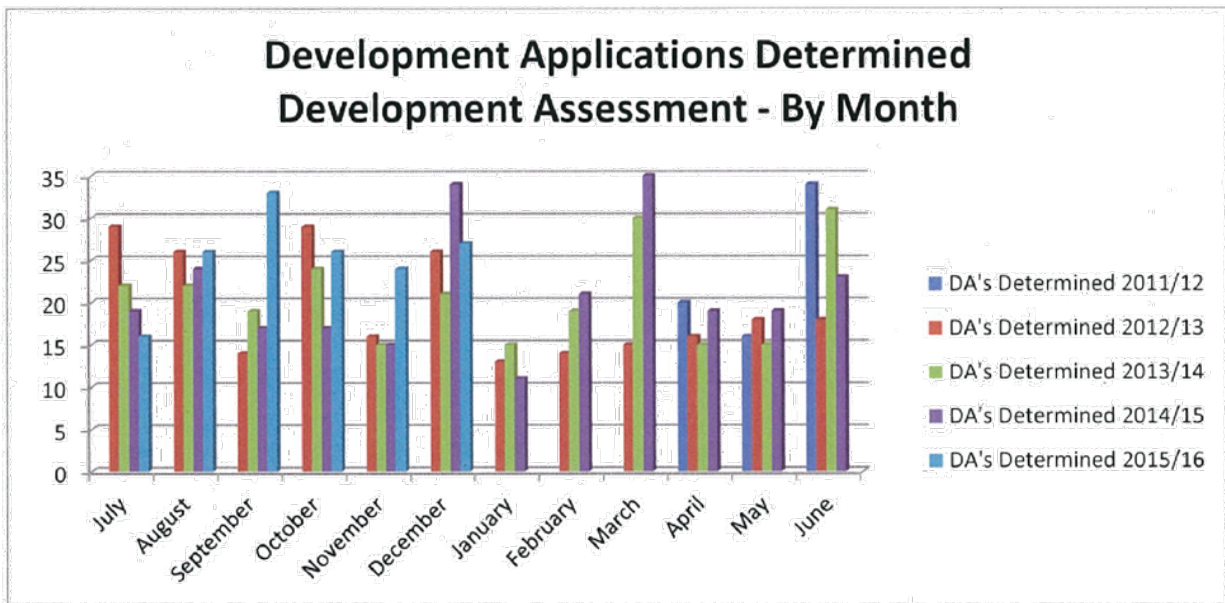
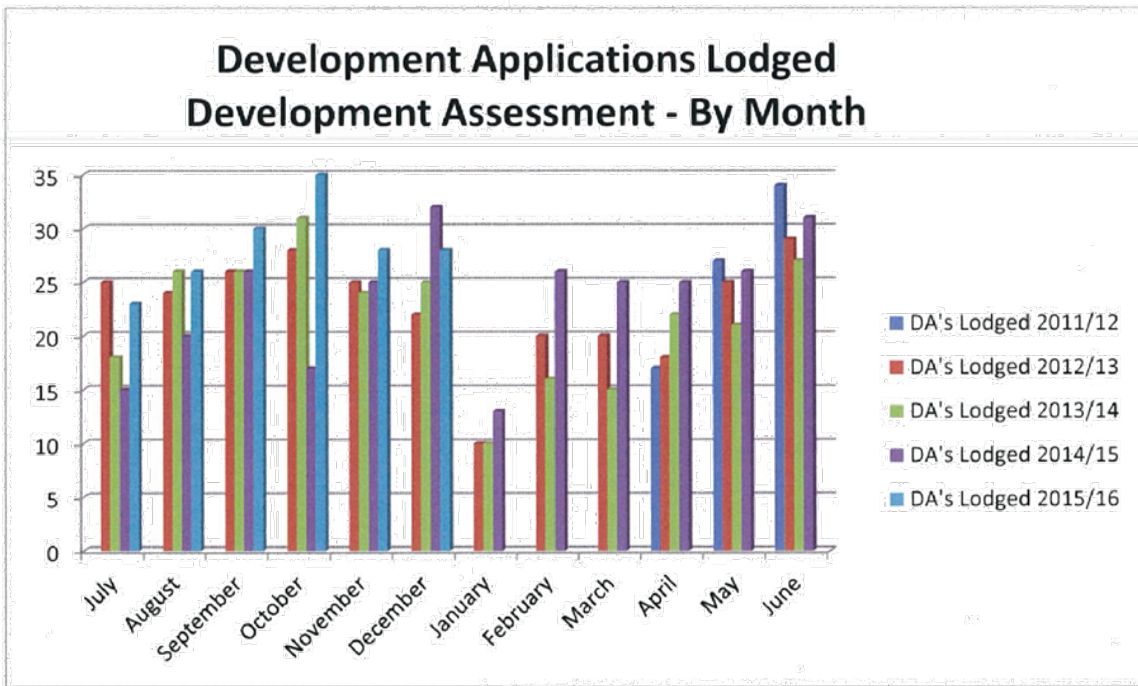
GOVERNANCE

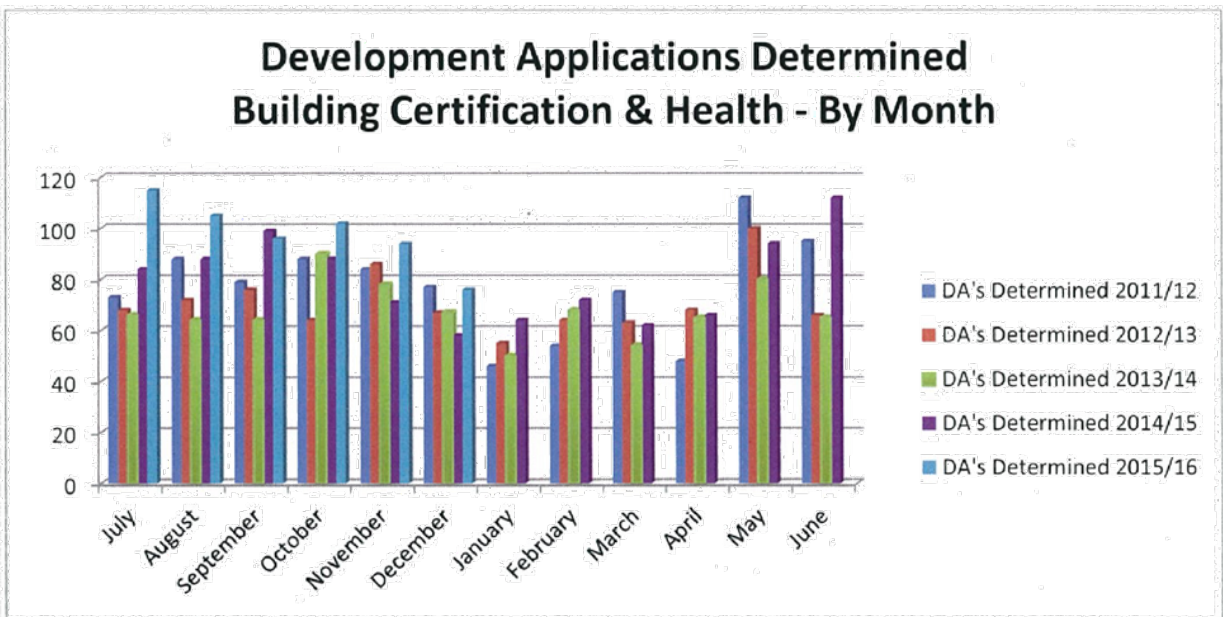
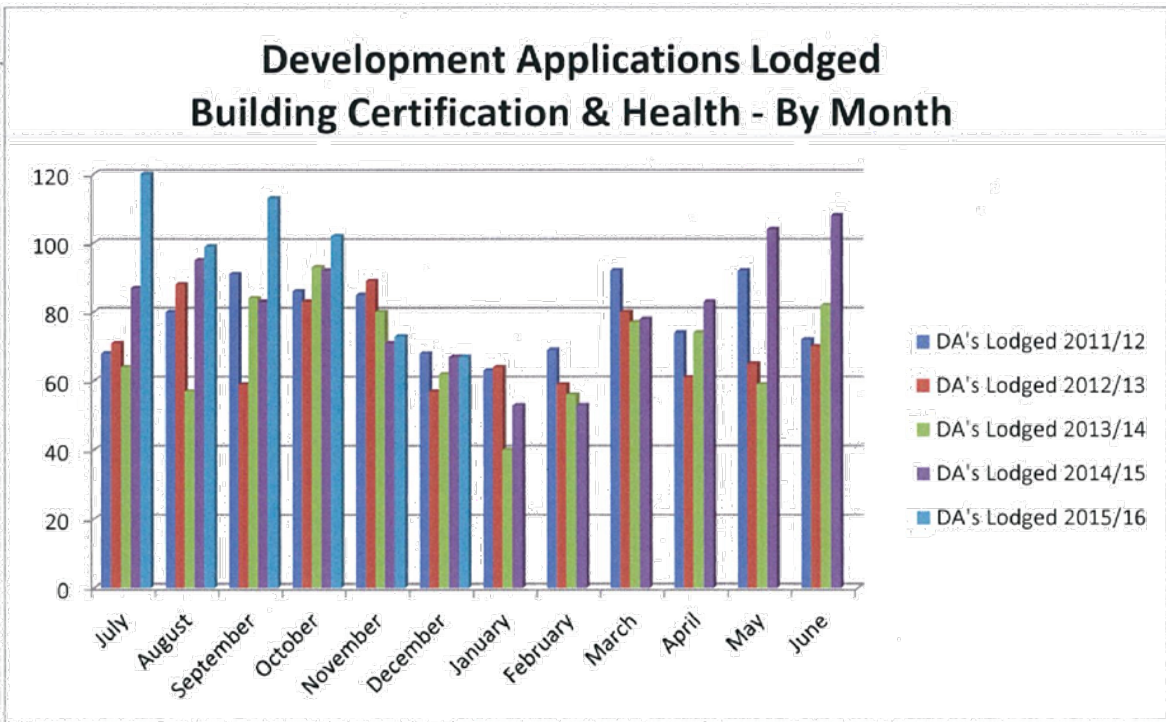
Consideration of s.23A guidelines

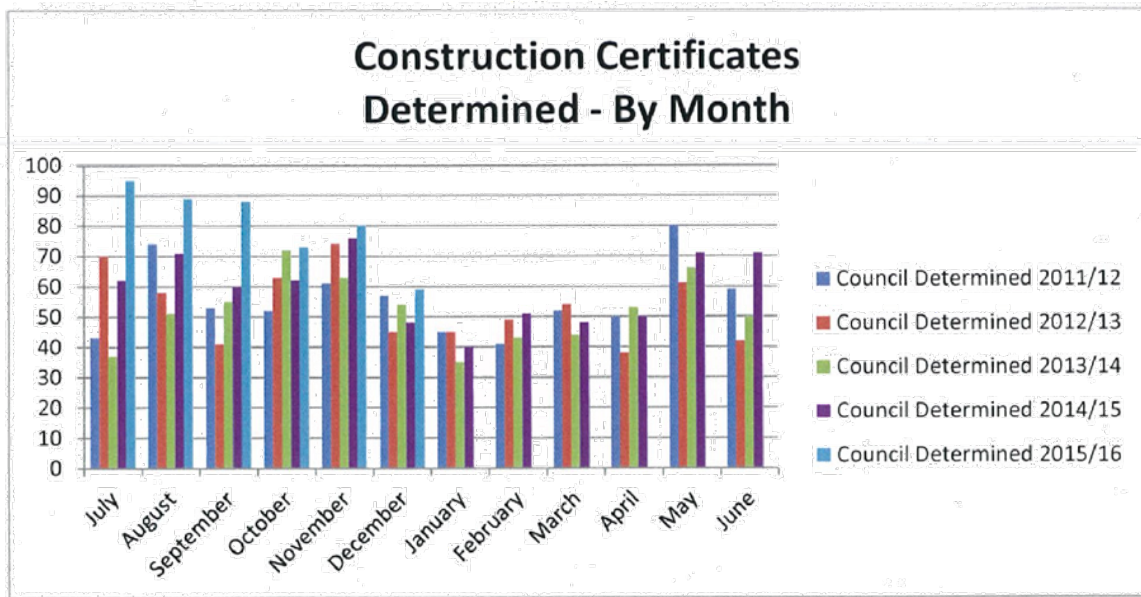
The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- 1 Graphs: Development Applications Lodged, Determined, Construction Certificates Determined for November and December 2015 D12205710







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

TRIM REFERENCE: F2004/06822 - D12191791

MANAGER: Jamie Loader, Manager Building Certification and Health

AUTHOR: Tabitha Kuypers; Environmental Assurance Protection Officer

SUMMARY

Reporting on the results of bacteriological water quality monitoring at popular lake and ocean swimming sites in Wyong Shire for November and December 2015.

RECOMMENDATION

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

Primary Recreation Water Quality Monitoring Program

Water quality monitoring is undertaken at 22 popular swimming sites in Wyong Shire to enable the community to make informed decisions about where and when to swim.

Through the warmer months (September to March), water samples are collected weekly. The results are provided to the Office of Environment and Heritage as part of the state-wide Beachwatch Partnership Program. Daily pollution forecasts and long term trend analysis can be viewed on their website www.environment.nsw.gov.au/beach/index/htm.

Water quality monitoring is undertaken to provide Council with an insight into short term water quality trends. The indicator organism used to determine microbial water quality is Enterococci - a subgroup of Faecal Streptococci that has been used as an indicator of faecal pollution for many years. Enterococci are especially useful in the marine environment and recreational waters as an indicator of potential health risks and swimming-related gastroenteritis.

Each month the average Enterococci count for each swimming site is compared against the National Health and Medical Research Council's (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. Table 2 displays the guidelines rating system used to determine if water is suitable for primary recreation (i.e. swimming).

Whilst water quality results generally indicate that the monitored swimming sites are acceptable for swimming, advisory signs have been erected at the lake sites to advise that *"this area can be affected by stormwater pollution for up to three days after heavy rain. Swimming during this period is NOT recommended"*. Greater connectivity to urban areas and lower dilution rates make the lakes more vulnerable to sources of faecal contamination including stormwater discharges, sewage infrastructure breaks and animal inputs. This is a precautionary measure only and does not mean water quality is poor at all times. In the event sampling revealed Enterococci concentrations greater than 200cfu/100mL, the site would be closed until water quality improved.

6.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

Summary of results November and December 2015

Water samples were collected every week through November and December except during the week commencing 28th December due to Council's mandatory shut down.

Samples were collected in varying conditions (four dry and three wet days). November received a total of 110 mm, with a maximum of 27 mm on 14/11/2015. December received a total of 115 mm of rain, with a maximum 39mm on the 22/12/2015 and 15 dry days in total.

Twenty of the twenty two sites achieved a top star rating and were considered safe for swimming according to the NHMRC star rating system (see Table 2).

On the 10th December 674 cfu/100mL was recorded for Gwandalan. There was 7.4 mm of rain that day, with no visible water quality concerns noted during sampling. It is suspected that analytical error may have been to blame. The site was re-sampled the following day, returning a reading of 25 cfu/100mL.

Canton Beach also rated fair after an average reading of 43cfu/100mL was calculated (max 193cfu/100mL, min 3cfu/100mL) – exceeding the “good” star rating by only 2cfu. This site is still considered suitable for swimming (See Table 2). The variability of water quality at this site is possibly related to localised urban stormwater inputs. Given the shallow shoreline and protected position, it may take some time for mixing to occur.

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	Fair	***
Frazer Beach	Ocean Beach	Good	****
Birdie Beach	Ocean Beach	Good	****
Lake Munmorah – Tom Burke Reserve	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	Fair	***
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.

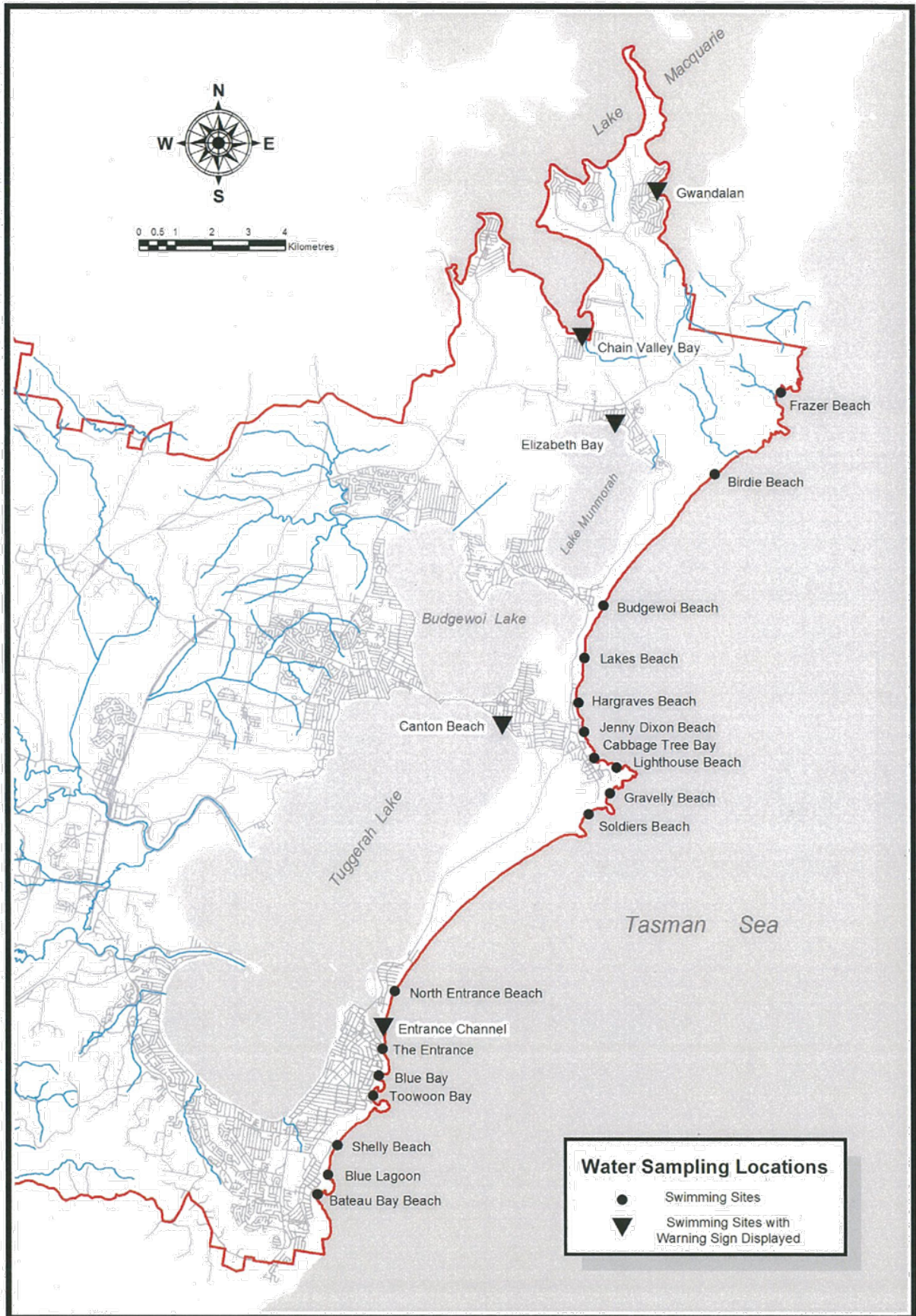
GOVERNANCE

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled *“Council Decision Making during Merger Proposal Periods”* pursuant to s.23A(1) of the *Local Government Act 1993* (“LG Act”). The Council must consider those guidelines when making decisions during the “merger proposal period”, which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- 1 Water Sampling Sites D03238043



6.6 Outstanding Questions on Notice and Notices of Motion

TRIM REFERENCE: F2016/00012 - D12198005
MANAGER: Sonia Witt, TL Governance and Councillor Services
AUTHOR: Jade Maskiewicz; Councillor Services Officer

SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

RECOMMENDATION

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

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

- 1 Table of Outstanding Questions and Notice of Motions - 27 January 2016 D12206371

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	Chief Executive Officer's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 <i>That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</i></p> <p>51/15 <i>That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</i></p> <p>52/15 <i>That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</i></p> <p>53/15 <i>That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</i></p> <p>54/15 <i>That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</i></p>	<p>28 January 2015</p> <p>Cr Best</p>	<p>Response to be provided at Ordinary Meeting 24 February 2016.</p>
150	Development and Building	Jamie Loader	<p>6.1 Notice of Motion - Council's Animal Care Facility</p> <p>539/15 <i>That Council recognise the outstanding work over the past few years by staff and more recently by the current animal care contractor and that this management team has delivered an outcome of near zero euthanising of stray and abandoned pets.</i></p> <p>540/15 <i>That Council recognise that the current Charmhaven Animal Care Facility is approaching end of its asset life.</i></p> <p>541/15 <i>That Council take a more strategic and regional approach through opening dialogue with Gosford City Council and the current animal care contractors both at Charmhaven and Erina, with the view to establishing a regional, Central Coast animal care facility that will service the future needs of the Coast as a whole.</i></p>	<p>Cr Best</p> <p>27 May 2015</p>	<p>Investigations are underway, with a response to be provided at a future meeting of Council.</p> <p>Further NOM on the subject provided in current, 27 January 2016, business paper.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>542/15 That Council consider any such centrally located regional facility in tandem with innovative satellite offices in the region's north and far south to assist residents in outer areas to access these important services.</p> <p>543/15 That Council request the General Manager to provide a report back to Council.</p>		
170	Infrastructure and Operations	Peter Ham	<p>1.6 Mayoral Minute - Vandalism Reward Doubling</p> <p>837/15 That Council <u>double</u> its current reward under its Policy for Reporting Vandalism in respect of the EDSAAC Bateau Bay amenities/clubhouse building destroyed by fire last weekend.</p> <p>838/15 That Council <u>publicise</u> this increased reward extensively through Council's media and communication channels.</p> <p>839/15 That Council <u>publicise</u> the names of those convicted, subject to any prosecution.</p>	Cr Eaton 26 August 2015	WAM staff are consulting with our Comms Business Partner in publicising the reward for information relating to the vandalism that occurred at EDSAAC Bateau Bay amenities/clubhouse building.
180	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - The Entrance Surf Club Lease</p> <p>984/15 That Council <u>request</u> The Entrance Surf club enter into suitable arrangements with Council for the clearance of the outstanding rates and charges.</p> <p>985/15 That Council <u>request</u> for additional purpose to be added to the Reserve under Section 121A of the Crown Lands Act 1989.</p> <p>986/15 That Council <u>amend</u> the lease to include a sub-lease permitting a café/restaurant to be included in the footprint of The Entrance Surf Club.</p> <p>987/15 That Council <u>share</u> the rental derived from the commercial operation with The Entrance Surf Club.</p> <p>988/15 That Council <u>require</u> The Entrance Surf Club to spend their share of the rental on Surf Life Saving activities and/or equipment, and provide annual financial statements to show how these funds have been distributed.</p>	Cr Eaton 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
181	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Shark Summit</p> <p>1037/15 That Council <u>note</u> the increased number of shark attacks in and around our coastal waters due to the rise in shark numbers.</p> <p>1038/15 That Council <u>take</u> proactive and pre-emptive steps to mitigate further local attacks.</p> <p>1039/15 That Council <u>recognise</u> that not only do the current shark attacks highlight the need for better public safety they have the potential to affect summer time tourism and its associated employment.</p> <p>1040/15 That, having regard to the far reaching potential of these events, Council <u>convene</u> in partnership with Surf Life Saving and Professional Life Guards a Shark Summit that includes all key stakeholder groups, rescue organisations, applicable agencies, tourism representatives and specialist marine experts.</p> <p>1041/15 That Council <u>request</u> the Acting Chief Executive Officer to report on the feasibility of auditing our ocean coast line with a view to identifying suitable sites to create shark proof ocean bathing areas/enclosures, however this does not include traditional netting.</p> <p>1042/15 That staff <u>investigate</u> the effectiveness and practicality of making available to bathers, technology such as the shark shield devices on a short term hire basis.</p>	Cr Best 23 September 2015	<p>1037/15: Noted</p> <p>1038/15: Addressed through the undertakings of the Shark Summit with identified outcomes.</p> <p>1039/15: Recognised</p> <p>1040/15: Shark Summit held at Wyong Council on 4 November 2015.</p> <p>1041/15: A report will be provided to Council on outcomes in March 2016.</p>
186	Infrastructure and Operations	Daryl Mann	<p>Q42/15 Kanwal Traffic Calming Devices</p> <p>"Mr Mayor,</p> <p>As the local area Councillor, my question is on behalf of the good folk of Walker Avenue/ Braithwaite, Kanwal. I am hearing of outrageous driving behaviour that is endangering public</p>	Cr Best 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>safety, I appreciate it's a policing matter, however could you have staff look into the possibility of installing some traffic calming devices in this area, particularly leading from the high pedestrian area, Kanwal shops?"</i>		
195	Infrastructure and Operations	Greg McDonald	<p>7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link"</p> <p>1169/15 <i>That Council notes the excellent work carried out by staff in delivering the complex engineering of the Cabbage Tree Bay (CTB) seawall and more recently the CTB ocean ramps, further it is noted both these facilities were severely tested in the April 2015 storms with no reported damage.</i></p> <p>1170/15 <i>That Council notes these much needed multimillion dollar Bay works have now highlighted the extremely poor condition of Mazlin Reserve Cliff Face and in particular the Norah Head Search and Rescue site, this has now become known as the "Missing Link".</i></p> <p>1171/15 <i>That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.</i></p> <p>1172/15 <i>That Council seeks to work with the State Government through convening an initial meeting of all key stakeholder groups with a view to making a whole of community representation seeking upgrade funding in the 2016/17 State Budget.</i></p> <p>1173/15 <i>That Council notes the outstanding support Karen McNamara our Federal Member for Dobell and State Agencies provided in assisting Council and the community in delivering the much needed Cabbage Tree Bay Ocean Ramp and the bay retaining wall.</i></p>	Cr Best 28 October 2015	This is subject to confidential legal proceedings. Refer to General Counsel.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
196	Infrastructure and Operations	Daryl Mann	<p>7.2 Notice of Motion - Toukley Speed Bump Shambles</p> <p>1164/15 <i>That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.</i></p> <p>1165/15 <i>That Council notes the reports that these 'safety devices' have actually caused accidents involving both pedestrians and motorists, further there is emerging anecdotal evidence that shop trade is also beginning to be affected.</i></p> <p>1166/15 <i>That Council call on the RMS to release its 'Black Spot' funding submission, including the statistics it relied upon to convince the Federal Government to fund these controversial speed bumps."</i></p> <p>1167/15 <i>That Council further notes that some 50 accidents have been reported in the last 6 years on this road, with only 4 actually occurring in the Toukley CBD. Further, Council notes that there are two other 40km/h speed zones in Main Road Toukley that do not rely on speed bumps for their effective management.</i></p>	Cr Best 28 October 2015	Council is currently drafting a letter to the RMS to respond to the issues raised in items 1164/15 and 1166/15 of the NOM.
200	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - Wyong Grove</p> <p>1187/15 <i>That Council <u>authorise</u> the Acting CEO to acquire the School Site and the School Carriageway at fair market value.</i></p> <p>1188/15 <i>That Council <u>authorise</u> the Acting CEO to execute all necessary documentation relevant to the acquisition of the School Site and the School Carriageway.</i></p> <p>1189/15 <i>That Council <u>resolve</u> that the School Site be classified as "Operational" land for the purposes of the Local Government Act 1993, when that land is acquired by the Council.</i></p>	Cr Eaton 11 November 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1190/15 That the Council <u>resolve</u> to acquire the School Site and the and the School Carriageway by agreement or compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>1191/15 That Council <u>note</u> that for the purposes of resolutions 1 – 4 above the following terms have the following meanings:</p> <p>a “School Site” means all right title and interest in the part of the land known as Lot 1 DP 123075, with a street address of 1North Rd, Wyong, that is occupied buildings B , C , D and the COLA and identified and marked in yellow boundaries and hatching in Attachment 1 to this Mayoral Minute; and</p> <p>b “School Carriageway” means a Right of Carriageway, on terms set out in Part 1 of Schedule 4A to the Conveyancing Act 1919, benefitting the School Site and burdening that part of the land known as Lot 1 DP 123075 that is identified and marked with blue boundaries and hatching in Attachment 1 to this Mayoral Minute.</p>		
202	Property and Economic Development	Mike Dowling	<p>7.1 Notice of Motion - Waste Management Contract</p> <p>1279/15 That Council thank the Transport Workers Union for presenting at the Wyong Council Resident’s Forum held on Wednesday 11 November 2015.</p> <p>1280/15 That Council acknowledge the clause provided by the Transport Workers Union to protect workers’ wages and conditions and public safety;</p> <ul style="list-style-type: none"> • Campbelltown Council’s recent waste contract renewal process included the following clause: 	Cr Eaton 25 November 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p><i>“The Contractor must, as a minimum requirement, preserve employee pay rates and pay-related conditions(for all employees of the Contractor) as those provided in either the Remondis Enterprise Agreement 2018 or, Any enterprise agreement approved by Fair Work Australia which applies to employees previously subject to the Remondis Australia Enterprise Agreement 2018 and comes into operation prior to the commencement of the Contract”</i></p> <ul style="list-style-type: none"> • <i>The current Sydney Metropolitan Bus Service Contract included the clause: “33.8 Successor Operator to Make Offers (a) TfNSW must procure that any Successor Operator makes offers of employment on equivalent terms and conditions (including all accrued entitlements) to Contract Bus Services Employees (other than the persons named in Schedule 11). Offers made by a Successor Operator must take effect from the expiry or termination of this Contract.”</i> <p>1281/15 <i>That Council staff advise at what part of the tendering process it would be appropriate for Council to consider the inclusion of the proposed clause in the new Waste Management Contract?</i></p>		
203	Community and Recreation Services	Brett Sherar	<p>7.2 Notice of Motion - Shark Summit Update / Community Forum</p> <p>1282/15 <i>That Council, in partnership with Surf Life Saving and our Professional Life Guards, <u>conduct</u> a Community Forum to update key stakeholder groups and interested parties on the findings and initiatives recommended by the expert scientific panel at Council’s recent Shark Summit.</i></p>	Cr Best 25 November 2015	A Report will be provided to Council in February 2016.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1283/15 That Council, with the assistance of our community and marine experts, <u>identify</u> suitable trial projects that could be submitted for consideration in the recently announced State Government Shark Management Project.</p> <p>1284/15 That Council <u>note</u>, as the Central Coast was the first region to conduct a local Shark Summit since the State Government's announcement of the \$16million Shark Fund, the Coast is now ideally positioned to contribute and access these resources subject to developing our submission expeditiously.</p>		
204	Infrastructure and Operations	Greg McDonald	<p>U5/15 Extension of Dredging at The Entrance</p> <p>1286/15 That Council extend the period of dredging The Entrance channel by one week with the sand pumped onto The Entrance Beach.</p>	Cr Taylor 25 November 2015	Response to be provided at a future meeting.
205	Community and Recreation Services	Brett Sherar	<p>6.2 Notice of Motion - Rock Fishing Deaths at "Drowning Rocks", Wybung Head</p> <p>1344/15 That Council <u>recognise</u> rock fishing is one of Australia's most dangerous recreational pursuits accounting for 16 deaths alone on the Central Coast in the past 8 years (no victims were wearing life jackets).</p> <p>1345/15 That, as a consequence of these deaths, the emotional trauma and the huge cost of recovery, Council <u>calls on</u> National Parks to support suitable multicultural "shock signage" in a desperate effort to curb the rising death toll.</p> <p>1346/15 That, further to the coroner's recommended initiative of shock signage, Council also <u>investigate</u> and <u>report</u> on the possibility of formalising the unofficial name of "Drowning Rocks" platform located on the south eastern side of Wybung Head.</p>	Cr Best 9 December 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>1347/15 <i>That Council, in consultation with Roads and Maritime Services (RMS), Central Coast Surf Life Saving and key user groups, <u>investigate</u> the feasibility of installing a trial “ocean life buoy” in suitable proximity to the shelf to provide floatation and day/night EPIRB (distress beacon) facility.</i></p> <p>1348/15 <i>That Council again <u>lend</u> its support to Central Coast Surf Life Saving for their continuing campaign to make buoyancy vests mandatory when rock fishing.</i></p>		

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE
9 DECEMBER 2015**

No#	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
162	Property and Economic Development	7.2 Notice of Motion - Shire Wide Events and Promotions Board	Cr Taylor 22 July 2015	Response to be provided at 23 September 2015 Ordinary Council meeting.
182	Chief Executive Officer's Unit	8.2 Notice of Motion - \$10million Rate Relief	Cr Best 23 September 2015	Finalised.
190	Chief Executive Officer's Unit	8.2 Notice of Motion - Amalgamation / Questionable Financial Stability?	Cr Best 14 October 2015	Letter sent to Gosford City Council on 2/11/15 under Acting CEO's signature - refer F2015/01471.
198	Chief Executive Officer's Unit	Q49/15 Gosford City Council Financial Confusion	Cr Troy 28 October 2015	<p>Response provided in 9/12/2015 outstanding actions table as follows:</p> <p><i>"A letter demanding access to Financial Accounts was sent to Gosford City Council (GCC) by the CEO on 2 November 2015.</i></p> <p><i>A detailed review of Financial Accounts has been performed and provided to the CEO. GCC's \$35m "profit" includes Capital Grants and Contributions. Excluding Capital Grants and Contributions, GCC recorded a surplus of \$13m compared to a \$7m loss last year. Expenses were down by \$6m, Rates and Annual Charges revenue was up by \$9m and Operating Grant revenue was up by \$9m."</i></p>

7.1 Notice of Motion - Busker Encouragement

TRIM REFERENCE: F2004/06239 - D12196533

AUTHORS: Doug Eaton OAM; Councillor
Lynne Webster; Councillor

Councillors D Eaton OAM and L Webster have given notice that at the Ordinary Council Meeting to be held on Wednesday 27 January 2015 they will move the following Motion:

- 1) *That Council adopt a new policy on a trial basis, to encourage busking in the Shire.*
- 2) *That Council request the Acting Chief Executive Officer to prepare the policy on the basis that the process for approval is simple, cheap and easy for the applicant.*
- 3) *That Council request the Acting Chief Executive Officer include the following elements in the trial policy:*
 - (a) *A 6 month permit on a single page application for a \$10 fee.*
 - (b) *The busker must produce photo identification, mobile number and address details.*
 - (c) *Conditions of permit should include no impediment to pedestrians or shopkeepers, use of battery powered amplifiers (ie. no power leads), no risk of harm to the public etc.*
 - (d) *Council may revoke the permit at any time without notice.*
 - (e) *There be no requirement for any insurances by Council.*
- 4) *That Council request the Acting Chief Executive Officer to prepare the new policy to Council with a view to swift implementation of the trial.*
- 5) *That Council request the Acting Chief Executive Officer to report on the results of this trial in August 2016.”*

RESOURCES

This will be managed within current resources in the Property and Economic Development Department.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

ATTACHMENTS

Nil.

27 January 2016

To the Ordinary Council Meeting

Councillor

7.2 Notice of Motion - Central Coasts New and Innovative Regional Animal Cares Facility

TRIM REFERENCE: F2004/06957 - D12203816

AUTHORS: Greg Best; Councillor

Lynne Webster; Councillor

Councillors Best and Webster have given notice that at the Ordinary Council Meeting to be held on Wednesday 27 January 2016 they will move the following Motion:

- "1 That Council in partnership with Gosford City Council recognise the urgent need to upgrade current animal care facilities and that such a project to assist 'man's best friend' would be a fitting inaugural community project that clearly highlights the benefits of regionalisation and indeed amalgamation.*
- 2 That Council note that both Wyong and Gosford current animal care facility/pounds appear to have reached their asset lives despite these challenging conditions Council recognises the excellent efforts of staff, contractors and our valuable volunteers for their dedication in delivering such outstanding animal welfare outcomes.*
- 3 That Council request that this important animal welfare issue be placed on the next Joint Wyong Gosford Regional Meeting (CCROC) with a view to bringing this important issue forward on the regional agenda and to confirm project priority status in the lead up to amalgamation.*
- 4 That Council consider a report on the current operational status of the Animal Care Facility at Charmhaven and any interim initiatives that are being considered/deployed to maintain the current facilities, service delivery and the required level of animal welfare."*

RESOURCES

The proposal can be addressed within existing resources.

Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines as the motion essentially calls for a further report and does not bind the Council to any action.

COUNCILLORS NOTE

This project I believe is important and an ideal community based initiative that highlights the benefits of regionalisation and indeed amalgamation.

Clearly both Wyong and Gosford councils' animal care facilities appear dated and have passed their optimum asset life. Despite this both facilities are working hard to deliver the necessary level of care. This has been achieved through improved management practices resulting in the facilities now having a near zero euthanising policy.

With the exponential population growth of our region these facilities will struggle to cope. It is with this understanding that we join with Gosford City Council to begin the process and provide priority project status for our animal cares facilities in the lead up to amalgamation.

Animal welfare is understandably a highly emotive issue and this is an excellent opportunity to partner with Gosford City Council to do the preliminary works that will assist the community to better understand Councils' ongoing commitment to animal welfare in our region.

In planning for any such facility we need to be innovative in establishing a 'whole of care facility'. There are some excellent examples out of the US that have created a real animal welfare hub which are underpinned through functional business models that include onsite veterinary services, community 'Pet Barns' and are open 24/7. These are just a few features that a modern Regional Animal Care Facility can deliver to our community.

ATTACHMENTS

Nil.