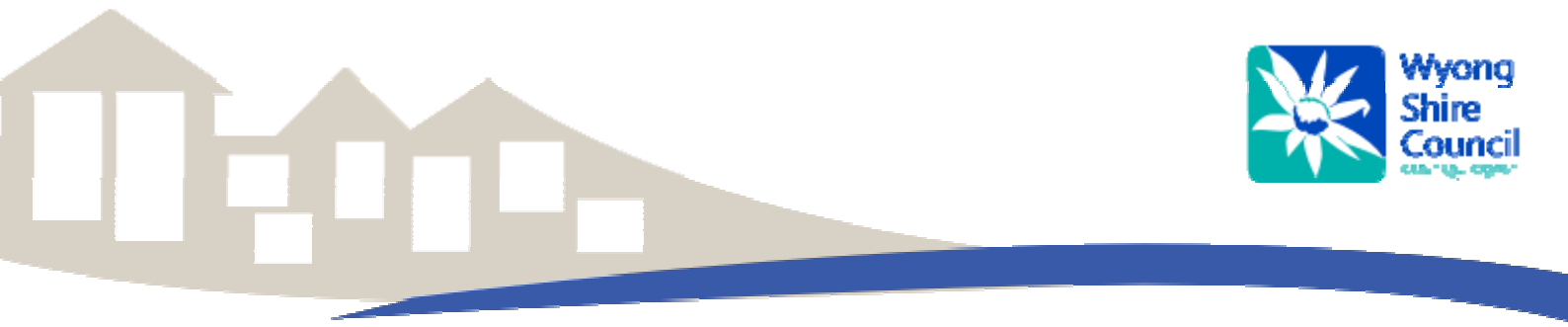


Wyong Shire Council
ORDINARY MEETING

ENCLOSURES

Wednesday, 10 March, 2010



WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY MEETING
TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 10 MARCH 2010 ,
COMMENCING AT 5:00:00 PM

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12 August 2009
To the Ordinary Meeting

Director's Report
Shire Services Departments

3.3 Program to Reduce Drowning Deaths in Wyong Shire

TRIM REFERENCE: F2004/06257 - D01918038

AUTHOR: MA; DD

SUMMARY

The above program encompasses two elements: a program that aims to achieve a reduction in the incidence of drowning in private swimming pools; and a series of options to enhance the safety of the use of the Shire's beach assets. This report includes a response to the Council Resolutions of the Ordinary Meeting of 25 June 2008 and 26 November 2008 that encompass these initiatives and has been prepared jointly by Shire Planning and Shire Services.

The report also outlines a number of initiatives that have been undertaken to assist in improving the safety of private swimming pools to date and enhancements to the current lifeguard services to provide extended safety of surf patrol beaches.

RECOMMENDATION

- 1 *That Council seek the support of the local NSW State Members to amend the Local Government Act / Swimming Pools Act 1992 to make provision for either: an inspection fee to be levied annually on the owners of private swimming pools; or the inclusion of a Compliance Cost notice to be issued to non compliant pools allowing Council to recover its costs and enable this program of inspection to be funded sustainably.*
- 2 *That Council support the appropriate use of legal processes, where required, to achieve compliance with the Swimming Pool Act for non compliant private pools in the Shire.*
- 3 *That Council approve the proposed additional lifeguard services, comprising extended discretionary work hours for beach lifeguard operations as well as a water and beach safety awareness program targeted at Budgewoi Beach, in 2009-10 at an estimated cost of \$17,500. That Council also endorse that lifeguards be redeployed in the winter off-season to undertake net additional swimming pool audit inspections, in 2009-10 at an estimated first year additional cost of \$9,700. This cost is projected to reduce to \$4,600 in future years. In 09-10 this will be funded by increased income from regulatory activity for pool inspections and an estimated additional minimum of \$27,200. Source of this funding to be considered in the quarterly review process.*
- 4 *That Council consider in the development of the 2010-11 Four Year Delivery Program the other priority options for extending safety of surf patrol beaches, identified in this report.*
- 5 *Council undertake a media program, within existing mechanisms, emphasising the low level of compliance that currently exists in private swimming pools in the Shire and the role of the private pool inspection program and the complementary regulatory process in ensuring private pool safety. The program would also emphasise the typical areas of non compliance, action that can be taken by the property owner to improve safety, and the role of ongoing maintenance of swimming pools and supervision of toddlers in saving lives.*

ORDINARY MEETING HELD ON 12 AUGUST 2009

MR ALAN COOK, ONE OF COUNCIL'S LIFEGUARDS, ADDRESSED THE CHAMBER AT 5.12 PM AND RETIRED AT 5.55 PM.

MR CHAD GRIFFITHS CEO OF SURF LIFE SAVING CENTRAL COAST ADDRESSED THE CHAMBER AT 5.23 PM AND RETIRED AT 5.30 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.07 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MCBRIDE LEFT THE CHAMBER AT 6.10 PM AND RETURNED TO THE CHAMBER AT 6.12 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council consider this report as two separate issues as follows:

a Beach Issues

b Life Guard Services and Pool Compliance.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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

- 1 That Council approve the proposed additional lifeguard services, comprising extended discretionary work hours for beach lifeguard operations as well as a water and beach safety awareness program targeted at Budgewoi Beach, in 2009-10 at an estimated cost of \$17,500.***
- 2 That Council consider in the development of the 2010-11 Four Year Delivery Program the other priority options for extending safety of surf patrol beaches, identified in this report.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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

- 1 That Council prioritise the completion of Pool Compliance Audits and resources be allocated accordingly.***
- 2 That Council consider a report from staff on the budgetary implications to fund from general revenue improved pool compliance activities in partnership with our Lifeguard Service and/or any other deemed suitable community organisations.***

3 That Council, through its Communications Unit and in conjunction with Gosford City Council, campaign for greater public education and awareness of the need for pool compliance and general water safety.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

BACKGROUND

At its meeting held on 25 June 2008, Council resolved unanimously on the motion of Councillor Best and seconded by Councillor Eaton:

- "1 That as drowning is the leading cause of accidental death of children below the age of five years and further to staff advice that Wyong Shire has approximately 10,000 backyard pools, Council review effectiveness of its current swimming pool audit program, which has only achieved 140 pool inspections with almost 50% failing to comply with pool safety requirements.*
- 2 That to assist staff in delivering this important compliance / education program, staff report to Council on the likely benefits of redeployment of Council's professional lifeguards from their winter / off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education."*

This report had been on hold, pending the release of the revised Swimming Pools Act (SP Act), which has been under review for a significant time, including a period of exhibition seeking public submissions. Given the spate of domestic pool drownings experienced in the 2008-09 summer season it is now understood that the release of the amended Act is no longer imminent and is under further review by the State Government. Therefore the report addressing the 25 June 2008 resolution is now released for consideration together with the related report on further information requested by Councillors regarding extended safety of surf patrol beaches as per the resolutions below.

At the ordinary meeting held on 26 November 2008 Council also resolved unanimously on the motion of Councillor BEST and seconded by Councillor EATON:

- "1 That having regard to the increasing incidence of unseasonably warm weather associated with global warming and the resultant high beach usage outside current patrol hours, Council take a proactive approach with a view to providing our residents and ratepayers with greater coverage of patrolled surf beaches.*
- 2 That Council receive a briefing on current coverage and resources required to patrol our Shire's beaches including any recommendation for Council to consider a more flexible approach to beach patrol timetables."*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

In response to the 26 November 2008 Council resolutions, a briefing on Extended Safety of Surf Patrol Beaches was presented to Council on 1 April 2009. That briefing included the following information:

- Current coverage and resources.
- Comparisons to neighbouring local government areas.
- Reference to the recommendations of the Strategic and Operational Beach Management Plan 2005-2010.
- Consideration of options to extend:
 - Geographic Coverage of Shire beaches by lifeguards
 - Time of Day that beaches are patrolled by lifeguards
 - Days of the week that beaches are patrolled by lifeguards
 - Months of the year that beaches are patrolled by lifeguards.
 - Cost estimates for the above options.
- Need for appropriate items of plant, equipment and facilities.
- Consideration of increased surf awareness/education programs.

Councillors present in the briefing also raised a number of issues and advised that further consideration needed to be given to extending the coverage of hours of each beach during the patrol season, and reducing coverage at less popular beaches such as North Entrance, during the patrol season.

The latter part of this report provides the additional information that Councillors sought out of issues discussed at the extended safety of surf patrol beaches briefing on 1 April 2009. The additional information provided in this report also includes a more detailed analysis and recommendations on extending safety of surf patrol beaches.

PROGRAM TO REDUCE TODDLER DROWNING IN PRIVATE POOLS

Précis

- Over the preceding year Council has implemented a program to inspect private swimming pools to ensure that they meet the requirements of the SP Act.
- The aim of the program is to reduce the instance of toddlers drowning.
- The findings of the program, at the end of the first year, indicate that currently the Shire's private pools have a low level of compliance with over 60% not complying at the time of first inspection by Council.
- The typical deficiencies include:
 - Gates not self closing and locking (often due to lack of maintenance);
 - Inappropriate fencing configuration;
 - Fences removed for convenience; and
 - Placement of objects adjoining fences that reduce the effective height of the fence and encourage climbing.
- At the completion of the inspection Council issue the property owner with a *Direction to Comply*, which details any rectification works required and provides a timeframe in which the works are to be actioned.
- None of the typical issues are high cost maintenance concerns; in fact some are no cost. However at the expiration of the timeframe a significant number are not actioned. This is requiring significant additional follow up from Council.
- It is suggested that in the future Council issue a fine to those property owners who fail to complete the required actions detailed in the *Direction to Comply* in the stated timeframe.

- To increase the number of pools inspected annually it is proposed to redirect the lifeguards from their winter duties in Open Space to the inspection program.
- In conjunction with the above Council will expand the existing water education program to emphasise the findings of the pool inspection program including the typical areas of non compliance, action that can be taken by the property owner to improve safety, and the role of ongoing maintenance swimming pools and supervision of toddlers in saving lives.
- This report is drafted with consideration of the offsetting of some of the resource costs of the audit with regulatory income from fines. This will encourage those members of the public with defects to rectify them promptly. This is consistent with the aim of the audit which is to reduce the instance of toddlers drowning. Over time level of compliance within the community should increase as a result of the parallel education program. Councils preferred long term solution is that the audit is able to be funded by the introduction of changes to the SP Act including the potential of an annual licensing scheme.

Introduction

Wyong Shire continues to grow and develop and one of Council's roles is to ensure this growth is regulated and completed in an appropriate manner. To achieve this, Council must take both proactive and reactive roles in development and land use generally.

Council has implemented a number of initiatives throughout 2008 as part of its proactive compliance role. One of these is the inspection of private pools to ensure compliance with the SP Act. Research indicates that no other Hunter or Central Coast Council is currently undertaking a comparable program.

The aim of the private pool inspection program is to prevent young children from drowning in private swimming pools in the Shire. The private pool inspection program is a key platform for achieving this outcome. It directly addresses one of the issues of greatest risk, which is, unsupervised access to the pool. This risk can be minimised by identifying and correcting non compliant fencing, non-latching gates or removing climbable objects in proximity to the fencing. The other facet of this risk is lack of appropriate supervision. Raising community awareness of these risks and the need to action non compliances in a timely manner, is a key factor in ensuring the program's aim is achieved.

Toddler Drowning Statistics for Backyard Swimming Pools

A press release from the Royal Life Saving Society of Australia in June 2008, reinforced the risk profile of private swimming pools, and in particular, the 0-5 age group. The preliminary figures from 2008 show that drowning deaths within this age group doubled from 2007. The highest number of incidents were within the past five years.

Current Programs

Council is currently utilising the following means to increase community awareness and achieve increased levels of statutory compliance for private pools:

- 1 The private pool inspection program includes audit inspections of private pools on Council's pool register. This includes the issue of regulatory notices, if required, and the need for follow up inspections to ensure that appropriate rectification works occur.

- 2 Parallel to these activities, Council is offering a proactive service of issuing Compliance Certificates. Members of the public can apply for a certificate that confirms that their pool meets the specific requirements of the SP Act.
- 3 Council staff are liaising with real estate agents and property conveyancers to provide the Compliance Certificate service at property transfer.
- 4 A checklist is being developed that will enable property owners to undertake a review of their own pools and to highlight any risk areas and /or triggers that would indicate a need to seek advice from Council.

According to Council's records, there are approximately 10,000 private swimming pools in Wyong Shire. Given this number of pools, the age profile of the population and the coastal lifestyle experienced in the Shire, there is a high level of potential risk of swimming pool drowning. This is compounded by the high proportion of pools that are not compliant with current legislation.

In 2008, through use of existing resources, Council undertook a significant number of inspections to achieve full compliance for 418 private pools in the Shire. A number of the pools inspected had non compliances, some of which are still being resolved through legal means due to lack of action on the part of the property owner. A number of property owners have remained unwilling to rectify the defects identified, including minor fencing issues

Given the limited effectiveness of completing the compliance upgrade of only 418 out of 10,000 pools, redeployment of the lifeguards during the winter season would inject a significant and appropriately skilled existing Council resource into the pool audit program.

Proposal to Redeploy Lifeguards

In order to increase the level of available Council resources to perform the annual private pool inspection program and conduct public education programs, it is proposed to redeploy Council's professional lifeguards from their winter/off season duties with Open Space and Recreation (OSR) to the DAU. If provided on an ongoing basis, it may enable Council to inspect the pools on the audit program on a more regular cycle. This would also assist in improving compliance levels and increase the base level of community capacity to allow for improved self regulation and understanding of the risks involved in pool ownership.

To confirm the compliance of all 10,000 pools on Council's register with existing resources, it would take in excess of 20 years at the current rate. The additional resources from redeployment of Council's lifeguards would increase the rate at which both inspections and compliance could be achieved. Conservatively, it would increase the number of pools that could be completed annually to around 1,000. However, given the high level of non compliance and the need for reinspection, the number of pools completed and registered as compliant may be lower. This figure is also reliant on the continuing redeployment of existing resources from within the DAU. In the event that there is an increased workload as a result of an economic turn around, the availability of these staff to undertake this work may not be present.

Once trained in the specific requirements of the SP Act, the lifeguards would bring a unique blend of water safety education and regulatory skills to the role when undertaking the inspections. It is expected that these skills, along with their capability in dealing with the public, would be of assistance in providing property owners with increased levels of understanding regarding why defects are required to be rectified and the risk and potential consequences of non-compliance.

Additionally, the lifeguards could, as an extension of their schools education program, increase general public awareness regarding the risks of pool ownership with children and the need for ongoing vigilance. It is expected that much of the training and cross skilling of both the lifeguards and existing staff in DAU would be done through coaching and mentoring, requiring limited external training with the exception of basic legislation training.

A limited school's education program is currently implemented during the off-season where primary school aged children and younger are taught about the basics of beach safety such as swimming between the flags. This is also complemented with some high school programs which help high school students to identify rips and teach them how to react if they are caught by a rip. These programs will continue to be implemented at current levels within existing budget allowances. However the content will be expanded to: emphasise the findings of the private pool inspection program including discussion of typical areas of non compliance; action that can be taken by the property owner to improve safety; and the role of ongoing maintenance swimming pools and supervision of toddlers in saving lives.

Financial Implications of Lifeguard Redeployment

Council does not receive any direct fee income from undertaking the private pool inspection program and has raised this issue with the State Government as part of its current review of the SP Act. Council has recommended the introduction of a licensing system for private pools (similar to On Site Sewer Management or Places of Public Entertainment) which would require an annual inspection or the inclusion of a Compliance Cost notice, similar to that under the Protection of the Environment Act that would be issued to non compliant pools allowing Council to recover its costs. This would allow the recognition of this function as a core ongoing part of Councils regulatory activities.

Table 1: Additional Wages Budget Required to Fund Lifeguards for swimming pool inspections based on Current Pay Rate

		Period of Employment Each Year (months – at 4.33 weeks per month)			
		1	2	3	4
Number of Lifeguards	3	\$11,480	\$22,961	\$34,441	\$45,921
	4	\$15,307	\$30,614	\$45,921	\$61,228
	5	\$19,134	\$38,268	\$57,402	\$76,535

**nb. Wages based on current rate of \$22.58 per hour.*

Typical functions that would be affected in OSR due to transfer of lifeguard resources from OSR to DAU would be tree maintenance, garden bed maintenance, street tree planting, cycleway maintenance, support of school sports (winter surfing) and facilities maintenance. The Open Space and Recreation budgets that have historically funded lifeguard wages during the off season could instead be used to source other part-time employees or hired labour staff to backfill these duties.

In discussions with Council's lifeguards regarding this potential off season deployment it should be noted that not all affected staff expressed interest in undertaking the regulatory inspections. It is suggested that the allocation of roles to implement this recommendation be in consultation with the staff and aim to match the individual staff skills.

It should be noted that all lifeguards typically take all of their annual leave, any accrued Time In Lieu (TIL) and rostered days off over the winter months. This generally equates to five to seven weeks for each staff member. This means that any lifeguard would only be available for a maximum of approximately three months work. The cost implication highlighted in the table is proposed to be offset by increased income from fines issued as a result of the regulatory process implemented, this is detailed below. The sustainability of this initiative would be substantially improved by the introduction of an annual inspection fee in the amendment of the SP Act and this remains the preferred outcome. Given the need for regulatory reform it is recommended that Council continue to lobby for amendments to the SP Act.

Given the regulatory focus of the program Council does have the potential to generate some funds through the issue of fines. On the first pool inspection any defects are noted and the property owner is issued with a *Direction to Comply* that details the action required by the property owner. Pools are reinspected to confirm compliance and no fines are imposed on complying pool owners. Council has the power to issue a fine once the time period for this notice expires, if the rectification works have not been completed. From a review of last year's outcomes this failure to undertake the necessary works occurs in about 25% of cases. The fine has a value of \$220, meaning the maximum estimated income that could be generated, based on last year's results, is around \$13,750 (25% of the 250 non compliant sites equates to approximately 62 fines).

If the same ratios of non compliance and failure to comply with the notice were experienced in future years, Notices to Comply would be issued to approximately 660 properties (based on completing an estimated 1,100 pools annually). This would increase fines income to approximately \$52,800, based on the same rate of non compliance with Councils Direction to Comply. It should be noted however, that if the program is effective this level of non compliance should reduce over time. The cumulative estimate of the projected cost of the program to inspect private swimming pools is included below.

In considering this estimate it should be noted that:

- The table is based on the scenario of up to five lifeguards being seconded to DAU for the Winter Season;
- Development Assessment will be able to continue to invest the current level of resourcing. This is possible during the current downturn in building activity, but resources available to the audit will be reduced as application volumes increase;
- The administration support for the program is sourced from within the current complement and during the Winter period will impact on their efficiency in processing applications such as DAs and CCs; and
- The income projected from fines is uncertain and based on trends determined in the preceding twelve months of the audit.

Changes in any of these factors will affect the net cost.

Table 2: Typical Year Projected Cost of the program to inspect private swimming pools with the deployment of the Lifeguards based on a joint target completing 1100 pools (note that actual inspections undertaken would be significantly higher).

	Average Time Allowance (hours/yr)	Cost (\$)	Potential fine Income (\$)
Base level Regulatory Site Inspections (current)	1,045	47,025	No fines currently issued
Administration	825	20,625	
Potential fine income			52,800
Cost of additional inspections undertaken by the redeployment of the lifeguards for three months	1,705	57,402	
Totals		125,052	52,800
Net Cost			72,252

From the above table it can be seen that the ongoing cost to achieve the swimming pool audits in a typical year is \$70K, when offset by the total projected fine income.

Costs and income in the financial 09-10 will be impacted by the reduced time period that the lifeguards will be seconded to DAU. This is because of the staggered start to the program and that the Winter off season straddles two financial years. If the recommendations are adopted by Council, this financial year the lifeguards will be seconded for the remainder of August and September 09 for training and to undertake the preceding education program. They will come back to DAU for two months of the 2010 winter season (May, June 2010). Therefore in 09/10 it is expected that the lifeguards will undertake the majority of their inspections in June 2010, having completed refresher training and orientation predominately in May 2010. Given this, the net cost of the audit for 09-10 would be increased over the typical year costs to approximately \$77K due to the reduced potential fine income.

Conclusion for Private Pool Inspection Program and Education Program

The key aim of this program is to prevent young children from drowning in private swimming pools in the Shire. The inspection program is a key platform for achieving this aim. The additional resourcing provided by the lifeguards will allow the acceleration of the program by way of the number of audits able to be undertaken per annum as well as the added benefit of the public education service they can offer to residents whilst carrying out the pool audit. However to be effective, appropriate regulatory action is essential to achieve compliance with the 25% that fail to respond to the educational / awareness approach.

The recommended provision of the lifeguards for three months each winter to undertake these audits will add in a typical year a direct additional cost to Council of approximately \$57,000 (rounded from \$57,402) per year which can be partially funded from revenue generated by fines generated out of the private pool inspection program as indicated above, with a net end position, with consideration of all resourcing costs of \$72,252.

EXTENSION OF BEACH SAFETY

This section of the report deals with the various issues raised by Councillors at the briefing on Extended Safety of Surf Patrol Beaches on 1 April 2009. In assessing the various options for amending the lifeguard's existing levels of service, consideration was given to identifying how lifeguard services could be aligned to achieve a more consistent approach on Central Coast patrolled beaches as a whole. Visitors and tourists to the Central Coast may not distinguish between Gosford and Wyong Council boundaries and may view all beaches on the Central Coast similarly with respect to anticipated levels of service for patrolled beaches. Options were therefore considered with regard to endeavouring to achieve a whole of Central Coast view for levels of service on beaches. It should be noted that the Wyong Lifeguard Supervisor has also been consulted in preparing the information, various options and some of the relevant cost estimates for this report.

Surf Life Saving Central Coast (SLSCC) have also been consulted regarding this report and related issues that are currently topical within the SLSCC organisation. They are generally supportive of the key recommendations contained within this report and any initiatives Wyong Council may implement to help reduce drowning deaths in the Shire. Should there be significant shifts in the levels of service for lifeguards resulting from the development of the Four Year Delivery Program, further consultation with SLSCC would be necessary to ensure complimentary services are able to be achieved during the SLSCC weekend service.

Current Coverage and Resources

Council's lifeguard patrol coverage begins on the October long weekend and continues until Anzac Day with a minimum of two lifeguards per patrolled beach. During this time Council Lifeguards patrol all week days except public holidays, and Surf Life Saving Central Coast (SLSCC) volunteers patrol weekends and public holidays.

Six beaches are patrolled during the season from 8:30am to 5:00pm (6:00pm during Christmas peak which is approx 5 weeks from Christmas to Australia Day):

- Lakes Beach
- Soldiers Beach
- North Entrance
- The Entrance
- Toowoong Bay
- Shelly Beach

Vera's Water Garden (The Entrance) and Fraser Beach are also patrolled by Council Lifeguards during the Christmas school holidays. These services are contracted by The Entrance Town Centre Management and National Parks and Wildlife Service respectively.

Comparative range of lifeguard service levels for various NSW Council patrolled beaches.

The range of lifeguard services provided within NSW Council patrolled beaches generally range from the lower resource levels of service for a number of northern NSW Councils to the more resource intensive extended services provided at the high profile Sydney metropolitan beaches which attract high volumes of residents and tourists. Wyong Council and the other local regional Councils generally offer a level of service that falls approximately in the middle of the range of categories as shown in Table 2. The annual 2009-10 cost of Wyong Shire's lifeguard service is approximately \$630,000 and to move to a higher or lower level of service and the resultant estimated impact on the existing annual cost is detailed in the table above.

For illustrative purposes Table 3 provides an indicative cost range associated with providing the Wyong Shire lifeguard service to each of the five varying service levels depicted in the table.

Table 3: Comparative range of lifeguard levels of service.

Typical Level of Coverage	Lower resources	←→	Middle/Average	←→	Higher resources
Hours/day	6 - 8	8	8 - 10	12	13
Days/week	5	5	5 - 6	6	7
Months	Christmas School Holidays	Plus October School Holidays	October to April	All Year for some beaches	All Year for all beaches
Resources per Beach	1 lifeguard per beach during peak only	1 lifeguard minimum during patrol times, 2 per beach during peak	2 lifeguards per beach minimum, 3 lifeguards on some beaches during peak	2 lifeguards per beach minimum, up to 5 lifeguards on some beaches during peak	4 lifeguards minimum, up to 10 lifeguards per beach on some beaches during peak
Rescue Equipment per Beach	Rescue Boards only	1 jet ski per three beaches, plus rescue boards and irb	1 jet ski per two beaches plus rescue boards, irb and club car	1 jet ski per beach plus rescue boards, irb and club car.	Multiple Jet Skis per beach plus rescue boards, irb and club car
Cost to Wyong Shire Council to Implement to this service level	-\$500,000	-\$450,000	WSC current annual cost \$630,000	+\$900,000	+\$3,700,000

History of Drowning in Wyong Shire

The overall objective of this report is to identify initiatives that will reduce drowning deaths in Wyong Shire and Table 6 (please refer to Appendix) provides data that identifies that twelve drowning deaths have occurred in the past decade on ocean beaches in the Shire. Of these deaths, the following information is noteworthy:

- No drowning deaths have occurred on beaches patrolled by Council Lifeguards.
- Only one drowning death has occurred on a beach patrolled by volunteer lifesavers.
- Four of the six drownings that occurred during patrol hours were at Budgewoi or Birdie Beach (National Parks jurisdiction), which are both unpatrolled.
- The four deaths at Shelly Beach occurred outside patrol hours. Three of the four deaths occurred in the early hours of the morning.
- Ten of twelve deaths were people visiting the area.
- Eight of the twelve drownings occurred in January and December and all of these were tourists.
- Five of twelve deaths involved alcohol consumption (Source: Lifeguard Records).
- All drownings were males.

Summary of Options and Priorities

Following the Councillor briefing of 1 April 2009 a variety of options for extending beach safety have been considered. Of the various scenarios that were discussed, five options have been identified (see table 4 below) as being the priority for Wyong Shire. These five recommended options were identified and given a priority order by taking into account the statistical information (as provided in tables 6, 7 and 8 in the appendix) relating to drownings, both in Wyong Shire and all of New South Wales, as well as having regard to the funding required to achieve the required outcomes and other criteria as listed below.

Table 4: Summary of recommended options.

Proposed Priority	Option	Estimated Additional Cost per annum
Proposed to be funded in 09/10		
1	Risk management based discretionary extension of daily hours on patrolled beaches	\$10,000
2	Water & beach safety awareness program targeted at Budgewoi Beach (6 week Christmas peak)	\$7,500
Possible Future Priorities		
3	Budgewoi Trial Lifeguard Patrol (6 weeks)	\$40,000
4	Additional rostered lifeguards (6) to allow roving patrols and increased lifeguard service intensity to all six beaches (\$905 per beach/week)	\$168,200
5	Extended hours during Christmas peak (8.00 AM to 7.00 PM) to all beaches (\$3,750 per beach/year).	\$23,000

Note: Options 3, 4 and 5 are unfunded in 2009-10 but are recommended to be considered as part of the development of the Four Year Delivery Program.

In assessing which lifeguard service initiatives to consider for inclusion in Table 4 and the order of priority for the nominated options the following criteria were considered:

- estimated effectiveness in addressing conclusions made from the review of available statistics and data relating to drownings,
- feedback and anecdotal evidence from lifeguards and SLSCC as to beach drowning risks,
- cost effectiveness and assessed value derived from invested additional funds,
- ability to fund recommended enhancement options in the 09-10 financial year.

Of the five recommended options and based on the abovementioned criteria, 'Risk management based discretionary extension of daily hours on patrolled beaches' was considered the highest priority option as it allows the lifeguards to monitor existing and forecast surf conditions and the number of swimmers on each beach and exercise their professional judgement in assessing the prevailing risk to swimmers on the beach at any time. This initiative is considered important in potentially preventing future drowning incidents during high use periods of the Shire's patrolled beaches, that is, apply additional resources where and when the majority of patrons attend the beach. This has the endorsement of the Lifeguard Supervisor as the highest priority. An additional benefit of this option is that given the inherent flexibility of responsive discretionary assessment of beach conditions there will not be redundant resourcing during the extended patrol periods (i.e. lifeguards on beach on rainy days).

Given the local drowning data (Table 6 in the appendix) indicates that there were two (weekday afternoon during school holidays) tourist drownings at Budgewoi Beach, the second priority recommendation is for a water & beach safety awareness initiative targeted at Budgewoi Beach.

Options two and three complement each other in increasing beach safety at Budgewoi Beach. In future years, if funding is available to implement option 3, it is recommended that the awareness program be complemented with a Budgewoi Beach trial lifeguard patrol (6 weeks Christmas period). The Strategic and Operational Beach Management Plan 2005 – 2010 identifies this location as the highest priority for expansion of beach safety services. If the initial trial is successful the service could be continued and/or expanded assuming commensurate allocated funding is made available.

Option 4 was considered to have the greatest synergy with the previous three options in reducing the risk for drownings at the Shire's beaches. Additional rostered lifeguards will provide for roving patrols and a higher level of lifeguard services (\$905 per beach/week). This option can be revised to nominate specific beaches, rather than all six beaches, to tailor additional lifeguards to match the allocated agreed budget.

The fifth recommended option is 'Extended hours at all beaches during Christmas peak (8.00 AM to 7.00 PM)'. This is similar to option 1, the difference being this option entails implementing agreed beach opening hours to which the public would become aware as 'set' times versus option 1 which allows lifeguards the daily discretion to open longer than the 'core' hours based on prevailing conditions per beach. Although this would improve safety, it is not being recommended as high a priority as options 1-4, given a similar result, but with greater flexibility, could be achieved by adopting option 1.

Various other scenarios were also discussed in the Councillor briefing of 1 April 2009 and information relating to these has been included later in this report. These scenarios include 365 day per annum coverage at some beaches, as well as weekend and public holiday patrols by lifeguards over Christmas period (in conjunction with volunteer lifesavers).

Compatibility with SLSCC services

One of the difficulties with formally extending beach safety during the week is that it may create a disparity between beach patrol hours for lifeguards and weekend lifesavers. SLSCC have indicated that they may be able to cover some beaches for extended hours on weekends by requiring volunteers to patrol for extended hours. However, they have not been able to give this full consideration at this stage. If SLSCC is not able to provide this service, some beaches would be open longer during the week than on weekends. As weekends generally correlate with peak usage, extending the patrol hours on the less busy days may appear to some members of the public as an anomaly.

Option 1

Discretionary risk management based extension of daily hours on currently patrolled beaches

Lifeguards, in consultation with the Lifeguard Supervisor, would assess potential and actual beach conditions to determine if beaches should remain open later, or open earlier the next day. In doing this, they would consider factors including crowds, climatic conditions and sea/swell conditions.

By implementing this option, lifeguards will have the discretion to stay in attendance for longer in the day or option to arrive earlier the next day based on actual assessed needs and risk. This option will also be relatively easy to implement whilst representing a relatively low cost – high return outcome in managing risk. Given Council's limited funding resources it also allows the flexibility for the lifeguards to take into account prevailing conditions and not incur additional costs on days that didn't require the extension of hours. With reference to the local drowning data (Table 6) and related statistics in the appendix, this initiative may have resulted in the prevention of one of the drownings in Wyong Shire.

Budgeting for these additional discretionary times for lifeguard provision is difficult as the weather conditions and crowds on any given day are hard to predict. Bureau of Meteorology statistics indicate that from October to April there are on average 8.7 days above 30 degrees Celsius at the Norah Head weather station. The available weather data does not consider weekends and public holidays versus weekends. Based on there being 8.7 days on average per year, Council could consider that on days forecast to exceed 30 degrees Celsius, lifeguards could plan to open all six beaches half an hour earlier at 8.00 AM on (rounding up the 8.7 days) 10 days per year. The additional cost of this would be approximately \$1,500 per annum.

On these same days, it may be reasonable to expect that there will be greater crowd numbers remaining at the beach for longer periods. On this basis, the nominated closure time could also be extended. Therefore the total additional annual cost of the earlier opening and later closing times would be approximately \$5,000.

If further similar allowances to extend opening/closing times on an as-needs basis were to be considered by lifeguards, particularly in order to manage increased crowds over Christmas, a recommended additional 10 days (total of 20 days of extended hours per annum) should be considered to allow for peak beach usage.

Overall, to conduct an interim discretionary extension of beach hours, a \$10,000 budget allocation is recommended. This budget and the assumptions/calculations have been prepared with input from the Lifeguard Supervisor.

Option 2

Water & beach safety awareness initiative targeted at Budgewoi beach

A schools program is currently implemented during the off-season where on average approximately 12 schools are visited and younger aged children are taught about the basics of beach safety such as swimming between the flags. This is also complemented with some high school programs which help high school students to identify rips and teaches them how to react if they are caught by a rip. These programs could continue to be implemented at current levels within existing budget allowances as discussed earlier in this report.

As identified by the local drowning data in Table 6 (refer to appendix), the highest proportion of incidents relates to male tourists between 17 and 50 years of age and there have been two drownings at Budgewoi Beach on a weekday afternoon. Improved availability of information and public/tourist awareness at key locations such as Budgewoi Beach may prevent future similar incidents.

Therefore a specifically targeted water & beach safety awareness program for the unpatrolled Budgewoi Beach is recommended. This is based on the anecdotal evidence from nearby Lakes Surf Club and Council's lifeguards as to the increasing patronage of Budgewoi Beach by the general public plus tourists attracted from the nearby Council owned Tourist park, particularly over the Christmas peak period.

This targeted limited awareness program of the Budgewoi Beach area is recommended over a wider less specifically targeted campaign due to the difficulties in achieving an effective outcome unless multi-media is employed and budgets in excess of \$100,000 are made available. For example, the recent joint Water Authority education campaign across the Central Coast regarding water restrictions during the drought cost in the order of \$500,000 a year to drive behaviour change. There is little research to assess the effectiveness in conveying the key message to the target audience in driving behaviour change especially as it is conveyed to such a wide audience. Therefore given the much higher cost of a wider awareness campaign, a more specific program aimed at Budgewoi Beach area is recommended instead.

From 14 December 2009 to 26 January 2010, a six week water and surf awareness program could be implemented at Budgewoi Beach and adjacent areas and focus on the male tourist demographic. This would best be accomplished by deploying a lifeguard for two days per week over this period to target beach users, with specific emphasis on male and young holiday makers, and engage them in basic beach safety awareness. Given that the lifeguards would also be targeting male holiday makers, the messages that they would most seek to convey would be to swim between the flags and to encourage them not to swim after the consuming of alcohol.

Information flyers would also be developed that convey much of this similar information to a wider audience in the Budgewoi Beach area. Flyers could be left at nearby surf club kiosks, kept at lifeguard towers and given to new arrivals at Council Tourist parks. It is also recommended that brochures plus strategically placed new signage be used on the beaches, accompanied by similarly branded A3 posters that could be posted at Budgewoi and other beaches, Budgewoi Tourist park and in other major coastal tourist areas with the consent of property owners (for example licensed clubs, supermarkets).

The total estimated cost of this water & beach safety awareness program is \$7,500.

The major focus of the initial awareness program would be in the Budgewoi Beach area, but with additional future funding this could be extended to other unpatrolled beaches such as Magenta Shores, Birdie Beach and Cabbage Tree Bay.

General Note

The following three recommended options are unfunded in 2009-10 but are recommended to be considered as part of the development of the Four Year Delivery Program.

Option 3 - unfunded

Commencement of a trial lifeguard patrol at Ocean Street, Budgewoi during peak season

The Strategic and Operational Beach Management Plan 2005–2010 is Council's current strategic document to assist with proactive planning of beach safety services.

Six priority areas were identified under the Strategic and Operational Beach Management Plan 2005-10 for expansion of Lifeguard services to beaches which are currently unpatrolled. These locations were considered the highest priority based on a number of criteria such as consideration of the drowning histories at each site, beach safety ratings (as detailed in "Beaches of the NSW Coast", Andrew Short 2000), and beach attendance. In priority order, these were identified as:

1. Ocean Street, Budgewoi
2. Karagi Park, The Entrance North
3. North Shelly Beach
4. Wyuna Ave, The Entrance North
5. Magenta Shores, The Entrance North
6. Hargraves Beach North

As per the data above and as discussed in the Councillor briefing of 1 April 2009 and in terms of decreasing the risk potential for future ocean drownings in the Wyong Shire, a key recommendation for extending current beach safety services would be to commence a lifeguard service in the vicinity of Ocean Street, Budgewoi.

Given its proximity to the Budgewoi township, residential areas and Council owned Tourist park, it is considered that the most advantageous location for establishment of a new lifeguard patrol service would be in the vicinity of the Ocean Street Beach access during the Christmas holiday season. This is supported by the Strategic and Operational Beach Management Plan.

All four drownings in this area occurred in January and December and were all tourists, indicating further correlation with the peak Christmas tourist season. It is considered that establishment of a lifeguard presence at this site from October to April would be costly, and is initially difficult considering that there is no infrastructure presently available at the location.

As a first step and to validate the Lakes Beach surf club's anecdotal evidence as to patronage volumes at Budgewoi Beach, an initial six week trial is recommended. A service could be commenced by procuring items as identified in Table 9 (refer to appendix). Table 9 also indicates overall estimated costs of \$40,000 in establishing a service at this location, on a trial basis for six weeks per annum (14 December 2009 to 26 January 2010). By conducting this trial additional accurate beach patronage statistics will be compiled to allow comparison of incidents/preventative actions with other patrolled Wyong beaches and a further report on the outcomes of this trial will be prepared for Council's further consideration.

Alternatively, within existing budgets, lifeguards could install additional warning signage which can be deployed when conditions demand at Budgewoi Beach during school holidays advising beach users that the beach is closed for swimming.

The cost estimates in Tables 9 (refer to appendix) excludes Council lifeguards undertaking weekend and Public Holiday patrols. Preliminary discussions with SLSCC indicate they are likely to undertake weekend and public holidays patrols as per other patrolled beaches, if Council were to proceed with this option.

This option, if implemented over the previous 10 year period could have potentially resulted in the prevention of two of the 12 drownings in Wyong Shire as identified in local drowning data (Table 6 of the appendix).

Option 4 - unfunded**Additional rostered lifeguards to allow roving patrols and increased lifeguard service intensity**

Another option to improve beach safety would be to increase the number of lifeguards per beach by one. This would allow the current successful coverage to be supplemented by the availability of a roving lifeguard that could traverse unpatrolled areas of coastline in the vicinity of a flagged beach. The lifeguard could temporarily stop and observe sections of unpatrolled beach to identify risks and/or inform patrons of the dangers of their activities and ask them to move to flagged area. The cost is an estimated \$905/week per beach. As a minimum, this option is recommended to be implemented for the six week Christmas peak season. This represents the peak period for beach patronage and tourist visitations on the Central Coast and therefore the highest benefit derived from an increased lifeguard service. The estimated cost to implement this option on all six patrolled beaches for the Christmas period is \$32,580. Alternatively, to implement this option for the entire October to April season would cost an estimated \$168,200 for all six patrolled beaches.

The extra lifeguard per each of the six patrolled beaches would allow the flexibility for one lifeguard to roam unpatrolled areas and/or inform persons swimming in non-flagged areas of the dangers. The additional lifeguard(s) could also supplement the surf education program.

Option 5 - unfunded**Extended hours during Christmas peak (8.00 AM to 7.00 PM) to all beaches.**

An alternative option to that discussed in option 1 would be to extend hours at Council's beaches, for a six week period (14 December 2009 to 26 January 2010). It is estimated that an additional \$3,750 per beach would be required to formally extend the hours from the current 8.30 AM to 6.00 PM, to 8.00 AM to 7.00 PM. If the hours are extended, this would keep lifeguards on the beach for the whole of this period, but may not necessarily mean that lifeguards keep flags up on the beach. Like all other times, maintaining a flagged swimming area is dependent on the conditions. It is also recognised by NSW Department of Primary Industries that dawn and dusk can be higher risk periods for shark attack which may need to be considered by lifeguards when deciding to close the beach.

This option 5 is a blunt initiative where if the weather is poor and there is nobody on the beach, the beach remains open. The recommended preferred option in the interim is to increase the discretionary ability of lifeguards to open and close beaches at different times depending on conditions (ie option 1).

Additional scenarios discussed in the Councillor briefing of 1 April 2009**July school holiday coverage of existing beaches**

Additional data sourced from SLSCC regarding NSW coastal drownings from 2004 to 2008 identified a spike in drownings in July, which may correlate with July school holidays, the only school holiday period throughout the year that does not fall in the recognised patrol season.

Consequently, Councillors discussed the scenario of providing lifeguard services to some or all of Wyong Shire's currently patrolled beaches over the two week July school holiday period.

However, a further review of the July spike data indicates there were 10 drownings over a four year period but none of these occurred on the Central Coast. The 10 drownings included 3 rock fishermen drownings at non patrolled beaches as well as boating accidents and were spread out over a number of Local Government areas ranging from Shoalhaven in the south of NSW to Tweed in the north with for example three of the drownings occurring in the Wollongong area and one in City of Sydney.

To provide this service to all six beaches, it is estimated that the cost would be approximately \$85,000 per annum. If this service were to be provided to one beach only over the same period (say Soldiers Beach or Shelly Beach), the estimated annual cost would be approximately \$14,200.

Discussions with SLSCC in preparing this report, have identified that there is little support from the surf clubs for this proposal. SLSCC reviewed this option in recent years, and the anecdotal evidence from the various surf clubs indicated that there was very low beach patronage at Council's six key beaches during this period and over the winter months generally. SLSCC concluded that surf patrols during the two week July school holiday period was not justified. Instead, the surf clubs decided that lifesaver resources should be invested into other initiatives. If Council were to proceed with lifeguard services for the two week July school holiday period it is unlikely to be supported with complementary weekend patrols from volunteer lifesavers based on SLSCC's recent feedback.

Later closure times of beaches during daylight savings

Councillors requested further information and consideration of this matter.

During the briefing of 1 April 2009, Councillors were advised that from an analysis of national data provided by Surf Life Saving Australia, the likelihood of a drowning occurring was higher during the existing patrol hours as compared to outside of existing patrol hours.

National Surf Life Saving coastal drowning data for 2004 to 2008 'by hour' is shown in order of highest to lowest occurrence in Table 7 (refer to appendix).

From this analysis 65.8% of all national coastal drownings have occurred during the current regular season patrol hours. By including the 5pm – 6pm timeslot, the percentage of drownings that then occur within the patrol period rises to 75.2%, that is approximately 9% of drownings occur in that timeslot. If later closures were considered, it is recommended that they only be considered during daylight savings periods which is the highest beach patronage period of the year.

Further consideration of the local drowning data as discussed in Table 6 (refer to appendix) indicates that of the local drownings mentioned, only two occurred in these 'fringe' periods. One was at Birdie Beach (National Park) at 5.15 pm and the other was at Shelly Beach at 7.00 pm. These were both during the Christmas peak period.

It should also be recognised that Council's lifeguards and volunteer lifesavers presently operate with a degree of flexibility and will stay at the beach longer if crowds and conditions warrant it. For example, extended hours are currently typically deployed on hot days with large beach crowds remaining in the water after the normal closing time or early opening the following morning if hot weather and unfavourable sea conditions are forecast. This current flexibility would be supported by the adoption of option 1 for discretionary extension of patrolling hours.

Extension of current patrol season beyond October to April

During the briefing, consideration was given to establishing a year round lifeguard service at the Shire's two most popular beaches, being Soldiers Beach and Shelly Beach, in order to provide a viable safe alternative for winter swimmers.

Wollongong City Council, which has the largest lifeguard service in NSW, established a similar service in 2008. This followed an extensive trial and public consultation period which identified that there was a need to undertake such a service at its most popular beaches, but other 'satellite' beaches did not warrant it. Through the SSV consultation process the issue of extended beach patrol season was not raised by the public as a significant issue that Council needed to improve/enhance.

If this were considered to also be a preferred option, lifeguards would be required to work weekends and public holidays at the two beaches for the entire off-season, as surf life saving volunteers are, at this stage, not active over the same period. The costs of providing this service would be approximately an additional \$320,000 per annum.

The additional data sourced from SLSCC regarding NSW coastal drownings from 2004 to 2008 indicate that the peak drowning months are January through to April, months which are already covered by existing services.

Weekend Lifeguard Patrols at all beaches during Peak (six weeks)

Statistics sourced from SLSCC for 2004 to 2008 NSW coastal drownings (Figure 2 of appendix) indicate that there is a higher incidence of drownings in NSW on Saturdays and Sundays, with approximately twice the number of drownings on these days compared to any other day.

The local drowning data presented in Tables 6 and Figure 3 (refer to appendix), shows that the same trend is not apparent in the Wyong Shire over the course of the last 10 years. From this data there have been more drownings on Thursdays (4) than any other day. Saturday and Sunday do however follow from this.

During the current patrol seasons, Surf Life Saving Australia volunteers undertake all patrols in the Wyong Shire on weekends and public holidays with no lifeguard presence.

From the local and state drownings data (presented in Figures 2 and 3 of the appendix), it is clear that generally there have been more drownings on weekends than most week days. The local drownings data from Table 6 (refer to appendix) does however indicate that each of these weekend drownings in Wyong was in unpatrolled areas (not considering the Monday Public Holiday drowning at Soldiers Beach in 2001). With greater numbers of beach users over weekend periods and in order to better address safety concerns, there is an option of lifeguards being deployed, along with surf life saving volunteers, on some weekends and public holidays as, for example, occurs at Bondi Beach and the Gold Coast.

Rather than considering deploying lifeguards on weekends and public holidays for the whole season, consideration is instead being given to their deployment during the six-week Christmas holiday peak.

Initial estimates presented during the briefing for a six-week weekend lifeguard service were costed at \$200,000 to \$215,000 per annum. This initiative is considered a lower priority than extending the current patrol season beyond October to April.

Reduction in Lifeguard Services to Less popular beaches such as North Entrance, The Entrance and Lakes Beach

Councillors requested that consideration be given to reducing services at some of the other beaches considered less popular, such as North Entrance, in order to fund the extension of beach safety services at other locations.

As illustrated in Table 3, various levels of service can be implemented at varying cost levels for each location depending on the agreed outcomes. Consideration of changing service levels on any of Wyong Council's beaches could be undertaken as part of the development of the Four Year Delivery Program later this year. As part of this review process, further research could be undertaken to review other similar Council's lifeguard services in order to provide additional objective data in support of any proposed changes.

Shire Strategic Vision

The Shire Strategic Vision (SSV) provides a broad base for the direction of our community over the next 20 years. Specific levels of service for a variety of Council assets and programs are not covered at this strategic level. Whilst surf lifeguard services may be considered part of the community's diverse range of services (page 19 of the draft SSV) what level of service, how that service level will be funded and agreed needs are to be considered during the preparation of the Asset Management Strategy and Council's Four Year Delivery Plan. These projects have commenced and a first draft will be available for review by the end of 2009.

However, extension of beach safety services meets a number of the priority objectives of the Shire Strategic Vision such as:

- 'Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.' – page 19 of the draft SSV (through lifeguard coverage over longer periods of the year in more locations) ;
- 'There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.' – page 23 of the draft SSV (by encouraging public access and usage); and
- 'Communities will be vibrant, caring and connected with a sense of community belonging and pride in their local neighbourhood.' – page 16 of the draft SSV (by expanding and supporting programs that increase participation among all ages in sports and recreation through increasing levels of safety at beaches).

The extension of beach safety services would also link with the identified strategy of establishing a world-class beach and cliff walk.

Funding Opportunities

There are currently no funds identified for the ongoing maintenance and operations of the proposed extensions to beach safety services as outlined above. The Long-Term Financial Strategy, which will be considered later this year, may be one source for identifying additional funds for initiatives identified in this report.

The Long-Term Financial Strategy will assist Council to make decisions about allocating its limited resources to competing priorities and provide assurance that there are sufficient resources to meet both ongoing commitments and undertake new projects

CONCLUSION

As an interim improvement to reducing drowning deaths in Wyong Shire and increasing the level of lifeguard services at Wyong's beaches, it is proposed that the pool audit initiative and lifeguard service level option priorities 1 and 2 (as listed in Table 4 of this report) be implemented by sourcing funds in 2009-10 from the anticipated additional revenues resulting from increased pool inspection regulatory activity and the additional \$27,200 from Shire Services budgets. The source of this funding is to be considered in the quarterly review process.

As Council is currently not in a position to fund other priorities, listed in Table 4 on an ongoing basis, it would be prudent to defer committing to the other priorities until the Shire Strategic Vision process and Four Year Delivery Program is finalised and the Long-Term Financial Strategy is considered later this year.

Table 5: Cost of the various recommended initiatives.

Recommended Initiative	Cost (\$)
Additional net cost of expanding the pool audit inspections program by seconding the lifeguards (refer to Table 2 for detailed cost break-up)	9,700
Proposed option 1: Risk management based discretionary extension of daily hours on patrolled beaches (as funded for 09/10)	10,000
Proposed option 2: Water & beach safety awareness program targeted at Budgewoi Beach (as funded for 09/10)	7,500
Total	27,200

APPENDIX**Wyong Shire Ocean Drowning Statistics**

Council staff have collated data on all known drowning deaths on Wyong Shire beaches over the past decade. Data that includes details such as those listed in table 2 were only available for incidents since 1999 and as such any prior incidents were not considered.

Table 6: Fatal ocean drownings in Wyong 1999-2009:

Date	Day	Time	Location	Activity	Age	Gender	Local/ Tourist	Location Status
17/01/09	Sat	2-3:30am	Shelly Beach	Swimming	26	male	Tourist	Not Patrolled
17/01/09	Sat	2-3:30am	Shelly Beach	Swimming	20	male	Tourist	Not Patrolled
15/04/07	Sun	2:00pm	Toowoan Bay*	Swimming	Unknown	male	Tourist	Not Patrolled*
04/01/07	Thur	2:20pm	Budgewoi Beach	Swimming	36	male	Tourist	Not Patrolled
20/03/05	Sun	1:00am	Shelly Beach	Swimming	36	male	Tourist	Not Patrolled
27/01/05	Thur	2:00pm	Budgewoi Beach	Swimming	22	male	Tourist	Not Patrolled
06/01/05	Thur	7:00pm	Shelly Beach	Swimming	26	male	Tourist	Not Patrolled
31/12/04	Fri	5:15pm	Birdie Beach	Slipped on Rocks	60	male	Tourist	Not Patrolled (National Parks)
14/01/03	Tue	11:45am	Birdie Beach	Swimming	17	male	Tourist	Not Patrolled (National Parks)
06/03/02	Wed	Unknown	Cabbage Tree Bay	Swimming	79	male	Local	Not Patrolled
01/10/01	Mon**	Unknown, during patrol hours	Soldiers Beach	Swimming	50	male	Tourist	Patrolled Surf Life Saving
09/12/99	Thur	Unknown	Pelican Beach	Surfing	35	male	Local	Not Patrolled (National Parks)

* Outside Patrol Area

** Public Holiday

Shaded rows reflect incidents that may have been directly affected by increased patrols.

Sources: Central Coast Express Advocate, The Royal Life Saving Society NSW Branch and Lifeguard records.

Table 7: 2004-2008 National Coastal Drowning Data by one hour timeslot (source: Surf Life Saving Central Coast) in order of most drownings to least:

Timeslot	Number of Drownings	Within Current Patrol Hours?
3pm-4pm	35	Yes
10am-11am	31	Yes
5pm-6pm	29	During Peak
12pm-1pm	26	Yes
4pm-5pm	26	Yes
2pm-3pm	25	Yes
1pm-2pm	19	Yes
8am-9am	15	Partly (8.30 am start)
11am-12pm	15	Yes
6pm-7pm	15	No
7am-8am	10	No
9am-10am	10	Yes
7pm-8pm	9	No
9pm-10pm	8	No
1am - 2am	7	No
6am - 7am	6	No
3am-4am	5	No
5am - 6am	4	No
12am - 1am	3	No
4am - 5am	3	No
8pm-9pm	3	No
10pm-11pm	2	No
11pm-12am	1	No
2am - 3am	0	No

Table 8: Lifeguard Rescues during 2008-09 Patrol Season at North Entrance, The Entrance and Soldiers Beach:

Item	North Entrance	The Entrance	Soldiers Beach
Rescues	5	5	109
First Aid	47	33	75
Marine Stings	108	3	58
Preventative Actions	2,420	2,477	21,432
Beach Usage	82,100	78,300	224,200

Table 9: Costs associated with establishing a temporary lifeguard service at Ocean Street, Budgewoi for six weeks:

Item	Estimated Cost for a six week period in the First Year
2 x Lifeguard Wages (excluding Public Holidays and Weekends – to be performed by volunteers)	\$15,000
4WD Dual Cab Utility Hire	\$1,500
Jet Ski (based at Lakes Beach) and trailer	\$8,500
Other Equipment (Flags, signs, boards, uniforms, wetsuits, defibrillators, oxy vivas, medical equipment, esky, portable toilet)	\$10,000
Removable shelter for existing viewing platform	\$5,000
TOTAL	\$40,000

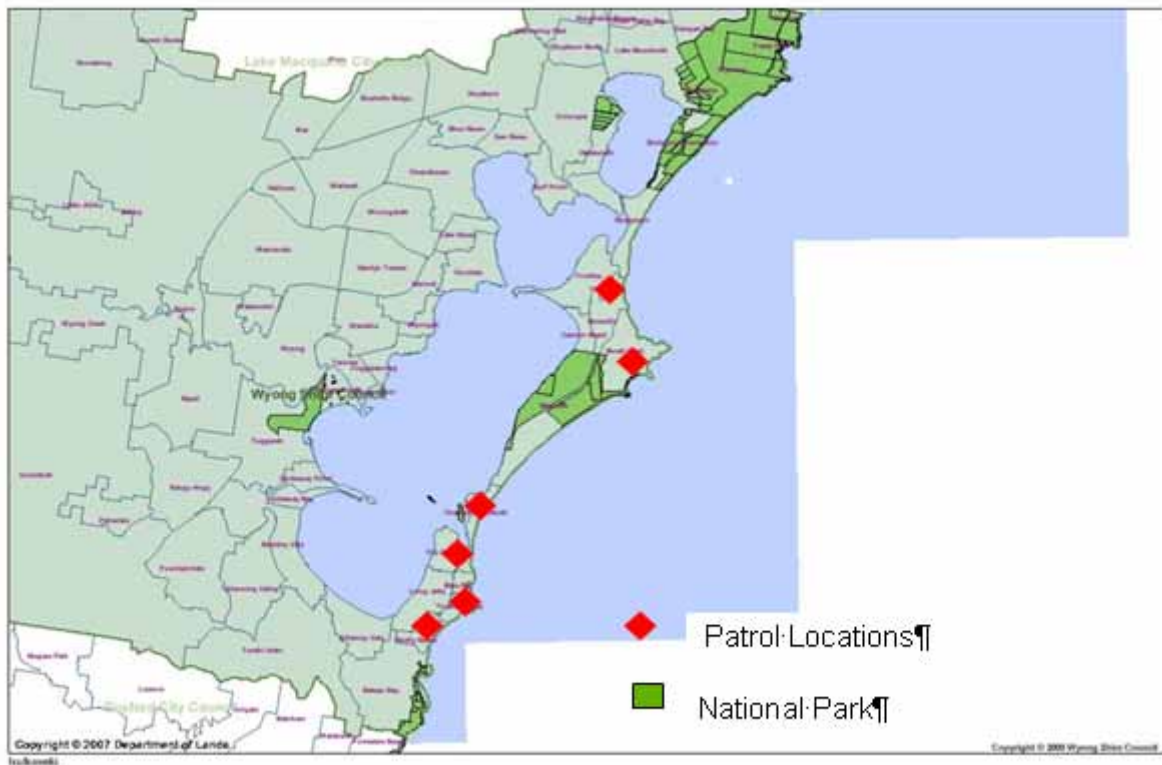
Figure 1: Wyong Shire Patrolled Beach Coverage Map showing National Parks

Figure 2: Coastal Drownings NSW 2004-2008 By Day (source Surf Life Saving Central Coast)

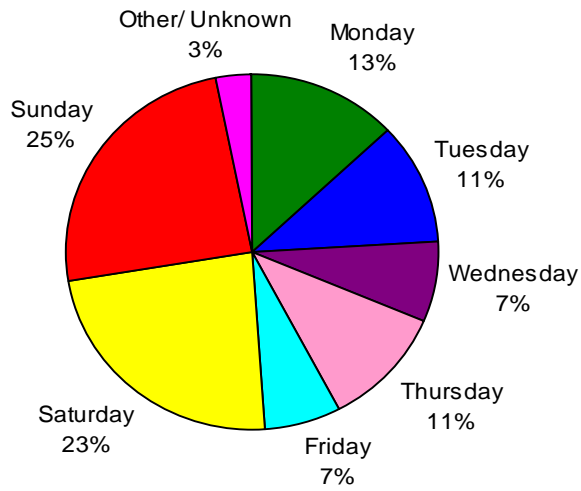
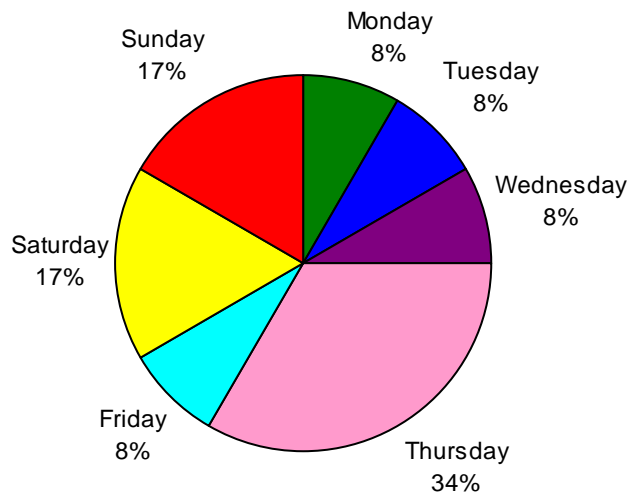


Figure 3: Coastal Drownings Wyong Shire 1999-2009 by Day (from Table 2)



Options and Costs for Extending Year Round Lifeguard Services

Table 1: 2010/11 Financial Year predicted costs based on April 2011 commencement of any trial service. Services indicated in this table are for Council staffed services without any support from Surf Life Saving Central Coast.

Description of Service	June Long Weekend	All Other Weekends	All Other Weekdays	Estimated Cost
June Long Weekend	✓			\$10,000
All Weekends during winter period + June public holiday	✓	✓		\$60,000
All Days May 2011 to June 2011 (inclusive)	✓	✓	✓	\$150,000

Table 2: 2010/11 Financial Year predicted costs based on a three month trial commencing July 2010 and concluding prior to October 2010 (i.e. no commitment for additional services to commence in April 2011). Services indicated in this table are for Council staffed services without any support from Surf Life Saving Central Coast.

Description of Service	July School Holidays	All Other Weekends	All Other Weekdays	Estimated Costs
July School Holidays Only	✓			\$40,000
All Weekends during winter period + June public holiday		✓		\$130,000
All weekends and school holidays	✓	✓		\$110,000
All Days July 2010 to September 2010 (inclusive)	✓	✓	✓	\$170,000

Table 3: Predicted additional full year costs for options suggested by Council Lifeguards.

Description of Service	September to May Inclusive (2 beaches)	Toowoomb Bay (year round)	Estimated Costs
Begin start September and complete end of May for Soldiers Beach and Shelly Beach	✓		\$128,000
Full year Lifeguard Patrol at Toowoomb Bay.		✓	\$160,000
Combination of above two options (preferred option of lifeguards)	✓	✓	\$288,000

23 September 2009
To the Ordinary Meeting

Director's Report
Corporate Services Department

4.2 Lease of F3 pylon signs over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale

TRIM REFERENCE: CPA/112052 - D02014116

AUTHOR: SB

SUMMARY

Sports & Outdoor Media has requested a reduction in the rent of the current lease of F3 pylon advertising signs over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale.

RECOMMENDATION

- 1 *That Council approve a new rent of \$36,000 per annum per site over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale for a period of five years commencing as soon as possible.*
- 2 *That Council approve the establishment and execution of a new Occupancy Agreement.*
- 3 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and Sports & Outdoor Media.*
- 4 *That Council authorise the Mayor and the General Manager to execute all documents relating to the agreement between Wyong Shire Council and Sports & Outdoor Media.*

ORDINARY MEETING HELD ON 23 SEPTEMBER 2009

COUNCILLOR MCNAMARA LEFT THE MEETING AT 07:24 PM AND RETURNED TO THE MEETING AT 07:25 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE MEETING AT 07:27 PM AND RETURNED TO THE MEETING AT 07:29 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE MEETING AT 07:57 PM AND RETURNED TO THE MEETING AT 08:00 PM AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council defer this matter for further information on the financial resources of Sports & Outdoor Media and legal advice as to Councils remedies.***
- 2 ***That Council refer this matter to the Governance Committee for investigation and recommendation.***

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

AGAINST: NIL

BACKGROUND

Sports & Outdoor Media (SOM) constructed a pylon sign on part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale in 1997. SOM had acquired legal rights of occupancy over the land from the private owner including the right to maintain and use the advertising structures and signs presently on the land.

SOM subsequently and formally agreed (the Occupancy Agreement) to allow Wyong Shire Council (WSC) the use of the north-facing panel of the sign at Mardi ("Mardi Sign") and the south-facing panel of the sign at Palmdale ("Palmdale Sign") by a Deed dated 20 February 1998 subject to WSC's approval of a Development Consent

Conditions were attached to the Development Consent that SOM would have use of the south facing panel of the Mardi Sign and the north facing panel of the Palmdale Sign with the other two panels of the signs being available for the WSC's promotional use. This condition reflected the application lodged by SOM.

A new amended Development Application was lodged by SOM seeking to modify the original terms of consent to allow the WSC space to be used "for other advertising purposes" upon the approval of WSC, consent was issued by WSC in March 2007.

A formal, but "commercial" twist to the Occupancy Agreement between WSC and SOM (March 2007) allowed SOM to leaseback from WSC, the use of the WSC spaces, subject to SOM paying to WSC an annual fee being the greater of \$50,000 ex GST for each sign or 50% of the net advertising revenue derived by SOM from use of the then current Council space.

The Occupancy Agreement is for a period of five years (terminates 2012) and replaced the original 1998 Agreement

The rental price for the leaseback arrangement between the parties appears to have been optimistic at best and not considerate of any downturn in the economy.

Since commencement of the agreement SOM has been invoiced for rent payments to Council totalling \$200,000. However rent for the period 1 April 2009 to 31 August 2009 in the amount of \$36,666 remains unpaid.

In response to Council's pursuit of the rent arrears, SOM has advised that due to the economic downturn the advertising business has been hit hard and the expected returns, when the agreement was struck with Council, are not being achieved.

SOM do not expect that the advertising downturn will last forever and is still keen to continue with the current arrangement however has advised that a reduced rent for each sign needs to be negotiated if it is to be sustainable for SOM.

THE PROPOSAL

SOM has offered to continue the arrangement at a reduced rent of \$36,000 per annum per site and as an inducement, has offered to extend its commitment by way of a new agreement for five years commencing immediately.

The new Agreement would extend the current arrangement by two years, and would include provision for rent increases to \$38,000 in the third year, \$40,000 in the fourth year and \$42,000 in the fifth year per site.

SOM has provided an independent audit opinion from MBH Associates, Chartered Accountants on the profit and loss statement provided by SOM for the operation of the signs. This shows that for the past 12 month period total advertising revenue from the two signs was \$112,000, less rent payable to Council of \$100,000 and overheads, sales, maintenance, power costs, property owner rental, \$20,000 leading to a net loss of \$8,000.00 per annum.

Should Council agree to a reduction, the revenue forgone by Council in relation to the current arrangement, which runs for another three years, is \$80,000, however an additional \$164,000 will be earned over the additional two years proposed by SOM, a net gain to Council of \$84,000.

The current agreement allows SOM to exit the lease arrangement without penalty or notice leaving Council vulnerable to the loss of income. A new agreement would correct that condition.

OPTIONS

In essence Council has three realistic options to:

- 1 Grant the proposed new Lease for a term of five years at a reduced commencing rent of \$72,000 per annum but for an additional two years on the current arrangement on the condition that rent will increase to \$76,000 in the third year, \$80,000 in the fourth year and \$84,000 in the fifth year.
- 2 Grant the proposed new lease on some other terms to a maximum of five years.
- 3 Decline the proposed Lease and reduction in rent. Should Council refuse to enter into a new agreement at a reduced rent, Council is at risk of the agreement being terminated with the associated loss of all income from the signs as SOM has indicated it will withdraw from the agreement as it is not economically viable.

SUMMARY

Under the terms of the Occupancy Agreement it is quite unclear that WSC can take an option to sub-let the space to a third party and moreover, it is reasonable to conclude from the wording that WSC may not sub-let to any other party except SOM.

The downturn in the economy has severely impacted SOM's ability to make the commercial proposition viable and the formal review of the SOM finances bears witness to that position.

The option to quit that is available to SOM is unsatisfactory for Council and there is an opportunity to place the arrangement on better terms.

GOVERNANCE

Council has the authority to grant the Lease under the Terms of:

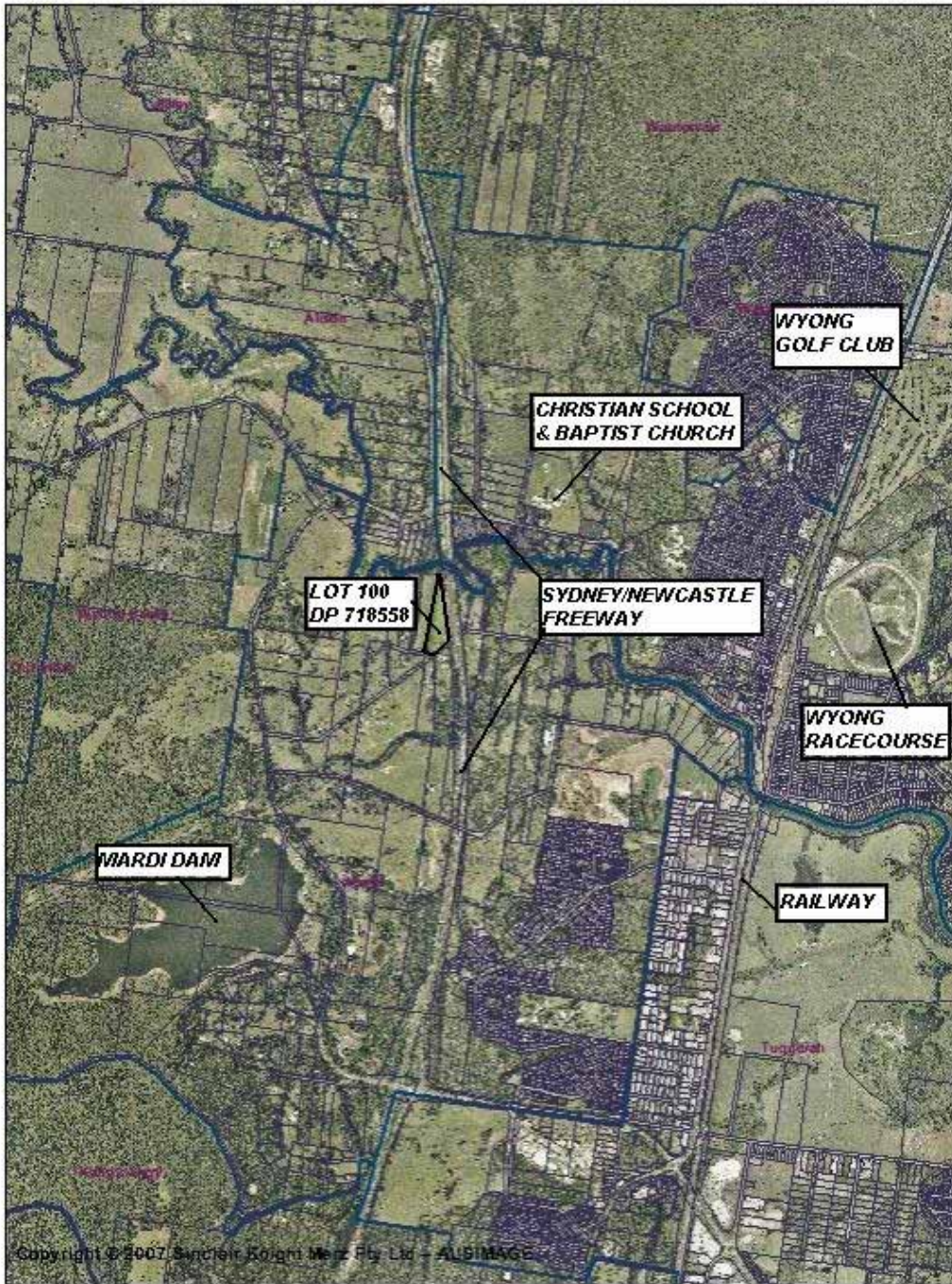
- * The Local Government Act 1993.
- * The Roads Act 1993.

The Development Consent (March 2007) was granted in modified form in accordance with Clause 122 of the Environmental Planning and assessment Regulations 2000.

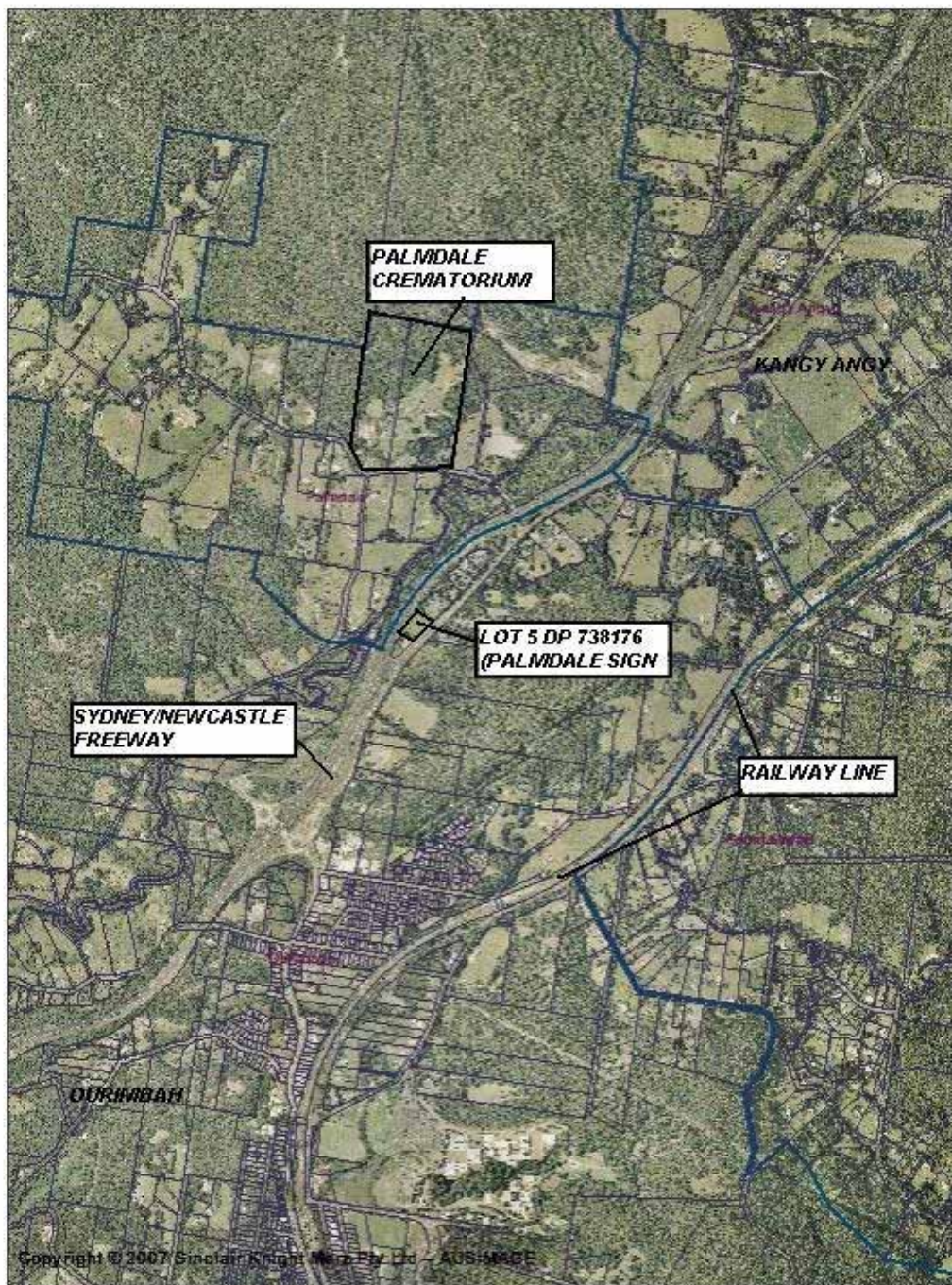
FINANCE

Agreeing to the proposal will reduce WSC's income 2009-10 by \$14,000 and the income from the current agreement by \$42,000 over the term. Compensation is achieved somewhat by extending the lease term by two years proving an additional \$72,000.

Location Plan of Proposed Area to be leased for Freeway Pylon Sign over part Lot 100 DP 718558 Freeway Collies Lane, Mardi



Location Plan of Proposed area to be leased for Freeway Pylon Sign over part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale



CONCLUSION

The original returns to WSC were clearly optimistic and unsustainable and on the basis that Council has no ability or desire to seek other sub-tenants of the spaces, an on-going return albeit at a lower level, is more likely to secure the best arrangement for the community.

ATTACHMENTS

Nil.

