

WYONG SHIRE COUNCIL



Wyong Shire Council's Mayor and Councillors

From left to right: Cr Lynne Webster, Cr John McNamara (Deputy Mayor), Cr Lisa Matthews, Cr Greg Best, Cr Bob Graham (Mayor), Cr Doug Eaton, Cr Bill Symington, Cr Emma McBride, Cr Sue Wynn and Cr Doug Vincent

ORDINARY MEETING

11 March 2009



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 11 MARCH 2009 at **5.00 pm**,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY STATEMENT

RECEIPT OF APOLOGIES

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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.

Kerry Yates
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: D01738576

AUTHOR: MR

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Briefings

TRIM REFERENCE: D01738581

AUTHOR: MR

SUMMARY

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

Date	Briefing	Description	Time	Presented by
11 March 2009	Management Plan Schedule	Feedback on "Proposed Draft"	11.00 am – 1.00 pm	Manager Corporate Planning
11 March 2009	Legal Advice	Briefing on legal position in relation to Notice of Motion	1.00 pm – 2.45 pm	HWL Ebsworth
11 March 2009	Rating Structure	Includes issue regarding Special Rates	2.45pm – 3.30 pm	Director Corporate Services/Manager Finance
25 March 2009	Shire Strategic Vision	SSV Strategies	10.00 am – 3.30 pm	Manager Community Strategic Vision

RECOMMENDATION

That Council receive the report on Proposed Briefings.

1.3 Proposed Inspections

TRIM REFERENCE: D01744154

AUTHOR: MR

SUMMARY

Inspections proposed to be held on 25 March 2009 have been cancelled to allow for an additional Briefing session.

RECOMMENDATION

That Council note that inspections previously scheduled for 25 March 2009 have now been cancelled.

1.4 Address By Invited Speakers

TRIM REFERENCE: D01744731

AUTHOR: MR

SUMMARY

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

RECOMMENDATION

- 1** *That Council receive the report on Address by Invited Speakers.*
- 2** *That Council agree standing orders be varied to allow reports from Directors and/or the General Manager to be dealt with following an invited speaker's address.*

11 March 2009
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.5 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: D01744760

AUTHOR: MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 25 February 2009.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 February 2009.

ATTACHMENTS

- 1 Minutes of Ordinary Meeting held on 25 February 2009

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 25 FEBRUARY 2009,
COMMENCING AT 5.01 PM**

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER, S A WYNN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER ESTUARY MANAGEMENT, MANAGER WATER AND WASTE, MANAGER REGULATION AND COMPLIANCE, MANAGER PLANNING – LEGAL AND POLICY AND DEVELOPMENT PLANNER.

THE MAYOR REPORTED THAT:

- * A TOTAL OF OVER \$30,000 HAS BEEN RAISED FOR THE RED CROSS VICTORIAN BUSHFIRE APPEAL. THIS HAS BEEN A RESULT OF THE COUNCIL DONATION FROM THE 11 FEBRUARY 2009 ORDINARY MEETING, COUNCIL STAFF FUNDRAISING AND DONATIONS MADE THROUGH THE COUNCILLORS COMMUNITY IMPROVEMENT GRANTS.

HE WOULD LIKE TO THANK COUNCILLORS McNAMARA AND MATTHEWS IN SUPPORTING HIM WITH THEIR DONATIONS AND WOULD LIKE TO ENCOURGE OTHER COUNCILLORS TO ALSO DONATE.

- * A NUMBER OF COUNCIL STAFF WHO ARE MEMBERS OF THE RURAL FIRE SERVICE HAVE BEEN GRANTED PAID LEAVE OF ABSENCE TO ASSIST AND RELIEVE THE FIREFIGHTERS IN THE BUSHFIRE DEVASTATED AREAS IN VICTORIA.

COUNCILLOR WYNN ADDRESSED THE CHAMBER;

- * ON BEHALF OF COUNCIL SHE WOULD LIKE TO CONGRATULATE THE CENTRAL COAST TEAMS IN THEIR ACHIEVEMENT AT THE WATER POLO CHAMPIONSHIPS WHICH WAS RECENTLY HELD AT WYONG AQUATIC CENTRE.

THE MAYOR REPORTED THAT:

- * COUNCIL HAS A UNIVERSITY SCHOLARSHIP PROGRAM FOCUSING ON THE SKILLS SHORTAGE AREAS. THE SCHOLARSHIP PROGRAM OFFERS SUPPORT FOR FOUR LOCAL FIRST YEAR STUDENTS INCLUDING \$2,500 AND THE OPPORTUNITY TO UNDERTAKE PAID CASUAL EMPLOYMENT WITH COUNCIL DURING THEIR UNIVERSITY BREAKS COMPLEMENTARY TO THEIR STUDIES. THE 2009 UNIVERSITY SCHOLARSHIPS WERE PRESENTED TO:

- MISS JAIMIE HAWKSFORD – BACHELOR OF BUSINESS/FINANCE
- MR JORDAN FRIEZE – BACHELOR OF BUSINESS/COMMERCE
- MISS SAMANTHA MILLICAN – BACHELOR OF TEACHING/EARLY CHILDHOOD TEACHING
- MISS TAHLIA ALEXANDER – BACHELOR OF URBAN AND REGIONAL PLANNING

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.01 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT AND DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 3.1, 4.1 AND 8.2, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER, FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

1.1 Disclosure of Interest

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

That the report on Disclosure of Interest and the fact that no disclosure was made be noted.

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

AGAINST: NIL.

1.2 Proposed Briefings

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

That Council receive the report on Proposed Briefings.

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

AGAINST: NIL.

1.3 Proposed Inspections

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

That Council receive the report on inspections conducted on Wednesday, 25 February 2009.

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

AGAINST: NIL.

1.4 Address By Invited Speakers

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

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

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

AGAINST: NIL.

1.5 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 February 2009.

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

AGAINST: NIL.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

2.1 Notice of Intention to deal with Matters in Confidential Session

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

- 1 That pursuant to Section 10A(2)(d) and 10A(2)(c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:**

10.1 – “Body Hire” Employees

10.2 – Mardi – Mangrove Link

- 2 ***That the reason for dealing with Report No 10.1 – “Body Hire” Employees confidentially is that it contains personnel matters concerning particular individuals and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***
- 3 ***That the reason for dealing with the Report No 10.2 – Mardi - Mangrove Link confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 4 ***That Council request the General Manager in accordance with Section 253 of the Local Government Regulations 2005 report on this matter to the meeting in Open Session.***

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

AGAINST: NIL.

3.1 Granting of Easements for Electricity Purposes over Council Land at Ourimbah, Glenning Valley and Tumbi Umbi

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

- 1 ***That Council grant easements for electricity and other purposes over Council’s land, Lot 1 DP 1122895 at 39 Chittaway Road, Ourimbah and Lot 6 DP 241138 at Brush Road, Ourimbah to Energy Australia to accommodate a 132kv overhead transmission line.***
- 2 ***That Council approve variation of the existing easements for transmission line over Council’s land, Lot 2 DP 580104 at Edye Road, Ourimbah, Lot 20 DP 735022 at Beckingham Road, Glenning Valley and Lot 2 DP 700153 at 21 Leetes Lane, Tumbi Umbi to Energy Australia to accommodate a 132kv overhead transmission line.***
- 3 ***That Council grant an easement for access over Council’s land, Lot 20 DP 735022 at Beckingham Road, Glenning Valley to Energy Australia to provide access to the existing easement.***
- 4 ***That Council grant a licence over Council’s land, Lot 2 DP 700153 at 21 Leetes Lane, Tumbi Umbi and Lot 101 DP 790685 at 19 Leetes Lane, Tumbi Umbi to Energy Australia to provide access over the land to the existing easement.***
- 5 ***That Council authorise the Common Seal of the Wyong Shire Council to be affixed to related documents as required.***

- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easements and licences between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL.

4.1 Contract CPA 157279 - Development of the Tuggerah Lakes Hydrodynamic Modelling

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

That Council approve the engagement of the NSW Department of Environment and Climate Change for the contract in the amount of \$633,000 excluding GST.

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

AGAINST: NIL.

AT THIS STAGE OF THE MEETING COUNCIL CONSIDERED ITEM 8.2 - RESULTS OF WATER QUALITY TESTING FOR BATHING BEACHES.

4.2 Contract Variations - January 2009

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

- 1 That Council note the variations to contracts in Attachment 1.**
- 2 That Council approve additional contingency amounts for the following contracts to provide for further potential variations (values are excl GST).**

Contract Name	Contract No.	Contingency (ex GST)
Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant	CPA/145814	\$16,000
Concept, Detail Design and Tender Documentation for Toukley STP Inlet Works Upgrade	CPA/136486	\$25,000

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

AGAINST: NIL.

5.1 Proposed Council Policy Review - Shire Planning Policies "F6 - Operation of Temporary Food Premises" and "E3 - Enforcement Policy"

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

- 1 That Council's draft Policies E3 Enforcement and F6 Operation of Temporary Food Premises be placed on public exhibition for a period of 28 days for public comment.**
- 2 That Council, subject to there being no objections that cannot be resolved by minor amendments to the policies, the policies be adopted under the delegation of the General Manager and appropriate public notice be given.**
- 3 That Council's Policy Manual be updated and made available to the public and staff via Council's webpage once the policies are adopted.**

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

AGAINST: NIL.

5.2 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$7,416 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.

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

AGAINST: NIL.

6.1 2008-09 Management Plan - December 2008 Quarter Review

COUNCILLOR BEST LEFT THE CHAMBER AT 5.43 PM AND RETURNED TO THE CHAMBER AT 5.44 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.53 PM AND RETURNED TO THE CHAMBER AT 5.56 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on the 2008-09 Management Plan - December 2008 Quarter Review.**

- 2 That Council approve and endorse budget amendments proposed in this report in accordance with the December Quarter Review – 2008-09 Management Plan.**
- 3 That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.**

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

AGAINST: NIL.

7.1 Minutes of the Wyong Shire Governance Committee Meeting – 11 February 2009

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

That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 11 February 2009 and the recommendations contained therein be adopted.

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

AGAINST: NIL.

7.2 Minutes of the Gosford-Wyong Councils' Water Authority Board Meeting - 18 February 2009

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.36 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 6.36 PM AND RETURNED TO THE CHAMBER AT 6.37 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.41 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 18 February 2009 and the recommendations contained therein be adopted.**

- 2 That Council reconsider item 3.3 – Rainwater Tank Rebate Program at the Joint Meeting with Gosford City Council in light of the new Commonwealth Government Water Tank Rebate.**

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

AGAINST: NIL.

8.1 Information Reports

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

That with the exception of report numbers 8.3, 8.5, 8.6 and 8.7 the information reports be received and the recommendations adopted.

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

AGAINST: NIL.

8.2 Results of Water Quality Testing for Bathing Beaches

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

That Council receive the report on Results of Water Quality Testing for Bathing Beaches.

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

AGAINST: NIL.

8.3 Activities of the Development Assessment Unit

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

That Council receive the report on Activities of the Development Assessment Unit.

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

AGAINST: NIL.

8.4 Water and Sewerage - Works in Progress

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

That Council receive the report on Water and Sewerage - Works in Progress.

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

AGAINST: NIL.

8.5 General Works in Progress

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

That Council receive the report on General Works in Progress and note that the estimated completion date for Eastern Road, Tumbi Umbi roadworks and drainage construction is amended to 31 March 2009.

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

AGAINST: NIL.

8.6 Dredging of Boat Harbour Summerland Point

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

- 1 That Council receive the report on Dredging of Boat Harbour Summerland Point.***
- 2 That dredging of the channel proceed at the earliest possible date following receipt of all approvals and permits.***
- 3 That staff make application for funding assistance through State Member Robert Coombs MP and any other alternative sources of funding possibly available.***
- 4 That further consultation take place with the community to identify possible alternatives.***
- 5 That appropriate funds be made available in the upcoming draft budget.***

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

AGAINST: NIL.

8.7 Workforce Status and Movements

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

That Council receive the report on Workforce Status and Movements.

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

AGAINST: NIL.

8.8 Outstanding Questions Without Notice and Notices of Motion

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

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

AGAINST: NIL.

9.1 Notice of Motion - Motor Sports and Driver Education Facility

MR GRAHAM WATSON, RESIDENT, ADDRESSED THE MEETING AT 7.13 PM, ANSWERED QUESTIONS AND RETIRED AT 7.28 PM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.30 PM AND RETURNED TO THE CHAMBER AT 7.31 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.***
- 2 *That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.***

- 3 ***That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and an indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.***
- 4 ***That Council investigate possible locations for a motor sport and driver education facility based on user group requirements.***
- 5 ***That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.***

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

AGAINST: NIL.

9.2 Notice of Motion - The Entrance Channel WebCam

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

- 1 ***That Council investigate the possible benefits of utilising the growing web technology known as "webcam" in The Entrance Channel to assist various organisations, departments and the general public to gain important information vital to improved channel management.***
- 2 ***That Council also investigate the possibility of sponsorship financing the channel webcams, instead of Council funding.***

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

AGAINST: NIL.

9.3 Notice of Motion - Recycle/Re-use Initiative

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

That staff provide a preliminary report to Council on the recycle/re-use initiative of Cessnock and Lake Macquarie City Councils known as the Tip Shop/Re-use Centre hosted at the Councils' respective waste management facilities.

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

AGAINST: NIL.

9.4 Notice of Motion - Council's Animal Care Facility Review

MR GLENN SIGLEY, REPRESENTING TOUKLEY VETERINARY CLINIC, ADDRESSED THE MEETING AT 7.42 PM, ANSWERED QUESTIONS AND RETIRED AT 7.48 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.42 PM AND RETURNED TO THE CHAMBER AT 7.43 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 7.42 PM AND RETURNED TO THE CHAMBER AT 7.43 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.47 PM AND RETURNED TO THE CHAMBER AT 7.49 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 7.56 PM AND RETURNED TO THE CHAMBER AT 7.58 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.10 PM AND RETURNED TO THE CHAMBER AT 8.13 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.**
- 2 That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for "the complex review" undertaken which led to the Wyong Animal Care Facility "being nationally identified as a best case example of restructure and operation" as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.**
- 3 That staff report to Council on further options for the future management of the facility following the completion of the RSPCA's strategic review of its operations which Council is advised will take approximately 12 months.**
- 4 That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009/2010 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.**
- 5 That Council embark on a public awareness campaign focusing on responsible pet ownership.**

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

AGAINST: NIL.

9.5 Notice of Motion - Extending the Lapsing Period of a Consent

MR DAVID KETTLE, REPRESENTING THE URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA, ADDRESSED THE MEETING AT 8.12 PM, ANSWERED QUESTIONS AND RETIRED AT 8.17 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.10 PM AND RETURNED TO THE CHAMBER AT 8.13 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.13 PM AND RETURNED TO THE CHAMBER AT 8.19 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.40 PM AND RETURNED TO THE CHAMBER AT 8.42 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council, in determining applications for employment generating development extend the lapsing period of a Consent under Section 95 of the Environmental Planning and Assessment Act 1979 to three years for the purpose of assisting local employment during the current economic downturn.**
- 2 That the fees for extending a consent for a further one year period be reviewed in conjunction with the next Management Plan.**

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

POINT OF ORDER

COUNCILLOR EATON RAISED A POINT OF ORDER AGAINST COUNCILLOR VINCENT FOR THE INAPPROPRIATE COMMENTS COUNCILLOR VINCENT MADE ABOUT HIS MOTIVES FOR AMENDING THE NOTICE OF MOTION AT THE MEETING.

THE MAYOR UPHELD THE POINT OF ORDER AGAINST COUNCILLOR VINCENT. COUNCILLOR VINCENT FORMALLY APOLOGISED TO COUNCILLOR EATON FOR THE INAPPROPRIATE COMMENTS.

QUESTIONS WITHOUT NOTICE ASKED**Q008 - Draft Community Facilities Strategy
Councillor Matthews**

“Can staff advise when Councillors should expect to receive the Draft Community Facilities Strategy?”

**Q009 – Recreation Smoke Free Policy Publicity
Councillor Webster**

“I have received representations from business owners, particularly outdoor dining, stating that they are unaware of Wyong Shire Council’s recreation smoke free policy – could staff advise what future actions could be taken to educate the community about the policy?”

**Q010 – Central Community Group Database
Councillor Vincent**

“As part of Council’s ongoing effort to improve community consultation, could staff please advise if there is a central community group database that has been compiled and regularly maintained for community consultation purposes, for example, Precinct, Progress, Rate Payers, Enviro Groups, Business Groups?”

**Q011 – Waste Management Facility Telephone Number
Councillor Wynn**

“As our waste management facility only provides a 1300 number and in light of the fact that 1300 numbers cost 27 cents per call from a landline, and a local call is approximately 18 cents, could Wyong Shire Council publicise the fact that the public can ring Council and be transferred to waste services and save the extra cost to the ratepayers of our Shire, or suggest the waste facility provide its own local number?”

**Q012 – Maintenance of Fire Trails
Councillor Eaton**

“Can staff advise on the maintenance of fire trails throughout the Shire?”

**Q013 – Hazard Reduction in the Shire
Councillor Eaton**

“Can staff in conjunction with the RFS, provide information on the amount of hazard reduction carried on in the Shire over the last three years?”

**Q014 – Costs Incurred for Performing Arts Centre
Councillor McBride**

“In supporting the Performing Arts, what has been the total cost incurred by Council thus far for investigation/planning/reports in respect to the proposed Performing Arts Centre?”

**Q015 – Thanks for Assistance to New Council
Councillor Best**

“Could the Director Corporate Services please pass on our thanks to Kerryn Austen-Gray for her great assistance to the new Council?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.16 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.42 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

10.1 "Body Hire" Employees

- 1 That Council only use short term contract hired staff on an extraordinary basis and only where conventional employment prospects have been exhausted and where the circumstances are fully reported to and authorised by Council.**
- 2 That contracts for employment that exceed the government tender limit be tendered.**

10.2 Mardi - Mangrove Link

That the General Managers verbal report be received and the information be noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.43 PM.

.....
CHAIRPERSON

2.1 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: D01837644

AUTHOR: MR

SUMMARY

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

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

RECOMMENDATION

- 1 That Council consider the following matter in Confidential Session, pursuant to Section 10A(2)(a) & (g) of the Local Government Act 1993:**
 - 9.1 Environmental Aspects of Waste Management.**
- 2 That Council note its reason for considering Report No 9.1 in Confidential Session is that discussion is anticipated which concerns Council's legal privilege (Section 10A(2)(g)) or the rights of individuals (Section 10A(2)(a)) should the discussion be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

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

3.1 Proposed Licence Agreement over Crown Land being part Lot 7010 DP 1074452, Reserve 1015108 Wilfred Barrett Drive The Entrance North

TRIM REFERENCE: D01726342

AUTHOR: SB

SUMMARY

Approval is sought to accept a Licence Agreement from Department of Lands for the purpose of constructing a Walkway (shared pathway/cycleway) over Lot 7010 DP 1074452 known as Reserve 1015108 for Urban Services, Public Recreation and Coastal Environmental Protection notified 4 July 2008.

RECOMMENDATION

- 1 That Council accept a Licence from the Crown for the purpose of constructing a walkway (shared pathway/cycleway) over Lot 7010 DP 1074452 known as Reserve 1015108 for Urban Services, Public Recreation and Coastal Environmental Protection.**
- 2 That Council approve payment of an annual licence fee of \$399 (ex GST) to the Department of Lands.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence Agreement between Wyong Shire Council and Department of Lands.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence Agreement between Wyong Shire Council and Department of Lands.**

BACKGROUND

Council proposes to construct a 2km concrete shared pathway/cycleway over part of Crown land adjacent to Wilfred Barrett Drive, Magenta north of Teralba Estate, The Entrance North to commence from the southern boundary of Lot 7010 DP 1074452 and continue through to the northern end of Lot 7010 DP 1074452. Affected by the proposed shared pathway/cycleway is Crown Land Lot 7010 DP 1074452 Wilfred Barrett Drive, Magenta known as Reserve 1015108 for Urban Services, Public Recreation and Coastal Environmental Protection notified 4 July 2008.

The Contract for the works has been let and access will be required to the affected properties to avoid delays in completion.

THE PROPOSAL

Department of Lands has requested that Council accept a Licence Agreement for the construction and ongoing maintenance of the proposed 2km concrete shared pathway/cycleway with Department of Lands prior to the Department of Lands giving Council its consent for the proposed construction.

3.1 Proposed Licence Agreement over Crown Land being part Lot 7010 DP 1074452, Reserve 1015108 Wilfred Barrett Drive The Entrance North (contd)

Associated with the construction of the shared pathway/cycleway, it will be necessary to obtain a Licence Agreement over 6,000m² of the property that is affected to secure Council's interest in respect to the construction, operation and maintenance of the shared pathway/cycleway.

All relevant and necessary investigations have been conducted by Council's Contracts and Special Projects Section and consultation has been undertaken with Council's Shire Services and Planning Departments and neither Department have any objection to the acceptance of this Licence.

Council's Shire Services Department has agreed to the terms of the proposed licence and requested that the licence be entered into by Council.

Council's Open Space and Recreation Department has agreed to the terms of the proposed licence and requested that the licence be entered into by Council.

Lot 7010 DP 1074452 has an area of approximately 189,969.74m² and is Reserved Land, Reserve No. 1015108 for Urban Services, Public Recreation and Coastal Environmental Protection notified 4 July 2008.

Approval is required to accept the Licence Agreements over the property involved for construction and ongoing management of the 2km concrete shared pathway/cycleway.

Approval to construct the 2km shared pathway/cycleway was granted by way of Notice of Determination Application No. LA/215/2008 dated 1 December 2008.

GOVERNANCE

Council may not delegate its function to authorise dealings in land under Section 377 of The Local Government Act 1993.

CONCLUSION

The Department of Lands requires acceptance of the Licence Agreement to allow the construction of a shared pathway/cycleway on Lot 701 DP 1074452 and the subsequent public use of that land for that purpose. The project cannot proceed on the planned route without the Licence.

ATTACHMENTS

- 1 Plan showing the proposed licenced land shaded green
- 2 Shared Pathway map - Lot 7010 DP 1074452, Reserve 1015108 Wilfred Barrett Dr
The Entrance North



FOR INTERNAL USE ONLY

Scale 1:30542





4.1 Contract CPA 153784 - 2008-09 Toowoon Bay Holiday Park Upgrade Works

TRIM REFERENCE: D01744691

AUTHOR: JP

SUMMARY

Evaluation and selection of tenders for Contract No CPA 153784 – 2008-09 Toowoon Bay Holiday Park Upgrade Works.

RECOMMENDATION

- 1 That Council accept Tender No 3 from Gregory Karl Windust (trading as G W Building) in the lump sum amount of \$193,636.36 (excl GST).**
- 2 That Council approve a contract budget of \$213,036.36 (excl GST) that provides for a contingency amount of \$19,400.00 (excl GST), representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

Business Development Strategy

A Business Development Strategy has been formulated to guide the future development and management of the four Central Coast Holiday Parks. The Strategy outlines the actions required to give the Parks the capacity to deliver appropriate financial outcomes to Council on an ongoing basis. The Strategy is based on a realistic informed view of the quality and potential of each Holiday Park's business assets that is practical, financially achievable and makes good business sense.

The key objective for the Business Development Strategy is:

"To significantly enhance the financial contribution of the Central Coast Holiday Parks to the community, and the management of reserved lands".

This objective will be realised by implementing the following key actions:

- Creating holiday destinations that take advantage of the Parks' locations while preserving attractive existing characteristics and sense of place
- Developing new facilities to enable the Parks to be promoted as destinations that provide affordable, value-for-money holiday opportunities
- Allowing for staged development that is achievable in terms of planning and financial constraints
- Improving customer service and product presentation
- Supporting these actions with a comprehensive marketing and promotion program.

Inspections of the Parks and analysis of the business have identified a substantial range of desirable improvements as well as new facilities and products that are required if the Parks are to achieve their financial potential. An improvement program has been designed that addresses:

- Safety and regulatory compliance
- Presentation of existing tourist accommodation products (landscaping of existing cabins, refurbishment of some cabins, etc)
- Presentation of existing infrastructure (park entrances, amenity blocks, etc)
- Introduction of recreational facilities to attract occupancy to the Parks outside a very narrow and limited peak season
- Expansion of the range of tourist accommodation products offered by the Parks.

Identified New Facilities

The Business Development Strategy identified that Council commit \$4.659M to capital investment over a five year period commencing in 2006. The new facilities that have been and/or will be added to the Parks over the five years include:

- Shade structures to all children's playgrounds
- Camp Kitchens to service the requirements of guests and encourage greater use of the parks by new market target groups
- Recreational pools at Toowoon Bay and Norah Head to cater for adults and children within recreational facility precincts
- Additional barbecue shelters
- Active recreational facilities.

The works covered by this contract are being undertaken in accordance with the intent and timeline identified in the updated October 2007 Business Development Strategy.

Works for Toowoon Bay Holiday Park

Specific works for the 2008/2009 Toowoon Bay Holiday Park contract will be:

- Construction of new enclosed Camp Kitchen
- Landscaping to new Camp Kitchen, existing amenities block, existing BBQ area and existing beach access
- Landscaping to six existing cabins.

A marked up Site Plan is shown in Attachment 1 to indicate the location of the 2008/2009 Toowoon Bay Holiday Park Upgrade Works.

Tender Process

Lump sum tenders were invited by way of public invitation. Advertisements were placed in the Newcastle Herald on 15 November 2008, the Sydney Morning Herald on 18 November 2008 and the Central Coast Express Advocate on Wednesday 19 November 2008. Tenders were also invited on the e-Tendering site. The advertised closing date was 18 December 2008.

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

A compulsory pre-tender meeting was held at the Wyong Council offices on 27 November 2008 to allow tenderers to become familiar with Request for Tender requirements and site issues.

The following addenda were issued to all prospective tenderers during the invitation period.

- 1 Minutes of the mandatory pre-tender meeting (28 November 2008)
- 2 Clarification of Camp Kitchen hot water heater requirements (8 December 2008)

Tenders closed at Council Chambers at 2:00 pm on Thursday 18 December 2008.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members (one of whom was from a unit other than the one managing the procurement process) using the following threshold and weighted criteria:

- Conformance with the requirements of the tender documents
- Ability to manage financial, operational and safety risk
- Price
- Experience
- Past Performance
- Proven Track Record.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the shortlisted tenderers.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders
- Assessment of conformance of tenders
- Short listing of tenders
- Detailed weighted evaluation of shortlisted tenders
- Due diligence checks on preferred tenderers
- Independent review of the tender selection process.

Assessment of Receipt

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

	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Commercial Maintenance & Constructions Pty Limited	\$512,777.00	Submitted on time
2	Glenryan Constructions	\$198,636.36	Submitted on time
3	Gregory Karl Windust (trading as G W Building)	\$193,636.36	Submitted on time
4	L A Commercial Pty Limited	\$264,274.00	Submitted on time
5	RTC Commercial Pty Limited	\$357,700.00	Submitted on time
6	Splash Inn Pty Limited	\$349,545.45	Submitted on time
7	Truway Property Management Pty Limited	\$265,641.81	Submitted on time

All tenders were submitted on time and progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. All tenders conformed to all requirements and were progressed to the next stage of evaluation.

Short listing

Tenders were shortlisted against Criterion No 3 – Price.

Tender No 3 from G W Building and Tender No 2 from Glenryan Constructions provided the two most competitive prices and are below Council’s pre-tender estimate for this work. These two tenders were progressed to a full weighted evaluation.

Tender No 4 from L A Commercial being the next lowest tender price tendered an amount 36% higher than the lowest priced tender, and all other tenders higher again. Regardless of how they rated on non-price criteria, the substantial price difference makes it impossible for these tenders to rate as the preferred option after a full weighted evaluation. These tenders were therefore eliminated to allow the panel to concentrate its assessment efforts on the two most competitive tenders.

Weighted Evaluation

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements) and are listed below in descending order of weighted evaluation scores.

Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
Tender No 3 from G W Building	\$193,636.36	94
Tender No 2 from Glenryan Constructions	\$198,636.36	82

Tender No 3 from G W Building being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 3 from G W Building was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that G W Building possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

G W Building is a Matcham based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by G W Building is 36% below Council's pre-tender estimate and is considered to represent a very competitive price for the contract works. It is considered that the current market conditions have contributed to these competitive prices for new works.

Process Review

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

RISK ASSESSMENT**General**

When letting a contract, various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains, and is required to manage, some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards' General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

The following are the major risks that Council bears in relation to this contract:

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements
- Sub-surface ground conditions differ significantly from engineers' assumptions, leading to amendment of documented works, and associated additional cost
- Sub-surface services not previously determined may need to be relocated from new works areas, and associated additional cost.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$19,400.00 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a good probability that the contract budget of \$213,036.36 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Because the contract is a one-off contract, progress payments shall be funded from an allocation made to this contract. The tender sum submitted is a fixed lump sum that may increase or decrease dependant on variation claims that may arise during the course of the works. Funding the project is provided for in Management Plan line item 5.2.6.

TIME-FRAME

The works are proposed to commence immediately following the 2009 Easter holiday period, and are anticipated to be completed by August 2009. Tender No 3 from G W Building has allowed a contract duration of 79 days (ie 16 weeks) and this is acceptable.

LOCAL CONTENT

Tender No 3 from G W Building has indicated that the contract works are expected to generate approximately 53 person-weeks of labour requirements and that all labour resources to be employed on the project are intended to be sourced from within the Central Coast.

CONCLUSION

Tender No 3 from G W Building 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. It is recommended that the tender be accepted.

ATTACHMENTS

- 1 Site Plan for Toowoon Bay Holiday Park

Not For Construction

ATTACHMENT 1

TOOWOON BAY HOLIDAY PARK

2008/2009 NEW WORKS



1
01
Plan - Site Plan
Scale: 1:2000
Notes:

DATE PREPARED	NO. DATE REVISION
11/08/08	1
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bhi

ARCHITECTURE
INTERIOR
LANDSCAPE
HERITAGE
SUSTAINABLE

RIGHTS RESERVED

Issue for Tender 2008-2009

PROJECT: Toowoon Bay Upgrade Works 2008-2009
 DATE: AS NOTED
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]
 SHEET TOTAL: [Number]

4.2 Contract CPA 153777 - Norah Head Holiday Park Swimming Pool and Associated Works

TRIM REFERENCE: D01745730

AUTHOR: JP

SUMMARY

Evaluation of tenders and recommendation to decline the single tender received, and to proceed with the works on direct management basis for Contract CPA 153777 - Norah Head Holiday Park Swimming Pool and Associated Works.

RECOMMENDATION

- 1 That Council decline in accordance with Section 178 (1) (b) of the Local Government (General) Regulations the single tender received from Splash Inn Pty Limited (trading as WHP Designer Pools) in the lump sum amount of \$316,915.45 (excl GST).**
- 2 That Council cancel in accordance with Section 178 (3) (a) of the Local Government (General) Regulations the proposed Contract CPA 153777 – Norah Head Holiday Park Swimming Pool and Associated Works.**
- 3 That Council in accordance with Section 178 (3) (f) of the Local Government (General) Regulations carry out the requirements of the proposed contract itself on a direct management basis.**

BACKGROUND

Tenders were called for the construction of a swimming pool and associated works at the Norah Head Holiday Park.

The construction of a swimming pool at the Norah Head Holiday Park forms part of the five year capital works upgrade as defined in the Business Development Strategy for Wyong Shire Holiday Parks. The works includes a number of components, namely:

- Swimming pool
- "Waterplay pad"
- Pool pump shed
- Concrete concourse paving
- Shade sail
- Pool fencing
- Associated landscaping works.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Newcastle Herald on Saturday 15 November 2008, the Sydney Morning Herald on Tuesday 18 November 2008 and the Central Coast Express Advocate on Wednesday 19 November 2008. The advertised closing date was Thursday 18 December 2008. The tender was also published on Council's e-tendering website.

4.2 Contract CPA 153777 - Norah Head Holiday Park Swimming Pool and Associated Works (contd)

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

A compulsory pre-tender meeting was held at the Wyong Council offices on Thursday 27 November 2008 to allow tenderers to become familiar with the Contract requirements and site issues.

The following Addenda were issued to all prospective tenderers during the invitation period.

- 1 Minutes of the mandatory pre-tender meeting (28 November 2008)
- 2 Clarification of pool equipment requirements and responses to tenderer enquiries (8 December 2008).

Tenders closed at Council Chambers at 2:00pm on Thursday 18 December 2008.

Assessment of Receipt

One tender only was received from Splash Inn Pty Limited (trading as WHP Designer Pools) in the amount of \$316,915.45 (excl GST). That tender was received on time.

EVALUATION OF TENDERS

The single tender received from Splash Inn Pty Ltd has not afforded Council the benefit of comparative tenders nor the ability to obtain competitiveness from the market. Council's estimate for the work is approximately \$260,000 (excl GST) and the single tender received is not considered to represent good value for money to Council for the tendered works. It is recommended that the single tender from Splash Inn Pty Ltd not be accepted.

Following a further review of the component costs of this project, it is considered that the works are best completed by Council on a direct management basis (ie that Council separately let subcontracts and manage the building process direct), and that this will deliver the project at a more competitive price. The estimated cost of carrying out the work of the seven components (outlined above) on a direct management basis is in the order of \$260,000 (excl GST). Provision for funding the project has been made in the current Management Plan line item 5.2.6.

Section 178 of the Local Government (General) Regulations 2005, requires Council in considering tenders to either:

- (a) accept the tender that, having regard to all the circumstances, appears to be the most advantageous
- (b) decline to accept any of the tenders.

Further, when declining all tenders, the Regulations require Council to pass a resolution as to what subsequent action will be taken in relation to the contract. For the subject contract, it is recommended that in accordance with Section 178 (3) (a) of the Regulations, Council cancel the proposed contract for the whole of the works and that in accordance with Section 178 (3) (f) of the Regulations, Council carry out the requirements of the proposed contract itself.

Process Review

This evaluation process and recommendations have been endorsed by the Contract Systems Co-ordinator.

CONCLUSION

It is recommended that the single tender received for this contract not be accepted, and delivery of this project be undertaken under direct management by Council.

ATTACHMENTS

Nil.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

TRIM REFERENCE: D01744603

AUTHOR: KLM

SUMMARY

Evaluation and selection of lump sum tenders for Contract No CPA 155500 for the investigation, design and tender documentation for the upgrade of sewage pumping stations (SPS) C3 and C6 and construction of SPS C16, including rising mains and associated equipment.

RECOMMENDATION

- 1 That Council accept Tender No 11 from SMEC Pty Ltd in the estimated total amount of \$154,738.00 (excl GST)**
- 2 That Council approve a contract budget of \$169,738.40 (excl GST) that provides for a contingency amount of \$15,000.00 (excl GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

The existing SPS C3, which receives flows from the Blue Haven catchment area, is overloaded. The Regional Sewage Strategy identified a number of necessary upgrade works as follows:

- The existing SPS C3 requires upgrading and is also subject to inundation during a 1 in 100 year flood event. With predicted sea level rises due to climate change, these inundations would become more frequent. Projections have been made that climate change will result in a sea level rise of 0.93 metres within 100 years.
- To assist in the re-establishment of the sewage pumping station after an extreme event, all electrical components sensitive to water damage will be positioned an additional 0.93 metre above the existing 1:100 flood level. Electrical equipment that can be submersed (without power) and can be readily dried and operated will be positioned at least at the 1:100 flood level and preferably 0.93 metre above it.
- The existing SPS C6, located at San Remo, requires upgrading to cater for projected future sewage loadings.
- A new SPS C16 is required to receive flows from the existing SPS C3.
- Existing rising mains require upgrading.

This contract is for professional services to undertake the investigation, development and preparation of detailed designs and tender documentation suitable for calling tenders and construction of the required works.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

TENDER PROCESS

Lump sum tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 16 December 2008 and Central Coast Express Advocate on 17 December 2008. Tenders were also invited on the e-Tendering site. The advertised closing date was 22 January 2009. This was subsequently extended in Addendum 5 to 29 January 2009.

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

Five addenda were issued during the course of the tender period as follows:

- Addendum 1 issued 18 December 2008 amended the title of the Contract
- Addendum 2 issued 6 January 2009 clarified issues relating to SPS design parameters, revised planning for SPS C16, noise assessment, odour assessment and community consultation
- Addendum 3 issued 7 January 2009 contained responses to various queries received from tenderers
- Addendum 4 issued 9 January 2009 contained responses to various additional queries received from tenderers
- Addendum 5 issued 15 January 2009 amended the closing date for tenders, clarified issues relating to site investigation, archaeological and heritage impacts, options investigation, corrosion protection system, revised one of the schedules and responded to queries from tenderers.

Tenders closed at Council Chambers at 2pm on 29 January 2009. Fifteen tenders were received.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of two staff members and a Department of Commerce staff member from Wyong Special Projects Office, using the following threshold and weighted criteria:

- Conformance with the Brief and requirements of the tender documents
- Financial capacity
- Price
- Experience in the specific field
- Performance
- Ability to manage environmental, quality and safety risks
- Proposed methodology and understanding of the work.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Shire Services prior to tenders being invited. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees, external advisors and presentations made by the shortlisted tenderers.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders
- Assessment of conformance of tenders
- Short listing of tenders
- Detailed weighted evaluation of shortlisted tenders
- Due diligence checks on preferred tenderers
- Independent review of the tender selection process.

Assessment of Receipt

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

	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Beca Pty Ltd	\$179,175.00	Submitted on time
2	Bonacci Group Pty Ltd	\$228,650.00	Submitted on time
3	Cardno (NSW) Pty Ltd	\$254,950.00	Submitted on time
4	Coffey Environments Pty Ltd	\$605,325.00	Submitted on time
5	GHD Pty Ltd	\$399,475.00	Submitted on time
6	HydroScience Consulting Pty Ltd	\$312,655.00	Submitted on time
7	Kellog Brown & Root Pty Ltd	\$365,370.00	Submitted Late
8	MWH Australia Pty Ltd	\$181,463.00	Submitted Late
9	Opus International Consultants Pty Ltd	\$273,098.00	Submitted Late
10	Parsons Brinkerhoff Australia Pty Ltd	\$489,110.00	Submitted Late
11	SMEC Australia Pty Ltd	\$154,738.00	Submitted on time
12	Treers Rose & Associates Pty Ltd	\$188,800.00	Submitted on time
13	URS Australia	\$296,295.00	Submitted on time
14	Warren Smith & Partners Pty Ltd	\$247,000.00	Submitted on time
15	Worley Parsons Services Pty Ltd	\$242,874.00	Submitted on time

Tender Nos 7, 8, 9 and 10 were submitted late. In accordance with the Local Government Tendering Regulations late tenders cannot be accepted. These were therefore excluded from any further consideration.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the Brief. Three of the eleven tenders were found to be fully conforming (Tender Nos 2, 5 and 11). These were progressed to the next stage of evaluation.

The remaining eight tenders were found to be non-conforming or substantially conforming. All tenders are reviewed further below.

Tender No 1 from Beca Pty Ltd contained qualifications and departures relating to the conditions of contract, and some minor technical exclusions that would result in increased cost and risk to Council. This tender did not meet all the requirements of the Brief and was considered by the Panel to be non-conforming in terms of the scope of work offered. The Panel eliminated Tender No. 1 from further consideration.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

Tender No 2 from Bonacci Pty Ltd contained no qualifications and departures that would result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel as conforming in terms of the scope of work offered. The Panel progressed Tender No 2 to the next stage of evaluation.

Tender No 3 from Cardno Pty Ltd contained some qualifications and departures that would result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel as substantially conforming in terms of the scope of work offered. The Panel progressed Tender No 3 to the next stage of evaluation.

Tender No 4 from Coffey Environments Pty Ltd contained some qualifications and departures that would result in increased cost and risk to Council. The Fee was submitted on a tender form that had been amended by an addendum, but was annotated with the updated information required. This tender met the Threshold Criteria and was considered by the Panel as substantially conforming in terms of the scope of work offered. The Panel progressed Tender No 4 to the next stage of evaluation.

Tender No 5 from GHD Pty Ltd contained no qualifications and departures that would result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel as conforming in terms of the scope of work offered. The Panel progressed Tender No 5 to the next stage of evaluation.

Tender No 6 from HydroScience Consulting Pty Ltd contained qualifications and departures relating to the conditions of contract, and some technical exclusions that would result in increased cost and risk to Council. This tender did not meet all the requirements of the Brief and was considered by the Panel to be non-conforming in terms of the scope of work offered. The Panel eliminated Tender No 6 from further consideration.

Tender No 11 from SMEC Pty Ltd contained no qualifications and departures that would result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel to be conforming in terms of the scope of work offered. The Panel progressed Tender No 11 to the next stage of evaluation.

Tender No 12 from Treers Rose & Associates Pty Ltd contained no qualifications and departures that would result in increased cost and risk to Council. This tender met the Threshold Criteria but did not include a methodology or program of work and was considered by the Panel to be substantially conforming in terms of the scope of work offered. The Panel progressed Tender No 12 to the next stage of evaluation.

Tender No 13 from URS Pty Ltd contained qualifications and departures relating to the conditions of contract and technical exclusions that would result in increased cost and risk to Council. This tender did not meet all the requirements of the Brief and was considered by the Panel to be non-conforming in terms of the scope of work offered. The Panel eliminated Tender No 13 from further consideration.

Tender No 14 from Warren Smith & Partners Pty Ltd contained some minor qualifications and departures that could result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel as substantially conforming in terms of the scope of work offered. The Panel progressed Tender No 14 to the next stage of evaluation.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

Tender No 15 from Worley Parsons Services Pty Ltd contained a number of qualifications and departures that could result in increased cost and risk to Council. This tender met the Threshold Criteria and was considered by the Panel as substantially conforming in terms of the scope of work offered. The Panel progressed Tender No 15 to the next stage of evaluation.

The eight conforming tenders progressed to the next stage of shortlisting were Tender Nos 2, 3, 4, 5, 11, 12, 14 and 15.

Shortlisting

Tenders were shortlisted against Criterion No 3 – Price. The prices offered in Tender No. 4 from Coffey Environments Pty Ltd and Tender No. 5 from GHD Pty Ltd were significantly higher than other shortlisted tenders and were subjected to a sensitivity analysis. Regardless of how they rated on non-price criteria the substantial price difference would make it impossible for these tenders to rate as the preferred option after a full weighted evaluation. Tender Nos 4 and 5 were thus eliminated to allow the panel to concentrate its assessment efforts on the remaining six competitive tenders. These tenders are listed in the table in the following section.

Weighted Evaluation

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements) and are listed below in descending order of weighted evaluation scores.

	Tender	Lump Sum (Excluding GST)	Weighted Evaluation Score
11	SMEC Australia Pty Ltd	\$154,738.00	82
12	Treers Rose & Associates Pty Ltd	\$188,800.00	68
2	Bonacci Group Pty Ltd	\$228,650.00	57
15	Worley Parsons	\$242,874.00	53
14	Warren Smith & Partners Pty Ltd	\$247,000.00	52
3	Cardno Pty Ltd	\$254,950.00	50

Tender No 11 from SMEC Australia Pty Ltd scored highly in both the price and non-price criteria. In the non-price criteria, generally all areas were good, with a high score for methodology. It was evident that SMEC's past experience gave them a clear understanding of the Brief, which was reflected in a comprehensive step by step methodology, listing specific tasks and deliverables.

In comparison, other tenders all scored significantly lower on either the price or non-price criteria or both.

With the highest non-price score and the lowest tendered price, the evaluation demonstrated that Tender No 1 from SMEC Australia Pty Ltd represented good value for money for Council. It was progressed to the due diligence stage of the evaluation.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

Due Diligence

Tender No 11 from SMEC Pty Ltd was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that SMEC Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

SMEC Australia Pty Ltd (the Australian arm of an international company) has its head office in North Sydney and has a history of successfully completed contracts similar in nature and scope to the current works. It has previously undertaken a number of successful engagements for Council. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

RISK ASSESSMENT

General

When letting a contract, various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not.

For this reason Council retains, and is required to manage, some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award, timely progress payments and provision of additional security
- Completion time exceeds target leading to delays that result in loss of reputation for Council. Mitigated through close supervision and prompt directions where required.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

Specific Risks Leading to Contract Variations

These are risks that the contract sum will be exceeded for this lump sum contract and therefore require a contingency amount to be approved. The major specific risks and mitigation measures for this contract include:

- Changes required to be made to the design of C16 SPS after submission for approval, due to environmental issues, leading to increased costs for the design. Mitigated by completing a Review of Environmental Factors (REF) as part of the options investigations stage, to identify potential environmental risks.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$15,000.00 (excl GST) representing approximately 10% of the contract sum be approved. Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a good probability that the contract budget of \$169,738.40 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

The amount tendered by SMEC Pty Ltd was the lowest tender received but is 55% higher than Council's pre-tender estimate. The tenders received ranged between 155% and 605% of the pre-tender estimate. This estimate was based on industry standard rates, however, demand for design services of infrastructure projects remains high and is unlikely to relax in light of the recent announcement of the Federal Government's Infrastructure Program. In light of the tenders received, the tender from SMEC is still considered overall to represent a fair and reasonable price for the contract works.

The source of funds for the acceptance of this tender will come from the 2008/09 and 2009/10 budgets for Project 13283. Provision for funding this project has been made in Management Plan line item 4.4.9. Sufficient funds are available including a 10% contingency.

TIME-FRAME

This engagement is for a design and documentation period of 20 weeks concluding in September 2009. On completion of the documentation, tenders for construction of the pump station upgrade will be called and will be separately reported to Council. Construction is anticipated to run from November 2009 to May 2010.

LOCAL CONTENT

The key technical personnel to work on this consultancy are located in SMEC's Sydney office.

The consultancy is expected to generate approximately 26 weeks of future construction work with some labour resources to be employed on the project sourced from within the Central Coast.

4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment

CONCLUSION

Tender No 11 from SMEC Pty Ltd meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

5.1 Tuggerawong Retirement Village

TRIM REFERENCE: D01709136

AUTHOR: DS

SUMMARY

Council has received a request from the Don Small - Wyong Lions Club Tuggerawong Retirement Village (Section 355 Committee) to defer the repayment of their existing Council loan.

RECOMMENDATION

- 1** *That Council postpone the repayment of loan and accruing interest from the Tuggerawong Retirement Village for a period of 12 months on the condition that any re-tenanting fees received on units will be fully utilised on repayments.*
- 2** *That Council require the loan to continue to accrue interest on the outstanding balance until the loan is extinguished.*
- 3** *That Council set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or, at a minimum, equivalent to the 90 day bank bill swap reference rate.*

BACKGROUND

The Don Small - Wyong Lions Club Tuggerawong Retirement Village was set up following a donation of land from ex-Councillor Don Small and a Federal grant for the construction of self care units. It operates with a voluntary board of management that carries out the day-to-day administration through an administrator, as a Section 355 Committee of Wyong Shire Council.

The administrator utilises funds for the maintenance and landscaping of the Village with the residents of the Village being charged a one-off entrance fee of \$35,000 (2008-09 fee) and a minimum fortnightly rent.

The Retirement Village is self funding over the life of its operation and is made up of 23 self care units. The Village income is achieved through re-tenanting of the units and the subsequent investment of funds received from new residents.

The units are only able to be re-tenanted when vacancies occur either through the death of a resident or transfer of residents to care facilities.

In July 2003 Council approved a loan of \$200,000 with bank interest, to the 355 Committee of the Don Small - Wyong Lions Club Tuggerawong Retirement Village for the construction of an additional two self care units. The loan was to be repaid in annual instalments of \$40,000 plus interest, over a period of five years. Interest was calculated as the 'lost' investment income with a view to being cost neutral to Council.

The life span of residents has increased and there has been an associated decrease in revenues normally received from new residents. Whilst this is affecting the cash flow projections for the Village in the short term but it is unlikely to affect long term viability.

5.1 Tuggerawong Retirement Village (contd)

A deferment on repayment was resolved by Council at its meeting on 9 November 2005 as follows:

“RESOLVED on the motion of Councillor STEWART and seconded by Councillor FORSTER:

- 1 That Council permit the postponement of loan repayments for a period up to 3 years.*
- 2 That interest continue to accrue on the outstanding balance until the loan is extinguished.*

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR EATON.”

Since January 2006 the only income from re-tenancing has been \$84,000, of which \$30,053 was used to repay the accrued interest on the above loan. The balance of funds were utilised to complete major plumbing and electrical maintenance work in the Village.

On 12 December 2008, Council received a request from the Administrator for an extension of six months for the 2008 payment (refer to Attachment 1). Discussions were held with Council's Manager Finance and the Administrator to clarify the capacity to pay and additional financial information was sought.

Based on discussions with the Administrator the following summarises the current status and ability to repay:

- **Re-tenancing :**
The current financial position of the Village is that there are two units available for re-tenancing with deposits received during the first quarter of 2008. However the full entry fee has not been paid on either of these units as yet.
- **Cash flow and ability to repay :**
The reliance of the Village on the entry fee to repay the loan from Council is the major limiting factor in repayments. All major maintenance work is now complete other than repainting and recarpeting which should be met using annual fees charged to tenants.

As at 31 December 2008 the balance of the loan was \$167,611.74. A further \$40,000 was paid on 5 February 2009.

THE PROPOSAL

That Council continue to charge interest on the loan provided to the Village subject to all proceeds from re-tenancing being used to pay off the loan.

The following options can be considered by Council for refinancing:

- **Option 1**
Grant six months extension as requested, with interest to continue to be accrued on all outstanding amounts.

Not recommended - due to the short timeframe there is no guarantee of the Village receiving re-tenancing fee on which repayments are reliant during this period .

- **Option 2**

Continue to accrue interest on outstanding balance and defer loan repayments on the condition that all re-tenancing fees as and when received are used to repay loan. This should be reviewed in 12 months.

Recommended - this allows flexibility of payment over the 12 month period should the proceeds become available from the re-tenancing.

Note: Interest has previously been calculated at an equivalent of Council's lost interest earned. However, in current economic times and the volatility in Council's portfolio, it is proposed to alter this to be the minimum of Council's lost interest or the 90 day bank bill swap reference rate. This is proposed on the basis that Council's investment strategies are longer term and that the short-term volatility is not a reflection of Council's lost income.

Management Plan

Nil impact on the Management Plan as interest is charged based on a rate that is cost neutral to Council.

Financial Implications

Council's investment will continue to provide an acceptable return provided that the operation of the Village remains viable. Any significant loss of liquidity will immediately and directly place Council's returns and capital at risk.

CONCLUSION

Based on available information, a postponement of the repayment of the loan and accrued interest owed to Council by Tuggerawong Retirement Village (Section 355 Committee), is the most viable solution (subject to conditions outlined above). Once repaid the Committee and the Village should operate in a financially self sufficient manner.

ATTACHMENTS

Nil.

5.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: D01739650

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

That Council allocate an amount of \$3,025 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

Provision has been made in Council's Management Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations who operate in the Shire or provide a benefit specifically to the residents of the Shire.

Donations may also be made to individuals or groups in pursuit of excellence, including sporting and cultural excellence, subject to CCIG Policy. Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

To allocate funding to community groups or individuals in accordance with the CCIG Policy.

OPTIONS

Under the Policy all proposed allocations are subject to the approval of the Council as a whole.

STRATEGIC LINKS**Management Plan**

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A better community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Key Focus Areas

Nil.

Financial Implications

Expenditure is approved until the end of the current financial year. Unspent approvals lapse 30 June 2009.

Principles of Sustainability

Nil.

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration. Applications received directly from Councillors were not distributed to other Councillors.

GOVERNANCE

All expenditure recommended is permissible under Section 24 and 356(1) of the Local Government Act 1993.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

ATTACHMENTS

- 1 Proposed Councillors' Community Improvement Grants Allocations 2008-09

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/12/2008 - 30/06/2009		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 25/02/2009		2,204	2,129	4,244	4,309	3,310	3,779	1,879	2,379	2,869	3,729	30,831
Available allocation as at 28/01/2009		5,296	5,371	3,256	3,191	4,190	3,721	5,621	5,121	4,631	3,771	44,169
Proposed Allocations for 11 March 2009												
1st Manner Park Scout Group	Assist to purchase a bass kayak	50									650	700
Australian Red Cross	Help with fundraising for the Victorian Bushfire Appeal 2009									1,000		1,000
Glengara Retirement Village Residents Craft Group	Assist to purchase equipment and consumables to be made into items for under privileged people and cancer	50										50
Lifeline Central Coast NSW	Assist with Steel Magnolia Award Luncheon Honouring Women	50										50
Northern Lakes Junior Rugby League Football Club & Sport and Rec Club	Assist to complete irrigation of the fields	100										100
Toukley Adult Day Care	Assist with providing clientele with Easter Hamper	25									100	125
Tuggerah Lakes Memorial Pistol Club	Assist with roofing of Range 3 for sound and safety			500						500		1,000
Total Proposed Allocations for 11/03/2009		275	0	500	0	0	0	0	0	1,500	750	3,025
Total Accumulated Allocations as at 11/03/2009		2,479	2,129	4,744	4,309	3,310	3,779	1,879	2,379	4,369	4,479	33,856
Balance Uncommitted as at 11/03/2009		5,021	5,371	2,756	3,191	4,190	3,721	5,621	5,121	3,131	3,021	41,144

5.3 Governance Committee Charter

TRIM REFERENCE: D01775962

AUTHOR: KY

SUMMARY

Determination of the membership of the Governance Committee.

RECOMMENDATION

That Council now determine the two voting Delegates and the Alternate Delegate of the Governance Committee.

BACKGROUND

At its meeting held on February 25 2009, Council adopted the Governance Committee resolution 2

"2 That the Charter be amended for membership to consist of 3 Independent Members including 1 Chairperson, 3 Councillor Delegates including the Mayor and 1 Alternate Delegate and that voting be dependent on the number of independent members attending each meeting."

The current members of the Governance Committee are Mayor Graham and Councillors Symington, Vincent and Wynn.

Under the Local Government Act, the Mayor is automatically a member of all Committees, is entitled to vote and can assume the chairmanship of the Committee if he so wishes. Council has decided to have an equal number of independents and voting Councillors on the Governance Committee. It is therefore proposed that, of the existing three members, apart from the Mayor, two should be entitled to a vote with the third acting as an alternative and able to vote in the absence of one of the two voting Councillors.

Similar to the Gosford Wyong Water Authority, it is intended that there always should be an equal number of independents able to vote and an equal number of Councillors able to vote. Where there are less than three independents at a meeting then the number of Councillors entitled to vote would be restricted to a similar number.

The charter for the Committee identifies that one of the independents could usually act as chair and therefore have a casting vote, if necessary.

ATTACHMENTS

Nil.

6.1 Information Reports

TRIM REFERENCE: D01750110

AUTHOR: SW

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the information of Council are provided for adoption either by nominated exception or englobo.

RECOMMENDATION

That Council deal with the following information reports by the exception method.

ATTACHMENTS

Nil.

6.2 Investments for January 2009

TRIM REFERENCE: D01744290

AUTHOR: HS

SUMMARY

The following report provides details of Council's investments as at 31 January 2009.

RECOMMENDATION

That Council receive the report on Investments for January 2009.

BACKGROUND

Council's investment portfolio has been conservatively managed providing a defence against the world financial crisis.

It is valuable to note that the Auditor, Price Waterhouse Coopers, has complimented Council on the prudence and conservative profile of our investments. They have indicated that council's investment approach has been effective in minimising the impact of the world crisis.

World financial markets volatility warranted Council adopting a conservative "wait and see" policy in respect of investments until near Christmas 2008. Subsequent moves by the Federal Government to ensure confidence in financial markets made it prudent to shift investments into the banking sector where it was possible and practical.

Interest yield remain strong and in excess of budget up to the point in January 2009 when interest rates were lowered substantially by the Reserve Bank of Australia.

The realisable capital value of Council's investments has lost ground against the face value to date by \$4.59 million. These investments remain in place until favourable market conditions return and each investment can be reassessed.

CURRENT STATUS

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy.

6.2 Investments for January 2009 (contd)

As at 31 January 2009 Council's total investments were as follows:

Table 1

	January 2009	Year-to-Date Total Returns	Year-to-Date Returns Interest Only	Year-to-Date Returns Interest Only
	\$ '000	%	%	\$ '000
Cash at Call	18,510	6.62	6.62	739
Term Deposits	23,885	6.90	6.90	476
Cash Plus Funds	15,148	(5.02)	4.41	566
Cash Management Funds	33,871	(1.37)	5.93	903
Enhanced Income Funds	12,637	(11.22)	3.21	488
Total Investments	104,051	(2.18)	5.26	3,172

In January 2009, Council invested \$5m total in a Term Deposit with NAB for a period of 180 days. These funds were withdrawn from the ANZ High Yield Cash Account to reduce Council's exposure to variable rates by reducing "cash at call" and re-investing in attractive short term fixed-rate products.

Council continues to respond proactively to market events on the basis of advice and "intelligence" from Council's investment advisors, CPG, and has enacted exit strategies on ING. Since this advice the ING fund has advised it is terminating in February, Council is still awaiting decisions on how this will impact on its withdrawal.

Investment transactions, and earnings, for the month over the last quarter were:

Table 2

	July to Sept \$m	Oct to Dec \$m	Jan \$m	Year to Date \$m	Full Year Projected \$m
<i>Movement in Assets</i>					
Opening Balance	115.41	104.79	111.83	115.41	115.41
Capital Gain/(Loss - unrealised see below)	(1.74)	(2.65)	(0.20)	(4.59)	(4.59)
Net Cash/Investments(Withdrawals)	(8.88)	9.69	(7.58)	(6.77)	(5.32)
Closing Balance	104.79	111.83	104.05	104.05	105.50
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	-	(0.23)	-	(0.23)	(0.23)
Capital Gain/(Loss) Unrealised	(1.74)	(2.41)	(0.20)	(4.35)	(4.35)
Interest Earnings	1.52	1.34	0.31	3.17	4.94
Total Return for Period	(0.22)	(1.30)	0.11	(1.41)	0.36

Trading returns in real terms continue to show yields in excess of budget, however, this is not expected to continue as low interest rates bites into returns. Nevertheless, and given the volatile financial circumstances, Council will finish the year well in terms of interest yields. Negative trading returns will only occur if Council were to realise those investments where capital values have fallen. It is not intended to take such action unless the possibility of institutional failure becomes evident.

Council's investment "trading" position is a mix of capital gain (loss) and interest earned. The table reflects a satisfactory performance of the portfolio in terms of interest returned to Council despite the unrealised capital losses.

Currently the BlackRock Diversified Credit Fund is reflecting \$1.87m unrealised losses making up 43% of Council's current status. In November 2008 Council's total interest in this fund was transferred into the Black Rock Care and Maintenance Fund which will hold the existing Black Rock assets until maturity. Council is assured this process will result in most of the reported unrealised capital losses on this fund being reversed.

It is anticipated the Black Rock Care and Maintenance Fund will close by November 2018.

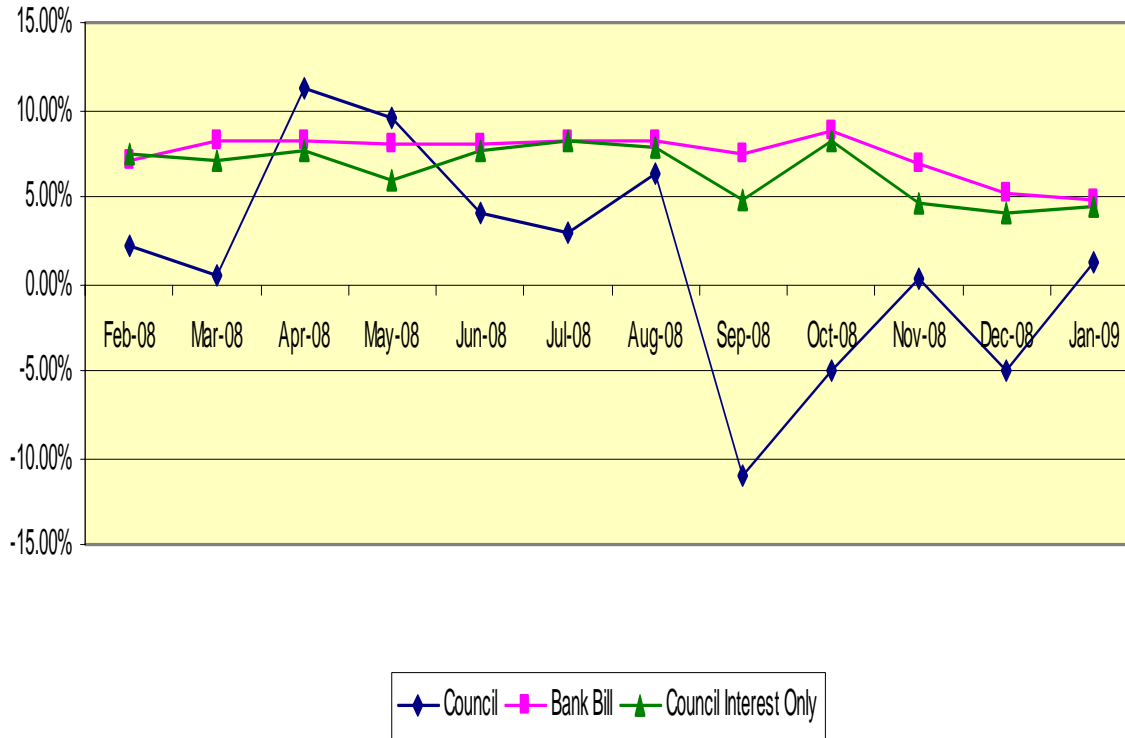
The total unrealised capital loss for January was \$203,439. There was an unrealised capital loss of \$282,689 related to the Black Rock Care & Maintenance Fund. The other managed funds made minor net capital gains of \$79,250.

Monthly Annualised Returns

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This index is in common use among councils and is a measure of the top rated reliable cash rates. Using the index for Council establishes a minimum performance comparison.

A graph detailing the monthly return on a 12 monthly basis is as follows:

**Monthly Annualised Returns (Interest and Capital Movements)
Portfolio Performance Comparison to UBSA Bank Bill
Index**



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held at 31 January 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Whilst Council's trading position shows an accumulated unrealised loss of capital value, the portfolio's ability to "ride-out" the market volatility remains strong due to a diversified, low risk management approach. Continuing that direction is essential for minimising long term actual loss and loss of interest income.

ATTACHMENTS

Nil.

6.3 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: D01738839

AUTHOR: SG

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

Question Asked / Councillor	Department	Meeting Asked	Status
Q123 – Darcy Smith Court Case Councillor Pavier	Shire Planning	12 December 2007	A response will be reported to Council when the case has been finalised in the Land and Environment Court.
Q066 – Discussions with Developers Councillor Symington	Shire Planning	26 November 2008	A response will be submitted to Council's meeting on 25 March 2009.
Q068 - Education Program into Toddler Drowning Councillor Best	Shire Planning	26 November 2008	A response to this question will be prepared after the briefing workshop on current coverage and resources required to patrol beaches is held. This briefing is scheduled to be held in April 2009.
Q006 – Council Committees Cr McBride	Corporate Services	11 February 2009	A response will be submitted to Council's meeting on 25 March 2009.
Q008 - Draft Community Facilities Strategy Councillor Matthews	Shire Planning	25 February 2009	A Councillor Briefing is being proposed for May 2009 which will provide details of recommendations and actions arising from Stage 1 of the Strategy.
Q009 – Recreation Smoke Free Policy Publicity Councillor Webster	Shire Services	25 February 2009	A response will be submitted to Council's meeting of 8 April 2009.

Question Asked / Councillor	Department	Meeting Asked	Status
Q010 – Central Community Group Database Councillor Vincent	Corporate Services	25 February 2009	A response will be submitted to Council's meeting of 8 April 2009.
Q011 – Waste Management Facility Telephone Number Councillor Wynn	Shire Services	25 February 2009	A response will be submitted to Council's meeting on 8 April 2009
Q012 – Maintenance of Fire Trails Councillor Eaton	Shire Services	25 February 2009	A response will be submitted to Council's meeting on 8 April 2009
Q013 – Hazard Reduction in the Shire Councillor Eaton	Shire Services	25 February 2009	A response will be submitted to Council's meeting on 8 April 2009
Q014 – Costs Incurred for Performing Arts Centre Councillor McBride	Shire Planning	25 February 2009	A response will be incorporated in the report going to March 25 2009 Council meeting.

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007 Eaton / Best	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2010.
470 – Ferry Service between Wyong and The Entrance <i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i>	Shire Planning	14 November 2007 Eaton / Best	To be reported to Council in April/May 2009 as part of the adoption of The Entrance/Long Jetty Strategy.
231 – Poll on Popularly Elected Mayor and Electricity Privatisation <i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i>	Corporate Services	28 May 2008 Stewart / Graham	A report will be subject to future briefing session for Council. The report will provide an outline of possible ward boundaries.

Notice of Motion	Department	Meeting Resolved	Status
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008 Pavier / Graham	Meeting was held on 30 July 2008. Council update issued regarding outcomes. Formal report back to Council as part of adoption of The Entrance / Long Jetty strategy to be submitted to Council in April/May following feedback sessions with peak community groups.
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	General Manager's Unit	25 June 2008 Pavier / Graham	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to Council.
<p>298 – Long Jetty Café</p> <p><i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i></p>	Shire Planning	25 June 2008 Best / Eaton	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<p>383 – Central Coast Regional Strategy – Toukley</p> <p><i>That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.</i></p>	Shire Planning	13 August 2008 Best / Stevens	A briefing workshop is expected to be held with Councillors in May 2009.
<p>384 – Central Coast Regional Strategy</p> <p><i>That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.</i></p>	Shire Planning	13 August 2008 Pavier / Eaton	A briefing workshop is expected to be held with Councillors in May 2009.
<p>498 - Central Coast Tourism Inc (CCTI) Funding</p> <p><i>That Council report on funding for Central Coast Tourism Inc (CCTI).</i></p>	General Manager's Unit	12 November 2008 Eaton / Graham	A report will be submitted to Council's meeting on 25 March 2009.

Notice of Motion	Department	Meeting Resolved	Status
<p>499 - Wyong Parking Initiatives</p> <p><i>That Council congratulate the Member for Wyong, Mr David Harris MP, on his support for a joint venture between Council and the State Government to construct additional car parking around the Civic/Justice/Police precinct of Wyong Town Centre.</i></p> <p><i>That Council request staff to contact appropriate State Government agencies to address this matter.</i></p>	Shire Planning	12 November 2008 Eaton / Best	A report will be submitted to Council upon response from State Government Agencies.
<p>541 – Extended Safety of Surf Patrol Beaches</p> <p><i>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.</i></p> <p><i>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.</i></p>	Shire Services	26 November 2008 Best / Eaton	A briefing workshop is scheduled to be held in April 2009 on current coverage and resources required to patrol beaches.
<p>570 – Joint Council Meetings with Gosford Council</p> <p>1 <i>That Council support regular joint meetings with Gosford Council to determine major water policy and other common issues.</i></p> <p>2 <i>That any such meetings to be convened as formal council meetings of both Councils to enable prompt efficient and consistent decision making.</i></p> <p>3 <i>That a copy of this resolution be forwarded to Gosford City Council for its consideration and support.</i></p>	Corporate Services	10 December 2008 Eaton / Best	Gosford City Council resolved to support regular joint meetings and has asked the two General Managers to discuss processes.

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Encouraging Responsible Disposal of Asbestos</p> <p><i>1 That Council review its asbestos waste disposal policy to further encourage responsible disposal.</i></p> <p><i>2 That Council highlight this cost saving initiative while reinvigorating our “dob in a dumper” (DIAD) campaign.</i></p> <p><i>3 That to further strengthen the DIAD campaign Council extend its \$10,000 vandalism reward incentive to also include the DIAD campaign.</i></p> <p><i>4 That staff report to Council on the operational issues associated with the initiative above.</i></p> <p><i>5 That Council carry out an advertising and education campaign highlighting the health risks associated with illegal dumping and explaining the cost effectiveness of asbestos disposal at Buttonderry tip.</i></p>	Shire Services	28 January 2009 Best / Eaton	A report will be submitted to Council's meeting on 25 March 2009.
<p>9.1 – NSW State Body Board Championships</p> <p><i>1 That Council allocate \$10,000 from the 2008-09 budget for Community Support and Development to secure major sponsorship of the NSW State Body Board Championships and Australasian Pro Tour to be held on 2, 3, 4 and 5 April 2009 at Soldiers Beach.</i></p> <p><i>2 That Council transfer the \$10,000 from the amount allocated in the 2008-09 budget to the “Central Coast Pro Surfing Competition” which has been cancelled.</i></p> <p><i>3 That Council consider allocating a similar amount to the “NSW Body Board Championships” in the 2009-10 budget provided it can be demonstrated that the event continues to provide significant benefit to the Shire.</i></p> <p><i>4 That a report on attendance, economic benefits etc of the event be presented to Council at the completion of the championships.</i></p>	Shire Services	11 February 2009 McNamara / Best	A report will be submitted to Council's meeting on 27 May 2009.

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Central Coast Express Advocate article</p> <p>1 <i>Did the Express/Advocate, as reported in the article, ask Council to verify this story before it went to press and, if so, when did this occur?</i></p> <p>2 <i>Did any Councillors ask for any clarification of this incident further to the Question Without Notice No. Q075 asked by Councillor Best at the Ordinary Meeting on 10 December 2008?</i></p> <p>3 <i>Were Staff able to provide the facts as contained in Report No (9.10) and if so, when?</i></p> <p>4 <i>If staff did not to respond to these requests, why not?</i></p> <p>5 <i>Does Council's media section have a working relationship with the local press and, if so, how can we reinforce this relationship to ensure that we get the facts in the hands of the journalists to prevent the publication of non verified and/or grandstanding articles in the future.</i></p>	Corporate Services / Shire Services	11 February 2009 Symington / Best	A report will be submitted to Council's meeting on 25 March 2009.
<p>9.4 – Precinct Support Program</p> <p>1 <i>That Council reaffirm its support and commitment to its Precinct Committee network while recognising their valuable contribution to the community.</i></p> <p>2 <i>That Council, in partnership with our local Precinct Committees, review its current level of assistance with a view to growing and supporting this important community network and its membership.</i></p> <p>3 <i>That staff report to Council, after the Precinct Committee Forum to be held on Wednesday 1 April 2009, on past, current and future recommendations regarding levels of support required to achieve 2 above.</i></p>	Corporate Services	11 February 2009 Best / McNamara	A report on the forum will be submitted to Council's meeting on 13 May 2009.
<p>9.5 – Closed Circuit TV Toukley</p> <p>1 <i>That further to the continuing and escalating incidents of vandalism and graffiti in and around the Toukley and Toukley East areas, staff report on the findings of the recently conducted Toukley Community Safety Audit soon to be released.</i></p> <p>2 <i>That staff report to Council on the feasibility of installing a Closed Circuit TV network in the Toukley area similar to the recently federally funded 27 camera system now being installed in the Woy Woy business district.</i></p>	Shire Services	11 February 2009 Best / Wynn	Safety Audit to be conducted by NSW Police. Staff will liaise with NSW Police to determine when the Safety Audit will be made available.

Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – Motor Sports Facility</p> <p>1 <i>That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.</i></p> <p>2 <i>That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.</i></p> <p>3 <i>That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.</i></p> <p>4 <i>That Council investigates possible locations for a motor sport and driver education facility based on user group requirements.</i></p> <p>5 <i>That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.</i></p>	Shire Planning	25 February 2009 McNamara / Vincent	Councillors will be updated as information is obtained.
<p>9.2 – The Entrance Channel WebCam</p> <p>1 <i>That Council investigate the possible benefits of utilising the growing web technology known as “webcam” in The Entrance Channel to assist various organisations, departments and the general public to gain important information vital to improved channel management.</i></p> <p>2 <i>That Council also investigate the possibility of sponsorship financing the channel webcams, instead of Council funding.</i></p>	Shire Services	25 February 2009 Best / Webster	A report on this matter will be submitted to Council’s meeting of 27 May 2009.
<p>9.3 – Recycle/Re-use Initiative</p> <p><i>That staff provide a preliminary report to Council on the recycle/re-use initiative of Cessnock and Lake Macquarie City Councils known as the Tip Shop/Re-use Centre hosted at the Councils’ respective waste management facilities.</i></p>	Shire Services	25 February 2009 Wynn / Best	A report on this matter will be submitted to Council’s meeting of 8 April 2009.

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <ol style="list-style-type: none"> 1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i> 2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i> 3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i> 4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009/2010 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i> 5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i> 	Shire Planning	25 February 2009 Best / Matthews	A Management Plan briefing was held on 4 March 2009 which incorporated suggestions for Council’s Animal Care Facility.
<p>9.5 – Extending the Lapsing Period of a Consent</p> <ol style="list-style-type: none"> 1 <i>That Council, in determining applications for employment generating development extend the lapsing period of a Consent under Section 95 of the Environmental Planning and Assessment Act 1979 to three years for the purpose of assisting local employment during the current economic downturn.</i> 2 <i>That the fees for extending a consent for a further one year period be reviewed in conjunction with the next Management Plan.</i> 	General Manager’s Unit	25 February 2009 Eaton / Graham	Extension of consent to be reviewed in conjunction with the Management Plan for 2009-10.

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Outcome
Q001 – Amount of Stormwater Levy Funds Allocated Towards Areas on Lake Macquarie located in Wyong Shire	Response included in this business paper
Q002 – Norah Head Ocean Access	Response included in this business paper
Q003 – Investigate the use of “Green Concrete” for footpath construction.	Response included in this business paper
Q004 - Investigate alternative environmentally friendly materials for footpath construction.	Response included in this business paper
Q007 – Shire Strategic Vision’s Blog Site	Response included in this business paper
Q015 – Thanks for Assistance to New Council	A thank you was passed on to the officer

ATTACHMENTS

Nil.

7.1 Answers to Question Without Notice

TRIM REFERENCE: D01709941

7.1 Q001 - Amount of Stormwater Levy Funds Allocated Toward Areas on Lake Macquarie located in Wyong Shire

The following question was asked by Councillor Symington at the Ordinary Meeting on 28 January 2009:

“Can staff report on the distribution of the Stormwater Levy which is collected from all ratepayers in Wyong Shire. In particular, how much money has been allocated to those areas of Lake Macquarie which are in Wyong Shire?”

The Stormwater Levy was first raised in 2006-07 in order to attract substantial grant funding to assist the implementation of the Tuggerah Lakes Estuary Management Plan. On the basis that the levy was collected from all eligible Wyong Shire ratepayers, it was considered necessary to apportion the expenditure of the levy across the catchments to which it was raised.

The total revenue raised by the Stormwater Levy in 2008-09 was \$1,710,000. This has been apportioned in the following manner:

Tuggerah Lakes Catchment: \$1,500,000 (87.7% of the total levy)

Lake Macquarie Catchment: \$ 149,000 (8.7% of the total levy)

Ocean Catchments: \$ 61,000 (3.6% of the total levy)

This apportionment was determined by the number of residential properties in each catchment. The figures reported here are detailed in Council's 2008-09 Management Plan (volume 2 page 191-193).

ATTACHMENTS

Nil.

7.2 Answers to Question Without Notice

TRIM REFERENCE: D01744513

7.2 Q002 - Norah Head Ocean Access

The following question was asked by Councillor Best at the Ordinary Meeting on 28 January 2009:

“Mr General Manager, I have received numerous requests over the Christmas break from boat owners seeking advice as to when Council will be commencing work in partnership with the State Government to reconstruct the aging and exposed current boat ramps?”

There are two boat ramps at Cabbage Tree Harbour Norah Head. One boat ramp is situated on Crown land and is utilised by Norah Head Search and Rescue. This Crown owned ramp is not a public access boat ramp. The second boat ramp is two lanes wide and is a Council public access ramp. Both ramps are currently in service but are in a deteriorating condition.

Due to the state of repair of the public boat ramp, Council initiated discussion with State Government departments in mid 2008 about potential funding sources and the approvals processes for reconstruction of the boat ramp. Subsequently, a grant funding application was submitted by Council to the Premier's Department for the investigation and concept design of a replacement public facility with the option to extend the public ramp to allow for use by the Norah Head Search and Rescue. Council dedicated \$20,000 of Revenue and Cluster Plan funds (approval pending by NSW Department of Lands) in the 2008-09 budget to match the application for grant funding for the investigation and design of a replacement boat ramp (\$40,000 total cost). Council staff made inquiries as to the status of the grant application in early February 2009 and were informed that it was still being processed and has not been approved as yet.

Preliminary estimates indicate that the cost of reconstructing the public boat ramp is likely to exceed \$500,000 and depends on the scale of the replacement boat ramp, whether it be extended for use by Norah Head Search and Rescue, community feedback from various user groups and the agreed size of boats the ramp will cater for.

No further provision for funding has yet been made available with the exception of \$100,000 of Council's Cluster plan funds (approval pending) in the 2012-13 financial year.

At this initial stage no date has been identified for commencing work on the reconstruction of the boat ramp. This is due to further detailed investigation and concept designs being necessary to better define a likely design and construction program and this activity will be dependant on funding being made available. Once the investigation, concept design and detailed design are complete and a realistic cost is ascertained, all possible grant and other funding sources will be investigated to identify an appropriate commencement date.

ATTACHMENTS

Nil.

7.3 Answers to Question Without Notice

TRIM REFERENCE: D01744207

7.3 Q003 - Investigate the Use of "Green Concrete" for Footpath Construction

The following question was asked by Councillor Wynn at the Ordinary Meeting on 28 January 2009:

"Would Shire Services investigate "Green Concrete" to construct future footpaths and shared pathways across the Shire to see if it is available and economically viable?"

"Green concrete" or E-Crete, produced by Zeobond, is a cementless-concrete made from waste produced by power stations. It is claimed that E-crete is made from 99% non-virgin materials and uses waste produced by power stations (fly ash from coal burning) and steel works to create an environmentally friendly and cost effective new type of cement-less concrete.

E-crete is based on geopolymer technology. Geopolymers are a type of inorganic polymer formed at room temperature by using industrial waste or by-products as source materials to form a solid binder that looks like and performs a similar function to ordinary Portland cement. It is claimed that geopolymer binder can be used in applications to replace or partially replace ordinary Portland cement with environmental and technical benefits, including an 80-90% reduction in CO2 emissions and improved resistance to fire and aggressive chemicals.

Zeobond does not have a manufacturing facility or supplier of E-Crete in NSW at this time. The company currently has an experimental batching plant in Melbourne and is in the process of developing a new manufacturing plant in Melbourne. A number of councils in Victoria have undertaken some small scale trials of the material.

The cost of the product is not yet determined, however Zeobond have advised Council that the product is likely to be around 10% more expensive than traditional concrete.

Further investigations and a possible field trial would be beneficial if E-crete becomes available in NSW.

ATTACHMENTS

Nil.

7.4 Answers to Question Without Notice

TRIM REFERENCE: D01744503

7.4 Q004 - Investigate Alternative Environmentally Friendly Materials for Footpath Construction

The following question was asked by Councillor Wynn at the Ordinary Meeting on 28 January 2009:

“Would Shire Services investigate alternative materials to construct paths that are more environmentally friendly and/or more aesthetically pleasing while also comparing costs?”

The choice of surfacing materials for pathways is of significant importance from a number of perspectives, including:

- Users – hard surfaces for wheeled users; softer surfaces for running and jogging; appropriate load carrying capacity, most users require smooth surfaces free of level imperfections
- Pathway authorities – low installation and maintenance costs, good access for maintenance vehicles to the pathway and adjacent areas; there is a balance between installation costs and maintenance costs
- Environmental impacts – visual intrusion of straight and wide pathways; leaching of chemicals from paving materials; run-off of stormwater

It is noted that all pathway materials selected are not known to be reactive or cause leaching impacts on the environment. Measures of the impacts of raw materials' extraction, energy inputs during manufacturing and construction, maintenance and disposal at end of life of each option is dependent on a huge range of variables and is beyond the scope of this investigation.

It is evident that although materials such as decomposed granite may have lower visual impacts and lower construction costs, their lifecycle costs are considerably higher than concrete as a result of the higher level of maintenance required and shorter lifespan. Furthermore, many of these alternative materials have the potential to be influenced by tree roots and poor drainage resulting in a greater percentage of defects developing and associated risk management issues. Council will continue to use recycled products, for example crushed concrete, for the sub base of concrete pathways, where possible.

The table below provides an overview of a number of potential materials that could be used for the pathways including construction costs, maintenance costs, lifecycle costs and potential environmental impacts.

It is concluded that concrete still remains the most cost effective material for footpath construction from a lifecycle cost perspective as a result of the minimal ongoing maintenance cost. It is important, however, to manage visual impacts in environmentally significant areas by choosing an alternate pathway cross section, with smaller radii and more frequent horizontal curves.

Surfacing Material	Construction Cost *	Maintenance Requirements	Lifecycle Cost (25 Years) *	Environmental Impacts
Loose aggregate paving decomposed granite @ 100mm thick; timber edge	\$15.20/m ²	Regular levelling and topping up with new decomposed granite if subject to high volume of pedestrian traffic or run-off/flooding. Not safe for cyclists.	\$166,300	Reduced run-off and visual intrusion
Asphalt Paving # Crushed rock base with 75mm thick asphalt wearing course with 75 x 25mm; timber edge	\$31.90/m ²	Patching, crack seal, edging replacement and easily lifted up by tree roots-ongoing removal of trip hazard required.	\$75,800	Visual intrusion due to path width and colour
Concrete footpath 20MPa reinforced concrete; formwork; 1 layer of mesh reinforcement @ 100mm thick	\$80.90/m ²	Low maintenance cost.	\$61,000	Visual intrusion due to path width and colour
Concrete footpath - full stencilled 20MPa reinforced concrete; formwork; 1 layer of mesh reinforcement @ 100mm thick	\$99.60/m ²	Higher than plain concrete maintenance cost as it requires re-sealing, repainting and difficulty matching colours.	\$84,700	Visual intrusion due to path width and colour
Brick/Unit/Segmental Paving Clay; herringbone pattern; standard paver; 230 x 115 x 50mm on 75mm road base	\$75.20/m ²	High maintenance cost – requires regular repair and replacement of missing or damaged pavers.	\$187,700	Visual intrusion varies, depending on colour and location
Rubberised surfacing/ Sports flooring applied to prepared concrete surface; 1 layer polyurethane; coloured synthetic granules	\$80.90/m ² for concrete footpath \$75.00/m ² for Sports floor = Total \$155.90/m ²	High maintenance cost.	\$262,000	Reduced visual intrusion (if green coloured), depending on colour and width.

Notes:

- * 1 *Assuming 1.2m wide pathway, 1 km length, no structures*
- 2 *Assumed life cycle of 25 years*
- 3 *Construction cost is market rates for substantial sections of footpath*

Warm asphalt technology is available and results in lower green house gas emissions, however local suppliers are not presently equipped to manufacture at present. Council will continue to explore this technology as it is developed.

ATTACHMENTS

Nil.

7.5 Answers to Question Without Notice

TRIM REFERENCE: D01744609

7.5 Q007 - Shire Strategic Vision's Blog Site

The following question was asked by Councillor Vincent at the Ordinary Meeting on 11 February 2009:

"Could Council staff please provide an update on the utility of the Shire Strategic Vision's Blog Site on Council's web site and comment on the feasibility of expanding the concept to include an additional broader blog site for community feedback?"

The Shire Strategic Vision (SSV) blog was set up by Council's Communications Unit at the request of the Manager Community Strategic Vision, Dan Smith, to help engage the community during the SSV project

The SSV blog uses a template provided by the online hosting company, WordPress. It is free of charge to Council; relatively easy to use; is open to web search engines such as Google; and was able to be customised with Council's logo and visual style. It can be found by either a direct web search or via Council's website.

An important feature of the Shire Strategic Vision blog is the ability for Council to moderate or check all comments to ensure they are relevant to the vision project and do not contain possible racist, obscene or libellous material. A note on the opening page of the Shire Strategic Vision blog explains that Council reserves the right not to allow comments. To date, moderation of the Shire Strategic Vision blog has not required significant additional staff resources, however as an experimental medium for Council it is important to be aware that it has the potential to require significant amounts of staff time.

While the blog focuses primarily on the Shire Strategic Vision project, comments submitted of a general nature made by members of the public are being referred to the relevant department for response as would any other channel of communication or inquiry with Council.

As to the feasibility of expanding the concept to include an additional broader blog site for community feedback, it would seem a natural progression for Council in the future. However, as a significant upgrade of the website and online mediums is occurring during 2009, it will be timely to include examination of this issue in that process.

This also gives more time to assess what the likely impact on staff resources of effectively moderating such a site would be.

ATTACHMENTS

Nil.

11 March 2009
To the Ordinary Meeting

Director's Report
Corporate Services Department

8.1 Notice of Motion - Community Recycling Initiative "freecycle.com"

TRIM REFERENCE: D01775980

AUTHOR: ED

Councillor Best has given notice that at the Ordinary Meeting to be held on 11 March 2009 he will move the following Motion:

"That Council investigate the benefits to our community of Council supporting and promoting the Free Cycle recycling initiative"

8.2 Notice of Motion - Buy Local Jobs Initiative

TRIM REFERENCE: D01775987

AUTHOR: ED

Councillor Best has given notice that at the Ordinary Meeting to be held on 11 March 2009 he will move the following Motion:

- "1 That further to the Federal Government's recent announcement of injecting some \$42 billion into the national economy in response to the global financial crisis, the Council in partnership with our local Federal Members, business and the community, capitalise on this spending initiative through promoting a "buy local" campaign with a view to locally harnessing the \$100m now earmarked for Central Coast expenditure to support and generate local jobs.*
- 2 That Council invite Gosford City Council to join it thereby making this a regional "buy local" job initiative.*
- 3 That Council formally congratulate the local Federal Members for their support of our region in this economic global crisis."*