



The recent Paws and Claws for a Cause dog walk raised \$6000 for the RSPCA and Council's Animal Care Facility. The Entrance Town Centre Management organised the event and donated \$3000 to each organisation (pictured above). Council's Animal Care Facility will use the donation to build seven new cat exercise yards.

Business Paper

ORDINARY MEETING

12 October 2011



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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 12 OCTOBER 2011 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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11 QUESTIONS ON NOTICE ASKED

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02778724

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

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.

12 October 2011
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.2 Address by Invited Speakers

TRIM REFERENCE: F2011/00027 - D02778743
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.3 Proposed Inspections and Briefings

TRIM REFERENCE: F2011/00027 - D02747695

AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

There were no inspections scheduled on the 5 September 2011 due to school holidays.

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
12 October 2011	Proposed list of lands from community to operational - part 3	Go through the proposed list for reclassification of lands from community to operational with Councillors	12.30-1.00 pm	Director of Corporate Services, Chief Information Officer and Manager Economic Property Development
12 October 2011	Annual Report and State of the Shire (combine with Annual Financial Statement /refer for audit)	Briefing on the content and strategic issues arising in the draft 2010/11 Annual Report, State of the Shire Report and Annual Financial Statement. These are documents being forwarded to the Council Meeting of 9 November 2011 for endorsement.	12.30-1.00 pm	Manager Integrated Planning and Chief Financial Officer
12 October 2011	Norah Head Boat Ramp	Following on from the previous Councillor Briefing on 8 June 2011, staff have met with Marine Rescue and developed an agreed solution to the Norah Head Boat Ramp. This briefing will provide an overview of the solution and the funding required.	1.00-2.00 pm	Director Community and Recreation Maxine Kenyon, Principal Transport Engineer and Manager Short Leisure Rec
12 October 2011	Surf Life Saving Central Coast Club Leases	Go through the proposed Surf Lifesaving Central Coast (SLSCC) Club Leases with Councillors	2.00-2.30 pm	Director of Corporate Services and Director of Community and Recreation
12 October 2011	Surf Life Saving Central Coast Club Leases	Further information on the SLSCC Club Leases provided by SLSCC CEO , Chad Griffiths.	2.30-3.00 pm	Chad Griffiths CEO of Surf Lifesaving Central Coast
12 October 2011	Proposed list of lands from community to operational - part 3	Go through the proposed list for reclassification of lands from community to operational with Councillors	3.00 pm	Director of Corporate Services and Manager Economic Property Development

A full list of Councillor Briefings for 2011 was adopted by Council at its meeting on 9 February 2011. The latest version of Briefings for 2011 list is available upon request to the General Manager's office.

RECOMMENDATION

That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

ATTACHMENT

1 Updated Briefing Schedule 3rd & 4th Quarters 2011 D02792587

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
4th	12-Oct	Norah Head Boat Ramp	Community & Recreation Services	Maxine Kenyon/Tim Burch/ Tara Mills
4th Quarter	12-Oct	Annual Report and State of the Shire/	Corporate Services	Dan Smith/Sharon McLaren
4th Quarter	12-Oct	Proposed list of lands from community to operational - part 3	Corporate Services	David Jack/ Bob Platt/ Greg Ashe
4th quarter	12-Oct	Surf Life Saving Central Coast Club leases	Community & Recreation Services	SLSCC/Maxine Kenyon/David Jack
4th Quarter	26-Oct	Closed landfill Emission Strategy	Infrastructure Management	Elfi Blackburn
4th quarter	26-Oct	The Entrance Town Centre Masterplan	Environment and Planning Services	Paul Bowditch/Stephen Ashton
4th Quarter	26-Oct	Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services	Julie Vaughan
4th Quarter	26-Oct	Central Coast Sports field Management Strategy	Community & Recreation Services	Brett Sherar / Keith ollier
4th Quarter	26-Oct	Natural Resources Strategy	Environment and Planning Services	Greg White / David Lemcke
4th Quarter	26-Oct	Proposed list of lands from community to operational Part 4	Corporate Services	David Jack/ Garry McLachlan/Paul Forster
4th quarter	Nov	Contributions for Warnervale Town Centre	Major Projects	Danielle Dickson
4th Quarter	02-Nov	Proposed list of lands from community to operational Part 5	Corporate Services	David Jack/ Garry McLachlan/Paul Forster
4th Quarter	09-Nov	Concept planning for the Lake Haven Mega Centre Site	Environment and Planning Services	Mark Grayson CBRE Town Planning
4th Quarter	09-Nov	Engagement Policy and Strategy-feedback from stakeholders	Community & Recreation Services	Sue Ledingham
4th Quarter	09-Nov	Biobanking	Environment and Planning Services	David Lemcke / Althea Kannane, Mgr Biodiversity and vegetation programs, office

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
4th Quarter	09-Nov	Clause 14	Environment and Planning Services	Greg White/David Lemcke
4th Quarter	09-Nov	Coastal Management plan	Environment and Planning Services	Greg White
4th Quarter	23-Nov	RTA (Highway upgrade Wyong township)	Infrastructure Management	Craig Leckie, RTA
4th quarter	Nov	Transport Infrastructure	Major Projects	Danielle Dickson/External consultant
4th quarter	23-Nov	Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services	Karen Douglas
4th Quarter	23-Nov	Q1 Annual Plan and Budget	Corporate Services	Cate Trivers/Darryl Rayner
4th Quarter	23-Nov	RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services	Martin Johnson/Kathryn Heintz
4th Quarter	23-Nov	Settlement Strategy	Environment and Planning Services	Scott Duncan
4th Quarter	23-Nov	Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update,	Environment and Planning Services	Martin Johnson / Scott Duncan
4th Quarter	23-Nov	Comprehensive LEP	Environment and Planning Services	Martin Johnson
4th Quarter	23-Nov	DCP 2012	Environment and Planning Services	Martin Johnson
4th Quarter	Nov	Review of Grants	Community & Recreation Services	Julie Vaughan
4th Quarter	Nov	Centennial Coal Mandalong South Exploration drilling program	Corporate Services Environment & Planning Services	Greg Ashe/Paul Forster
4th Quarter	14-Dec	Learning Community Strategies (Pt 2)	Community & Recreation Services	Julie Vaughan/Adam Holland
4th Quarter	14-Dec	Community Facilities Strategy	Community & Recreation Services	Julie Vaughan

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
4th Quarter	14-Dec	Briefing/Workshop as a foundation for the WSC SP (2012-2013)	corporate Services	Dan Smith
4th Quarter	14-Dec	The Entrance and Toukley Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Stephen Ashton
4th quarter	14-Dec	Councillor Service Priorities 2012/2016 and Strategic Plan (2hrs)	Corporate Services	David Jack/ Dan Smith/ Cate Trivers
4th Quarter	14-Dec	Volunteers	Community & Recreation Services	Maxine Kenyon
4th Quarter	Dec	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management	Bob Burch
4th quarter	not ready yet	Tuggerah Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Lynda Howson
3rd quarter	Director to provide proposed date	Greenhouse Mitigation Plan/Green Energy Funds Projects - May 2011	Environment and Planning Services	David Irving
3rd quarter	Director to provide proposed date	Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services	Brian Glendenning
3rd quarter	Director to provide proposed date	Desalination	Infrastructure Management	Garry Casement
3rd quarter	Director to provide proposed date	Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management	Rob Fulcher
3rd quarter	Director to provide proposed date	Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher
3rd quarter	Director to provide proposed date	Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher
4th Quarter	Director to provide proposed date	Committee structure	Corporate Services	Lesley Crawley
4th Quarter	Director to provide proposed date	Wyong town centre planning proposal and car parking study	Infrastructure Management	Bob Burch
4th Quarter	Director to provide proposed date	Plan of Management Central Coast Caravan Parks	Community & Recreation Services	Tara Mills
2012	17-19 Feb	2 day Councillor Weekend Workshop	Corporate Services	Dan Smith

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
2012	13-Jun	13 June, 2012 -- 1 hour briefing on submissions to the draft to the WSC SP	Corporate Services	Dan Smith
2012		RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services	Martin Johnson/Kathryn Heintz
2012	June	Biodiversity Management Plan	Environment and Planning Services	Greg White
2012		Draft Shire-Wide Contributions Plan	Environment and Planning Services	martin Johnson
2012		Retail Strategy Review	Environment and Planning Services	Martin Johnson
2012		Industrial Land and employment Lands study	Environment and Planning Services	Martin Johnson
2012		Wyong Employment Zone - results of DCP and S94 Contributions Plan/Biocertification update, DCP amendment update	Environment and Planning Services	Martin Johnson
2012		Affordable Housing Study	Environment and Planning Services	martin Johnson
2012	early new year	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Jenny Mewing
2012		DCP 113 - Flood Prone Land	Environment and Planning Services	Martin Johnson / Rod Mergan

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02778725

AUTHOR: Susanna Gardiner; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting held 14 September and Extraordinary Meeting held on 21 September 2011.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 14 September 2011 and Extraordinary Meeting held on 21 September 2011.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Minutes of Council's Ordinary Meeting of 14 September 2011 | D02774671 |
| 2 | Minutes of Confidential Ordinary Meeting - 14 September 2011
(D02774727 - Distributed under Separate Cover) | Enclosure |
| 3 | Minutes of the Extraordinary Meeting - 21 September 2011 | D02778686 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 14 SEPTEMBER 2011
COMMENCING AT 5.00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews (arrived at 5.19 pm), E M McBride (arrived at 5.19 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Acting Director Environment and Planning Services, Acting Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel

Manager Regulation and Compliance, Manager of Development Assessment and two administration staff.

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

Mr John Hardwick delivered the opening prayer and read the acknowledgment of country statement.

Councillor Wynn attended the monthly Brackets and Jam session on Saturday 10 September 2011, held at Colongra Bay Hall, where she had the opportunity to view the newly constructed rain garden, the playground and hall. Councillor Wynn commented that as an alternate family evening out it was a fantastic event which was suitable for people of all ages.

Councillor McNamara attended the Central Coast Junior Rugby Union Grand Finals on behalf of the Mayor on Saturday 10 September 2011, held at Blue Tongue Stadium. It was noted that Wyong Shire were winners within Warnervale in the under 11's and 16's age group and Ourimbah in the under 15's age group. Councillor McNamara also attended the under 17's awards ceremony where Central Coast Junior Rugby Union presented Wyong Shire Council with a plaque thanking Council for its ongoing support.

Councillor McBride attended the Central Coast Roterac Charter meeting on Saturday 10 September 2011 and commented that it was great to see so many young people actively involved in Rotary.

Councillor Graham attended the opening of the Bateau Bay Community Garden on Tuesday 13 September 2011, which was constructed by 16 young people who are unemployed, 10 of which have consequently now found employment. This project was arranged by many agencies, including the Salvation Army

APOLOGY

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

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews.

Councillor Matthews subsequently arrived at 5.19 pm.

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

AGAINST: NIL

At the commencement of the ordinary meeting report numbers 1.1, 1.2, 1.3, Announcements, 8.3, 1.4, 1.5, 2.1, 3.1, 3.2, 5.2, 5.6, 6.3, 6.5, 6.6, 8.1 and 8.2, were dealt with first then the remaining reports in order until Questions On Notice which were dealt with prior to moving into Confidential Session. However for the sake of clarity the reports are recorded in their correct agenda sequence

1.1 Disclosures of Interest

3.1 - DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

3.2 - DA/459/2011 - Demolition of Existing Structures and Construction of a Shopping Centre including Supermarket, Medical Centre and Speciality Shops, Parking and Landscaping at Lake Munmorah

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

5.6 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Budgewoi Scout Group, left the chamber at 7.31 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Wynn declared a non-pecuniary insignificant interest in the matter for the reason that she attends the Mannering Park Precinct Committee but has not contributed to the funding nor was aware that the improvement grant was applied for and participated in consideration of this matter.

Councillor Wynn stated:

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

8.3 - Notice of Motion - Sporting Ground Fees and Charges for Local Schools

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that he is the President of Berkeley Vale Public School Council which has made a submission on the charges, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that his wife is the President of the Budgewoi P&C and School Council, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.13 pm.

9.2 - Response from The Entrance Town Centre Management - Investigation Update

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is the Director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor McBride arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

Councillor Matthews arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

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

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

Councillor McBride arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

Councillor Matthews arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

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

That Council receive the report on Invited Speakers with the addition of Mr Mark Clemson and Ms Leanne Sibthorpe speaking on item 8.3 Notice of Motion – Sporting Ground Fees and Charges for Local Schools.

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

AGAINST: NIL

1.3 Proposed Inspections and Briefings

Councillor McBride arrived at the chamber at 5.19 pm during consideration of this item.

Councillor Matthews arrived at the chamber at 5.19 pm during consideration of this item.

It was MOVED by Councillor GRAHAM and seconded by Councillor EATON:

- 1 *That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.*
- 2 *That Council authorise a brief study tour for interested Councillors and senior staff to Townsville City Council, recognising the similarities between the waterfront urban renewal that they have undertaken and what Wyong Shire Council is envisaging for The Entrance.*

An AMENDMENT was moved by Councillor VINCENT and seconded by Councillor MATTHEWS:

- 1 *That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.*
- 2 *That Council approach Townsville City Council to send any promotional materials on the Townsville waterfront redevelopment that may assist Wyong Shire Council in its understanding and deliberations with the redevelopment of the waterfront in Wyong Shire.*
- 3 *That Council offers to reciprocate any knowledge transferred or information exchanged in appreciation of Townsville City Councils cooperation.*

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

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

- 1 That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.**
- 2 That Council authorise a brief study tour for interested Councillors and senior staff to Townsville City Council, recognising the similarities between the waterfront urban renewal that they have undertaken and what Wyong Shire Council is envisaging for The Entrance.**

FOR: COUNCILLORS EATON, GRAHAM, MCNAMARA, SYMINGTON, WYNN AND WEBSTER

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE AND VINCENT

PROCEDURAL MOTION – LEAVE OF ABSENCE

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

That Council grant Cr McBride leave of absence for any Ordinary Council meetings held in the month of October 2011.

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council suspend the order of business to allow consideration of Item 8.3 - Notice of Motion - Sporting Ground Fees and Charges for Local Schools.

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

AGAINST: NIL

1.4 Notice of Intention to Deal with Matters in Confidential Session

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

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

Section 10A(2)(a)

Report No 9.1 – Central Coast Water Corporation – Update Appointment of Directors

Report No 9.2 – Response from The Entrance Town Centre Management – Investigation Update

Section 10A(2)(c) and (d)

Report No 9.3 – Contract – IT Applications Services

Section 10A(2)(d)

Report No 9.4 - Contract No CPA/94424 – Provision of Project Management Services to Deliver Capital Works

Report No 9.5 – Update Report on the Financial Status of the Mardi to Mangrove Link Project

Report No 9.6 – Expressions of Interest – Council Iconic Sites

2 That Council note its reasons for considering the above reports in confidential session:

- **Report Nos 9.1 and 9.2 as it contains personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a))**
- **Report No 9.3 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business (Section 10A(2)(c) and (d) commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret.**
- **Report Nos 9.4, 9.5 and 9.6 as it contains commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret (Section 10A(2)(d).**

3 That Council request the General Manager to report on these matters in open session of Council.

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

AGAINST: NIL

1.5 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 24 August 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 Mayoral Minute - Warnervale Railway Station

Councillor McBride left the meeting at 6.16 pm and returned to the meeting at 6.21 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

- 1 That Council request the General Manager to prepare a submission to the State Government generally supportive of the proposal but highlighting issues raised in discussions at the Council meeting and other issues deemed relevant by Council staff.**
- 2 That Council request the General Manager present the submission to Council prior to being submitted to the State Government.**
- 3 That Council request the General Manager seek assurance from the State Government that the North Warnervale Railway Station will proceed as planned.**

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

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 6.16 pm for consideration of this item.

3.1 DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

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

1 That Council receive the report on DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale .

2 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.

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

AGAINST: NIL

3.2 DA/459/2011 - Demolition of Existing Structures and Construction of a Shopping Centre including Supermarket, Medical Centre and Speciality Shops, Parking and Landscaping at Lake Munmorah

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor McNamara left the meeting at 6.52 pm and returned to the meeting at 6.53 pm during consideration of this item.

Councillor Webster left the meeting at 7.06 pm and returned to the meeting at 7.09 pm during consideration of this item.

Councillor Best left the meeting at 7.06 pm and returned to the meeting at 7.09 pm during consideration of this item.

Councillor Matthews left the meeting at 7.09 pm and returned to the meeting at 7.14 pm during consideration of this item.

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

- 1 That Council receive the report on - Demolition of Existing Structures and Construction of a Shopping Centre Development Including a Supermarket and Speciality Shops, Parking and Landscaping at Lake Munmorah.
- 2 That Council directs the General Manager to prepare a submission to the Joint Regional Planning Panel (JRPP) on the following issues:
 - a That the Hunter Central Coast Joint Regional Planning Panel be requested to impose a condition of consent, should DA 459/2011 be approved, requiring the applicant to construct a shared pathway 2.5m wide extending on the east side of Tall Timbers Road from the intersection with Chisholm Road to Kingfisher Shores Estate (Karoola Avenue).
 - b That the Hunter Central Coast Joint Regional Planning Panel be requested to impose a condition of consent should DA 459/2011 be approved, requiring the applicant to provide a shuttle bus service as detailed in the DCP.

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

AGAINST: NIL

The Mayor, Councillor Eaton resumed the chair at 7.18 pm

PROCEDURAL MOTION

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

- 1 That Council allow meeting practice to be varied.
- 2 That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

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

That with the exception of report numbers 5.2, 5.6, 6.3, 6.5, 6.6, 8.1, 8.2, 9.1, 9.2, 9.3, 9.5 and 9.6 and Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

4.1 LGP 108 Microsoft Licensing

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

That Council accept tender no. LGP108 from Local Government Procurement for a period of up to three years (plus extension options of one and three years commencing on August 1, 2011. The estimated annual expenditure against this contract is \$ 250,000 however actual expenditure may vary with fluctuations in demand.

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

AGAINST: NIL

5.1 Facilities and Expenses Policy for Councillors

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

1 That Council declares there are no substantial changes proposed to the Facilities and Expenses for Councillors, having considered s.253 of the Local Government Act 1993 (the Act).

2 That Council adopt the policy (unchanged) on Facilities and Expenses for Councillors as required by s.252 of the Act.

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

AGAINST: NIL

5.2 Delegates Report - National Fraud and Corruption Congress 9 -10 May 2011

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

That Council receive the Delegates Report from the National Fraud and Corruption Congress – 9-10 May 2011.

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

AGAINST: NIL

5.3 Delegates Report - Planning for Community Outcomes Conference - 2 June 2011

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

That Council receive the Delegates Report on the Planning for Community Outcomes Conference – 2 June 2011.

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

AGAINST: NIL

5.4 Delegates Report - 2011 Asia Pacific Cities Summit - 6 - 8 July 2011

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

- 1 That the report be received and noted.**
- 2 That the Mayor's Accord be ratified by Council.**
- 3 That the Mayor's Accord be forwarded by the Mayor to Asia Pacific Cities that Wyong Shire has connections with and encourage them to join the Accord.**

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

AGAINST: NIL

5.5 Community Feedback and Complaint Management Policy

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

- 1 That Council adopt the draft Community Feedback and Complaint Management Policy as attached.**
- 2 That Council grant delegation for any minor amendments to the policy to the General Manager.**

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

AGAINST: NIL

5.6 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Budgewoi Scout Group, left the chamber at 7.31 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Wynn declared a non-pecuniary insignificant interest in the matter for the reason that she attends the Mannering Park Precinct Committee but has not contributed to the funding nor was aware that the improvement grant was applied for and participated in consideration of this matter.

Councillor Wynn stated:

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

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

That Council allocate an amount of \$10,985 from the 2011-12 Councillors' Community Improvement Grants as follows:

1st Budgewoi Scout Group (\$2000)	to assist with Trivia Night to raise funds for Jamboree 2013	450
1st Ourimbah Scout Group (\$300) (\$180 already allocated)	Natives - plants or trees to use surrounding our hall for children to explore local Flora and Fauna.	120
Brook Coggins (\$1050.00) (\$550 Emergency Payment approved by GM - payment made 15/8/2011)	To assist with costs (levy, uniform, accomodation needed to compete for NSW in the School Sport Australian Cross Country Championships held in Canberra.	550
Central Coast Community Chest (\$5,000-\$10,000)	Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.	500
Central Coast Family Support Service - Grandparents raising grandchildren (\$2000)	Weekend Getaway (respite) Camp	1,000
Central Coast Foster Carers Support Group (\$1000)	Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.	650
Mannering Park Precinct (\$165)	Council fee to use the Point Reserve at Mannering Park to teach children to fish.	165
Northern Women's Health Centre (\$600)	To provide a Calmbirth program to pregnant women and their birth partners.	450
Relay for Life, Mingara 'Team Awesome' (\$2000)	Sponsorship of 'Team Awesome' in Relay for Life	1,750
San Remo Tidy Towns Group (\$500)	To purchase equipment, mowers, hand tools, etc.	500
The Salvation Army Oasis Youth Support Network (\$2000)	Facilitate the workshops at the Salvation Army Oasis Centre	1,350
Warnervale Junior Rugby League Club (\$2000)	Presentation Day costs including trophies/awards and costs related to the running of the day.	2,000

Wyong Shire Garden Competition Committee Inc (\$1500) Emergency approval by the GM)	Function Centre, including set up and projector and the use of private cars to judge the gardens.	1,500
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FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, WEBSTER AND WYNN

AGAINST: NIL

5.7 Roads to Recovery Program

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

1 That Council calls on the Federal Government to:

- **Recognise the successful delivery of the Roads to Recovery (R2R) Program by Local Government since the year 2000;**
- **Continue the R2R Program on a permanent basis to assist Local Government in meeting its responsibilities of providing access for its communities;**
- **Continue the R2R Program with the current administrative arrangements; and**
- **Provide an increased level of funding under a future R2R that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

2 That Council formally express its support to continue the R2R Program by writing to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and Local Federal Member of Parliament.

3 That Council formally advise the Australian Local Government Association (ALGA) of its support to continue the R2R Program.

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

AGAINST: NIL

5.8 NSW Local Government Association Conference 2011

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

1 That Council authorise interested Councillors to attend the Local Government and Shires Association Annual Conference 2011.

2 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.

3 That Council determine the five delegates with voting entitlements should more than five Councillors indicate their intention to attend the conference.

4 That Council consider any late motions to be submitted to the conference at this meeting.

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

AGAINST: NIL

5.9 Contract Variations and Finalisation - August 2011

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

- 1 That Council receive the Contract Variations and Finalisation August 2011 report (Attachment 1 and 2).**
- 2 That Council note the additional expenditures requested are within approved program budgets.**

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

AGAINST: NIL

5.10 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010

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

That Council endorse the letter that is Attachment 1 to this report as the Notice that Council is required to provide to the Minister for Local Government by s. 434(1) of the Local Government Act 1993, being notice of the things done or proposed to be done to give effect to the recommendations contained in the report on the investigations in to "Body hire" arrangements operating at Wyong Shire Council between January 2007 and May 2010.

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

AGAINST: NIL

6.1 Information Reports

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

That, with the exception of report numbers 6.3, 6.5 and 6.6, Council adopt the recommendations contained in the remaining information report.

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

AGAINST: NIL

6.2 Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission

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

That Council receive the report on Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.

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

AGAINST: NIL

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community

Councillor Vincent left the meeting at 7.31 pm and returned to the meeting at 7.34 pm during consideration of this item.

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

That Council receive the report on Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community.

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

AGAINST: NIL

6.4 Mardi to Mangrove Link Project Status

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

That Council receive the report on Mardi to Mangrove Link Project Status.

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

AGAINST: NIL

6.5 Operational Activities and Trends Associated with the Animal Care Facility

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

That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2010/2011.

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

AGAINST: NIL

6.6 Excellence in Aged Living

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

That Council act on the report on the Excellence in Aged Living Project.

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

AGAINST: NIL

6.7 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

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

AGAINST: NIL

PROCEDURAL MOTION**SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council allow items 8.1, Notice of Motion - Proposed Public Meeting - Coal Mining Projects, and 8.2, Notice of Motion - Coal Seam Gas (CGS) Inquiry, to be considered simultaneously.***

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

AGAINST: NIL

8.1 Notice of Motion - Proposed Public Meeting - Coal Mining Projects

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

- 1 That Council convene a public meeting in late October 2011 for all residents from Doyalson to Wyee Point to Gwandalan to discuss the extension and expansion of coal mining operations in the area and its implications for residents, the environment, infrastructure and Council operations.***
- 2 That the public meeting be held in a central location in the north of the Shire.***
- 3 That Council invite representatives from the coal mining companies to present their current proposals.***
- 4 That Council provide staff to facilitate the public meeting and to outline Council's responses to the current proposals.***
- 5 That Council record the issues raised at the public meeting and seek responses for the public from the coal mining companies involved.***
- 6 That Council invite the State Members for Wyong, Swansea and Lake Macquarie and the Minister for the Central Coast to the public meeting.***

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

AGAINST: NIL

8.2 Notice of Motion - Coal Seam Gas (CGS) Inquiry

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

That Wyong Shire Council:

- 1 **Write and thank the State Government for banning the chemicals used in the tracking process.**
- 2 **Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;**
- 3 **Call on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and**
- 4 **Calls on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and independently assessed.**
- 5 **Rejects suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.**
- 6 **Place a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands.**

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

AGAINST: NIL

8.3 Notice of Motion - Sporting Ground Fees and Charges for Local Schools

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that he is the President of Berkeley Vale Public School Council who have made a submission on the charges, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that his wife is the President of the Budgewoi P&C and School Council, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Mr Mark Clemson addressed the meeting at 5:39 pm, answered questions and retired at 5.44 pm.

Ms Leanne Sibthorpe addressed the meeting at 5.44 pm, answered questions and retired at 5.47 pm.

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

- 1 ***That Council undertake a review of the fees and charges currently being paid by local schools to utilise the Shire's community sporting grounds.***
- 2 ***That Staff consult with and prepare a report, in conjunction with local schools, to better understand the need for schools to regularly utilise the Shire's community sporting grounds.***
- 3 ***That Council applaud the outstanding contributions made by our local schools in the area of Personal Development Health Physical Education (PDHPE).***
- 4 ***That Council meet with the Regional Council of Parents and Citizens Association as soon as practicable.***

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

AGAINST: NIL

CONFIDENTIAL SESSION

At this stage of the meeting being 7.52 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

OPEN SESSION

Council resumed in open session at 8.40 pm and the General Manager reported on proceedings of the confidential session of the Ordinary Meeting of Council as follows:

9.1 Central Coast Water Corporation - Update Appointment of Directors

That Council write to the NSW Governor recommending that Abigail Goldberg be proclaimed as a Director of the Central Coast Water Corporation for the term specified below:

<i>Role</i>	<i>Nominee</i>	<i>Term</i>
<i>Director</i>	<i>Ms Abigail Goldberg</i>	<i>2 years</i>

9.2 Response from The Entrance Town Centre Management - Investigation Update

That Council receive the report on Response from The Entrance Town Centre Management - Investigation Update.

9.3 Contract - IT Applications Services

- 1 That Council determines the proposed contract with CapGemini constitutes "extenuating circumstances" as articulated in s.55 (3) (i) of the Act because:-
 - a Council is subject to substantial uncertainty with the establishment of the Central Coast Water Corporation and as such the long term needs of the organisation cannot be accurately evaluated against alternatives as this point in time.
 - b Capgemini currently owns the Intellectual Property (IP) associated with the Councils Online solution hence Council could not properly conduct a tender process due to tenderers not being able to assess the risks associated with IP ownership and this has the flow on effect of making Capgemini the only viable tenderer.
 - c Hornsby Shire Council and Lake Macquarie City Council on 20th April and 9th May 2011 respectively both resolved that due to extenuating circumstances that their General Managers be authorised to undertake direct negotiations regarding the extension of the Councils Online contract with Capgemini.
 - d Parramatta and Randwick City Councils both exited the Councils Online syndicate after agreeing confidential payout settlements.
 - e Council has tested the IT supplier market through a combined EOI process with Gosford City Council and found,
 - f A significant lack competitive or reliable tenderers in the market,
 - g That a satisfactory result would not be achieved by inviting tenders
- 2 That Council has considered its obligations in respect of the Local Government Act 1993 (the Act), and especially its obligations in respect of Section 55 of the Act.
- 3 That Council will not seek competitive tenders for the contract.
- 4 That Council authorises the General Manager or his delegate to complete negotiations with CapGemini Ltd for the establishment of a new four year agreement for the supply of core IT application services and infrastructure to Wyong Shire Council.
- 5 That Council requires that the final contract arrangement be approved by resolution of Council.
- 6 That Council notes the current Council's On-Line Syndicate (with the member Councils) will terminate in accordance with the Agreement on 12 January 2013.

9.4 Contract No CPA/94424 - Provision of Project Management Services to Deliver Capital Works

That Council receive the report on the negotiated finalisation of Contract No CPA/94424 - Provision of Project Management Services to Deliver Capital Works .

9.5 Update Report on the Financial Status of the Mardi to Mangrove Link Project

That Council receive the report on Update Report on the Financial Status of the Mardi to Mangrove Link Project.

9.6 Expressions of Interest - Council Iconic Sites

- 1 That Council resolve to proceed to a selective tendering process based upon the quality and detail of the submitted Expressions of Interest.*
- 2 That Council approve the recommended shortlisted organisations based upon their Expression of Interest submission(s).*
- 3 That Council give direction and delegation to the General Manager or his delegate to prepare selective tender documentation for each site in compliance with the Adopted Iconic Sites DCP and to invite shortlisted companies to make submissions.*
- 4 That Council request the General Manager to release an appropriate executive summary to the public.*

QUESTIONS ON NOTICE

Q24/11 Refunds to Soccer Associations due to Wet Weather at their Grounds
Councillor Lisa Matthews
F2004/06014

“Can staff please advise if refunds are given to Soccer Associations where their grounds were closed due to wet weather?”

Q25/11 Upgrades at EDSACC Oval North
Councillor Lisa Matthews
F2004/12091

“Can staff advise when the drainage upgrade and new lights will be provided at the home ground of Killarney Vale Soccer Club (EDSACC Oval North)?”

Q26/11 Pioneer Dairy
Councillor Emma McBride
F2009/00193

“Could staff provide a ‘Councillor Update’ on the current status of Wyong Shire Council in relation to the Pioneer Dairy Trust (community access / progress of site)?”

THE MEETING closed at 8.43pm.

WYONG SHIRE COUNCIL**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 21 September 2011
COMMENCING AT 5:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Acting Director Environment and Planning Services, Acting Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Corporate Governance and two administration staff.

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

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

APOLOGIES

There were no apologies.

1.1 Mayoral Report for 2010-11

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

That Council receive the Mayoral report for the past 12 month term, 2010 – 2011.

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council consider Item no 2.1 on Election of Mayor and Voting Procedure in three separate parts.

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

AGAINST: NIL

2.1 Election of Mayor and Voting Procedure

The General Manager advised that a nomination for the position of Mayor had been received for Councillor Graham. Councillor Graham accepted his nomination.

Councillor Graham was declared duly elected unopposed to the office of Mayor for the term 2011/2012.

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

2.1.1 That Council confirm its previous decision to pay a fee to the Mayor and Deputy Mayor in accordance with the fee set by the Local Government Remuneration Tribunal.

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

AGAINST: NIL

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

2.1.2 That Council confirm its previous decision to pay a fee to the Deputy Mayor, deducted from the Mayoral Fee.

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

AGAINST: NIL

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

2.1.3 That Council endorse the amount of the fee payable to the Deputy Mayor to be set at 14% deducted from the Mayoral Fee.

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

AGAINST: NIL

2.2 Election of Deputy Mayor

The General Manager advised that nominations for the position of Deputy Mayor had been received for Councillors Vincent and Wynn. Councillor Vincent withdrew his nomination. Councillor Wynn accepted her nomination.

Councillor Wynn was declared duly elected unopposed to the office of Deputy Mayor for the term 2011/2012.

THE MEETING closed at 5.24 pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2011/00027 - D02778765
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

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

RECOMMENDATION

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

- **Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley**
- **Report No 12.2 – Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay**

2 That Council note:

The reason for considering Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley in confidential session being that it contains information of a confidential nature that would, if disclosed, would confer a commercial advantage on a competitor of the council, and;

The reason for considering Report No 12.2 – Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay in confidential session being that it may confer a commercial advantage should the discussions 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(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,

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

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the Council, or*
- (iii) reveal a trade secret,*

12 October 2011

To the Ordinary Meeting

2.1 Mayoral Minute - Recognition of Service - Councillor Doug Eaton

TRIM REFERENCE: F2004/06497 - D02793015

AUTHOR: Bob Graham; Councillor

SUMMARY

This year marks the 20th year of service to the Wyong Shire for Councillor Doug Eaton. Councillor Eaton has served 20 years running as a Councillor including two terms of Mayor in 1997 and 2010.

It is appropriate that such a significant milestone be recognised and I therefore propose that a suitable event be arranged to honour this achievement and that Council apply to the Local Government Association to grant Councillor Eaton an Outstanding Service Award at the event.

I formally move:

- 1 That Council acknowledge the significant contribution to the Wyong Shire by Councillor Doug Eaton in his role as a Councillor of Wyong Shire since 1991, including Mayoral terms in 1997 and 2010.**
- 2 That Council authorise the General Manager to make application to the NSW Local Government Association for the granting of an Outstanding Service Award.**
- 3 That Council authorise the Mayor and the General Manager to arrange an appropriate event to mark this 20 year milestone.**
- 4 That Council authorise the General Manager to request a representative of the NSW Local Government Association to present the award.**

Note on the Outstanding Service Award

- 1 The eligibility criteria for the awards is that elected members must have completed a cumulative total of at least 20 years service to local government in NSW. The outstanding service award set comprises four pieces (medal, miniature, lapel badge and citation) featuring the LGSA coat of arms and is finished in 24ct gold and presented in a gold embossed presentation case. The reverse side of the medal is inscribed with the recipient's name and the year the recipient retired. If the recipient is still serving, the year in which the medal is received will be engraved.
- 2 For those who continue to serve, and at retirement have completed 25 or more years, a bar is affixed to the original medal with the total number of years served inscribed upon it.

3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests

TRIM REFERENCE: F2008/00774-03 - D02774537

AUTHOR: Jenny Mewing; Strategic Planner

MANAGER: Martin Johnson; Manager Land Use Planning Policy Development

SUMMARY

This report outlines proposed amendments, and seeks endorsement of a revised program and schedule for the completion of the new Wyong Local Environmental Plan (LEP).

RECOMMENDATION

- 1 That Council endorse the revised Wyong LEP project schedule and 'composite' content of the new LEP instrument.**
- 2 That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister of Local Government under Section 458 of the Local Government Act, 1993.**

BACKGROUND

During its meeting of 25 March 2009, Council resolved unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

- "1 That Council commence, pursuant to Section 54(1) of the Environmental Planning and Assessment Act, 1979, the preparation of draft Wyong LEP 2011 in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006.*
- 2 That Council notify the Department of Planning of the decision as soon as practicable.*
- 3 That Council advise the Department of Planning that it does not intend to request 'Written Authorisation to Exercise Delegation' under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979.*
- 4 That Council refer the project to the appropriate authorities for comment under Section 62 of Environmental Planning and Assessment Act, 1979.*
- 5 That Council prepare a Settlement Strategy to support the preparation of draft Wyong LEP 2011 further to Council's resolution of 12 March 2008.*
- 6 That Council request the Department of Planning to confirm that the Settlement Strategy will replace the function of a Local Environmental Study required under Section 57 of the Environmental Planning and Assessment Act, 1979.*

- 7 *That Council prepare pursuant to Section 74C of the Environmental Planning and Assessment Act, 1979, Development Control Plan (DCP) 2011 – Development Controls for Wyong Shire to support Wyong LEP 2011.*
- 8 *That Council adopt the Rezoning Requests Strategy and fee schedule for the lodgement and receipt of anticipated rezoning requests during the life of the project.*
- 9 *That Council still consider rezoning proposals that facilitate significant employment generating developments as matters of priority further to resolution 8 above.*
- 10 *That Council revise the timeframe for the completion of the project to be consistent with the State Government's program, that is March 2011.*
- 11 *That Council update its Section 149 Certificates.*

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

AGAINST: NIL."

Having regard for the above resolution, drafting of the new Wyong LEP in accordance with the provisions of the NSW Government Standard Instrument (SI) template has progressed considerably. A number of internal and external influences have however affected the delivery of the instrument in accordance with the timing identified in the above resolution.

Of key importance to the new Wyong LEP is the draft North Wyong Shire Structure Plan (NWSSP) currently being developed by the Department of Planning and Infrastructure (DoP&I) and the Central Coast Regional Conservation Strategy (CCRCP) by the Office of Environment and Heritage (OEH), formally Department of Environment, Climate Change and Water (DECCW).

Significant delays in the drafting of these documents were reported to Council on 23 June 2010, where Council resolved unanimously on the motion of Councillor Wynn and seconded by Councillor Eaton:

- "1 *That Council continue to progress the Comprehensive Local Environmental Plan Review Project in accordance with Option 4 outlined within this report such that the LEP, the North Wyong Structure Plan and the Central Coast Regional Conservation Plan are exhibited concurrently.*
- 2 *That Council continue to lobby the Department of Planning and Department of Environment, Climate Change and Water regarding the importance of finalising the North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan.*
- 3 *That staff prepare and implement a community education program that details the contents of the Standard Instrument and its applicability to the Comprehensive LEP.*

3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests (contd)

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

AGAINST: NIL”

Option 4 of the above resolution incorporated a programme which would progress both the Wyong LEP and the NWSSP such that both documents would be exhibited concurrently at the end of 2010.

The advantages of this option were that:

- Wyong LEP would be a comprehensive review of existing zoning controls,
- The document would incorporate future employment and settlement precincts throughout the Shire, i.e.; including the area covered by the NWSSP.
- Wyong LEP would be consistent with the NWSSP;
- The need to prepare a further comprehensive LEP for the northern part of the Shire at a later date once the NWSSP is finalised would be eliminated;
- The gazettal date of June 2011 could still be achievable.

In adopting the above process, Council recognised that additional costs would be incurred by Council and additional resources would be required to meet the relevant timeframes.

An application for funding assistance from the DoP&I was made in July 2010 to assist with the resolutions of these issues. A funding agreement for the provision of \$274,400.00 under the Local Environmental Plan Acceleration Fund (LEPAF) was received in April 2011. This agreement was signed by the DoP&I on 22 September 2011. A requirement of this funding agreement is the completion of the new Wyong LEP by June 2012.

Additional funding under the DoP&I's Planning Reform Fund (PRF) was received in mid March 2011 to undertake an employment land review/industrial land audit and affordable housing study to assist in the drafting the LEP. Council will also be utilising its own funds to undertake a review of the existing Retail Strategy, adopted in 2007.

The draft NWSSP was exhibited in November 2010. Recent advice from DoP&I indicates that this document should be finalised and endorsed by the end of 2011. Additionally, Council has been informally advised that the preparation of the CCRCP is now no longer a priority action for the OEH. In the absence of this plan and as part of the preparation of the draft LEP, a review of available and relevant information is being undertaken to inform zone changes for environmental conservation and/or management purposes.

The delay in receiving the funding assistance from DoP&I has consequently meant that progression of Wyong LEP and the proposed matters to be addressed could not proceed in accordance with the resolution of Council of 23 June 2010.

CURRENT STATUS

Conversion of Wyong LEP 1991 into the SI format is currently in progress, and the drafting of additional local provisions has also progressed. Mapping for the new instrument is also well underway.

3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests (contd)

The funding provided under the LEPAF agreement has been used to engage two consultants to assist in the conversion and drafting of Wyong LEP and undertake an environmental lands evaluation and assessment. An additional drafting resource has also been appointed to assist with the mapping.

Whilst efforts were made to engage consultants as early as possible after the LEPAF funding had been received, the appointed consultants did not commence with Council until late August 2011.

THE PROPOSAL

The significant delays in the preparation of the NWSSP and CCRCP and provision of funding assistance have required a revision of the timeframes for relevant deliverables for the new Wyong LEP, including a revision of the matters to be included within the first version of the instrument.

In order to achieve the June 2012 date for finalisation of Wyong LEP, in addition to complying with the LEPAF funding agreement, the following proposed timeframes are proposed.

- | | |
|--|--------------------------|
| • Section 62 Government agency Consultation: | November – December 2011 |
| • Request for Section 65 Certificate from DOP&I: | December 2011 |
| • Receipt of Section 65 Certificate: | January 2012 |
| • Public Exhibition: | February – April 2012 |
| • Public Hearings, Submission Review: | May – June 2012 |
| • Lodgement of Section 68 Report to DOP&I: | June 2012 |
| • Adoption, gazettal and implementation: | Dependant on DoP&I |

In order to achieve the proposed timeframe, the scope of matters for inclusion within new Wyong LEP instrument will need to be limited. A 'composite' LEP consisting of the following is proposed:

- a direct conversion of zones, land uses and controls from WLEP 1991 to those of the Standard Instrument (SI) template;
- the zoning and development controls identified within Council's existing adopted strategies, i.e. The Entrance/Long Jetty, Toukley and Wyong; and
- the identification of the iconic sites (note that this does not include any rezoning of the iconic sites that are not already identified in adopted strategies as this will be subject to a separate planning proposal process).

The land uses and objectives discussed during the Councillor Workshops will be considered as part of this conversion, together with any others resolved by the project team.

The timeframes indicated above do not enable the incorporation of the outcomes or findings of the studies being undertaken for the employment land review/industrial land audit, affordable housing study, nor the review of the existing Retail Strategy. Also, building height and floor space ratio, maps/provisions outside major centres will not be included in the first version of the LEP.

3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests (contd)

Time permitting, and provided associated Council reporting requirements are fulfilled, other matters such as site specific rezoning requests (i.e. the Rezoning Requests Strategy that was adopted by Council in 2009), land reclassifications, additional non-essential local clauses and mapping will be included within the composite LEP.

The DoP&I have, in principle, endorsed such an approach.

PECUNIARY INTEREST EXEMPTION

At its meeting held on 11 May 2011 Council resolved to “authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister of Local Government under Section 458 of the Local Government Act 1993”. The application, including each Councillor’s signed application was forwarded to the Minister for Local Government under letter dated 7 June 2011.

Councillors may recall that to ensure the delivery of Wyong LEP 2012 in accordance with the timeframes proposed and agreed to by the DoP&I, it was an imperative that Section 458 applications be submitted to the Division of Local Government (DLG) as soon as possible. Section 458 of the Local Government Act acknowledges that there are occasions and circumstances where the business of councils is impeded if Councillors are required to take no part in the discussion or determination of significant planning matters. The LGA therefore acknowledges that situations exist where pecuniary interest exemptions are necessary. The Wyong LEP is such a case.

The Chief Executive, Local Government- A Division of the Department of Premiers and Cabinet, responded to Council letter of 7 June 2011 on 7 July 2011. In its letter they seek a number of clarifications from individual Councillors. These clarifications have been or will be obtained prior to referring the matter back to the Minister for further consideration and determination.

In order to seek a determination from the Minister, Council’s authorisation to submit the amended applications and seek pecuniary interest exemptions under Section 458 of the LGA is sought.

CONCLUSION

Having regard for delays associated with the NWSSP, CCRCP, funding assistance and appointment of resources, a revised ‘composite’ LEP is proposed to be produced in lieu of undertaking a ‘comprehensive’ review of Wyong LEP 1991. The composite LEP as proposed within this report will enable relative timeframes associated with DoP&I funding to be achieved, and enable the timely finalisation of the document. A first amendment immediately following the gazettal of Wyong LEP 2011 will incorporate significant changes flowing from on-going studies and re-zoning proposals currently being assessed.

Council’s authorisation to submit the amended pecuniary interest exemption applications under Section 458 of the LGA is also sought.

ATTACHMENTS

Nil.

3.2 Wyong Civic and Cultural Precinct Masterplan

TRIM REFERENCE: CPA/187458 - D02726603

AUTHOR/ MANAGER: Gary Hamer; Senior Strategic Planner Manager Place Management

SUMMARY

This report seeks endorsement of the Wyong Civic and Cultural Precinct Masterplan. The report provides a summary of the background, key considerations, challenges and components of the draft Masterplan as well as details of the public exhibition and consultation strategy undertaken.

RECOMMENDATION

- 1 That Council adopt the draft Wyong Civic and Cultural Precinct Masterplan.**
- 2 That Council note relevant Section 149 Certificates.**
- 3 That Council request the GM to advise residents who made submissions to the exhibition of the draft Masterplan of the decision.**
- 4 That Council request the GM to contact the Roads and Traffic Authority seeking an update on the progress of the public exhibition of the proposed Pacific Highway upgrades.**
- 5 That Council request the General Manager to consider future public domain planning for the Future Investigation Area (as identified in Figure 1 of the report) in conjunction with the Roads and Traffic Authority's upgrade plans for the Pacific Highway.**
- 6 That Council consider the forward funding of some of the short term elements of the draft Masterplan as identified in the Implementation Plan as part of the 2012/2013 Wyong Shire Strategic Plan.**

INTRODUCTION

At its meeting held on 25 August 2010 (Confidential Item), Council resolved:

"4 That Council initiate master planning for the Wyong Civic and Cultural Precinct."

On the 13 December 2010, Council engaged Moir Landscape Architects Pty Ltd to undertake the Masterplanning for the Wyong Civic and Cultural Precinct. The aim of the Masterplan was to provide a framework for the future of the emerging civic and cultural hub, based on a clear vision and a comprehensive set of design principles. The Masterplan has been prepared in conjunction with Council Officers and the community.

BACKGROUND

The Wyong Civic and Cultural Precinct Masterplan forms part of the implementation program of the Wyong/Tuggerah Planning Strategy adopted in October 2007. On 23 September 2009, Council adopted the Wyong Active River Foreshore and Baker Park Masterplan that sought to provide a catalyst for the future redevelopment of the Wyong River Foreshore and Baker Park Precinct.

Role of a Masterplan

A Masterplan is a long term strategic planning document that describes visually and by narrative the desired future for an area. Masterplans seek to provide a general land use plan based upon opportunities and constraints that exist. A Masterplan will generally focus on a smaller area and provide a higher level of detail compared to a local planning strategy, but will not provide the level of detail found in design plans. Masterplans are not statutory documents but provide a detailed vision for an area which informs planning instruments. This Masterplan has been prepared in conjunction with a draft Local Environmental Plan (LEP). It provides a broad scope of possible public domain improvements given the context of relevant planning policies and documentation.

Written Document

The draft Wyong Civic and Cultural Precinct Masterplan document has been structured in five parts.

The first part provides a background into the purpose of the Masterplan including the scope of works and the planning background highlighting its consistencies with the key strategic planning directions associated with Wyong.

The second part provides the regional context and study areas including the objectives of the Masterplan.

The third part examines the analysis of the study area.

The fourth part is the Masterplan including the nine urban design principles.

The last part is the implementation program of the key proposals. This includes the design element identifying the future public domain works.

An appendix is also contained that includes the Implementation Program that establishes a practical path forward with implementing the Masterplan over a specified time frame.

PROJECT CHALLENGES

A number of challenges have influenced the eventual Masterplan option. These included:

- Localised drainage issues
- Provision of public carparking
- Land tenure
- Existing economic downturn, especially in the residential and commercial sectors
- Consistency with the Asset Management Plan
- Stakeholder engagement

- The overall topography of the area and its implications on accessibility and street activation
- The future uses of Council's Community Assets including the Anzac Road Community Facility
- Consistency with the draft Local Environmental Plan No 178 – Wyong Town Centre
- Timing of development
- Public domain development and cost implications
- Potential future land acquisition
- Implementation of the identified works

These project challenges were identified in the initial stages of the project development including internal workshops and also as a result of the outcomes of the Community Workshop. Appendix 1 of the Masterplan provides the outcomes of the Community Workshop. The challenges identified formed the basis of Section 3.0 Analysis included in the Masterplan Report. Some of the challenges were more process driven whilst others are on going.

KEY OPPORTUNITIES

The key opportunities of the Masterplan include:

- Limited number of overall land owners
- Development of The Art House
- Frank Ballance Park
- Council is owner of several significant sites
- Large land holdings
- Construction of the Wyong Regional Police Station
- Concentration of precinct activities that are linked to civic and cultural land uses including the Wyong Court House, Wyong Regional Police Station, Wyong Council Chambers, The Art House, RTA and Oasis Centre. This should be reinforced as part of the Masterplan process

MASTERPLAN ASSUMPTIONS

During the facilitation and development of the Wyong Civic and Cultural Precinct Masterplan a range of key assumptions were incorporated. These include:

- *That* Council is constructing the Art House
- *That* a funding strategy will be developed for any future public domain works
- *That* the Masterplan is consistent with the agreed outcomes from the Detailed Drainage and Stormwater Options Analysis
- *That* the Masterplan is consistent with the land use planning scheme identified in the Wyong Town Centre Planning Proposal
- *That* the Masterplan is consistent with the design specifications identified in the Art House proposal
- *That* the Masterplan process is able to facilitate positive negotiations with the future plans for Wyong RSL

- *That* the approved Wyong Regional Police Station is constructed (now scheduled to be open in the coming months)

It is considered that the Masterplan has been able to appropriately reflect these key planning assumptions and assimilate them into the final Masterplan product.

KEY URBAN DESIGN PRINCIPLES

Nine Key Urban Design Principles for the Wyong Civic and Cultural Precinct Masterplan have been developed in response to the analysis, consultation process and opportunities and constraints mapping. These include:

- 1 Establish the Cultural Precinct;
- 2 Improve traffic movement through the precinct;
- 3 Defined street hierarchy;
- 4 Provide safe and convenient carparking;
- 5 Create a series of connected urban spaces;
- 6 Activate streetscapes;
- 7 Improve access to public transport;
- 8 Establish a pedestrian friendly laneway network; and
- 9 Create a well connected civic and cultural hub.

Councillor Briefing

The draft Masterplan was presented to a Councillor Briefing on 27 July 2011 to inform Councillors of the progress of the draft Masterplan and to seek endorsement to proceed with public exhibition. The endorsement to exhibit the plan was given.

PUBLIC EXHIBITION AND CONSULTATION

An extensive public exhibition process has occurred throughout the life of the Masterplan project. This included an initial community workshop held on 10 May 2011 through to publicly exhibiting the draft Masterplan during August/September 2011. Council had also presented the planning program to a breakfast meeting held by the Wyong Chamber of Commerce at Wyong Bowling Club on 24 May 2011 that outlined the current work program for Wyong Town Centre that included the draft Wyong Civic and Cultural Precinct Masterplan.

Notification (10 August 2011) was issued to all affected land owners during the initial stages of the Masterplan process. The purpose of that correspondence was to provide information and an explanation of what a Masterplan is and its importance in revitalising Wyong. The notification also informed stakeholders of the proposed Community Workshop that was held on 10 May 2011.

Community Workshop and Presentation

A Community Workshop was held at Council Chambers on 10 May 2011. The purpose of the community workshop was to gauge the initial concerns and aspirations of the key stakeholders. The Community Workshop was attended by 44 people representing a wide spectrum of stakeholders including residents, community groups, businesses and developers. The Mayor also attended the Workshop. The workshop enabled Council to gain an insight into the project challenges and opportunities and to identify a suitable path forward in further engagement. One of the outcomes of the workshop was to establish a Community Register that provided updates on the progression of the draft Masterplan.

A Community Presentation of the Masterplan took place on Wednesday, 17 August 2011 at the Council Chambers. The presentation was attended by members of the public, Chamber of Commerce and Council staff. The overall feedback from the presentation was very positive in relation to the context and objectives of the draft Masterplan. Some concerns were expressed about the section of the town centre bounded by the Pacific Highway and Alison Road not being included in the Wyong Civic and Cultural Precinct Masterplan and it was explained to these residents that the main reason for this was the uncertainty over the future plans by the Road and Traffic Authority (RTA) for the upgrading of the Pacific Highway through Wyong. It was emphasised that the Pacific Highway/Alison Road areas will play a very important role in the future plans for the town centre but until such time as the RTA plans are known it would not have been prudent for Council to expend funds on the Masterplanning of this area. The Community Presentation highlighted some ongoing frustrations from some community owners about the current economic circumstances that exist within the town centre.

The exhibition strategy included:

- Public exhibition of the draft Masterplan from 10 August 2011 until 6 September 2011
- Notification to the Wyong land owners – letter – 8 August 2011
- Advertisement in Local Newspaper – Shirewide News – 10 August 2011
- Placed on Council's website from 10 August 2011 until 6 September 2011
- Radio interviews for ABC Radio, 2GO and Coast FM
- Public Presentation of draft Masterplans – 17 August 2011

Seven submissions were received from landowners during the exhibition period. It should be noted that Council received many enquiries about the draft Masterplan but these did not eventuate into written submissions. The vast majority of submissions and enquiries supported the proposal. Most concerns centred around the implications of the Masterplan on the existing town centre and the need for its future planning including along the Pacific Highway.

The submissions included a wide spectrum of responses from the total support of the plan through to those believing that it is the wrong time and place for the development of such schemes. This is complicated by the ongoing discussions associated with the Roads and Traffic Authority (RTA) regrading future Pacific Highway upgrades. Details of the submissions received and staff responses are included in Attachment 1.

KEY ELEMENTS OF THE PLAN

The key characteristics of the Masterplan include:

- Public domain improvements at core intersections including Anzac Ave and Margaret Street;
- Concept Plan for Frank Ballance Park
- Concept Plan for Wyong Civic Plaza
- Streetscape Principles Concept Plan including Anzac Ave
- Theming Images including landscaping, street planting analysis and public art portraits
- Artist Impressions of Streetscapes, public spaces and public domain improvements
- Cross Section Analysis of Selected Sites
- Laneway Developments
- Access improvements
- Masterplan urban form including cross section analysis
- Implementation Plan – Key Proposals

KEY CONSIDERATIONS

Wyong Town Centre – Future Planning

As mentioned above, during the public exhibition period of the Wyong Civic and Cultural Precinct Masterplan including the community presentation, concerns were raised about the exclusion of the business core of the town centre with particular reference to those businesses that front the Pacific Highway. Of particular concern was the potential impacts that the precinct would have on encouraging new investment away from the town core and towards the new precinct. Suggestions were put forward to include the town centre into the Wyong Civic and Cultural Precinct Masterplan.

As mentioned at the community presentation, Council is awaiting the endorsement of the preferred planning option associated with the upgrades of the Pacific Highway before undertaking any future planning work. This is a critical element that must be factored into any future planning work for the town centre. It is expected that once the preferred option is endorsed, Council will be in a prime position to undertake the necessary planning work that will consider streetscape improvement works in conjunction with the RTA.

The majority of businesses within the town centre front either the Pacific Highway or Alison Road. This is the focal point of general business and retail activity within the town centre. The town centre has experienced ongoing challenges to attract and maintain both existing and new businesses to the area. The reasons are wide scoping and varied but in general include:

- Ongoing impacts of Tuggerah Westfields on business development in the town centre
- Unrealistic rental and sale returns in the town centre
- The impacts of the existing Pacific Highway on retail/business development
- The fractured nature of the town centre with the Pacific Highway acting as a physical and psychological barrier between Baker Park and the town centre
- The current state of the River Road precinct
- Carparking locations and accessibility
- Limited employment capacity in the town centre

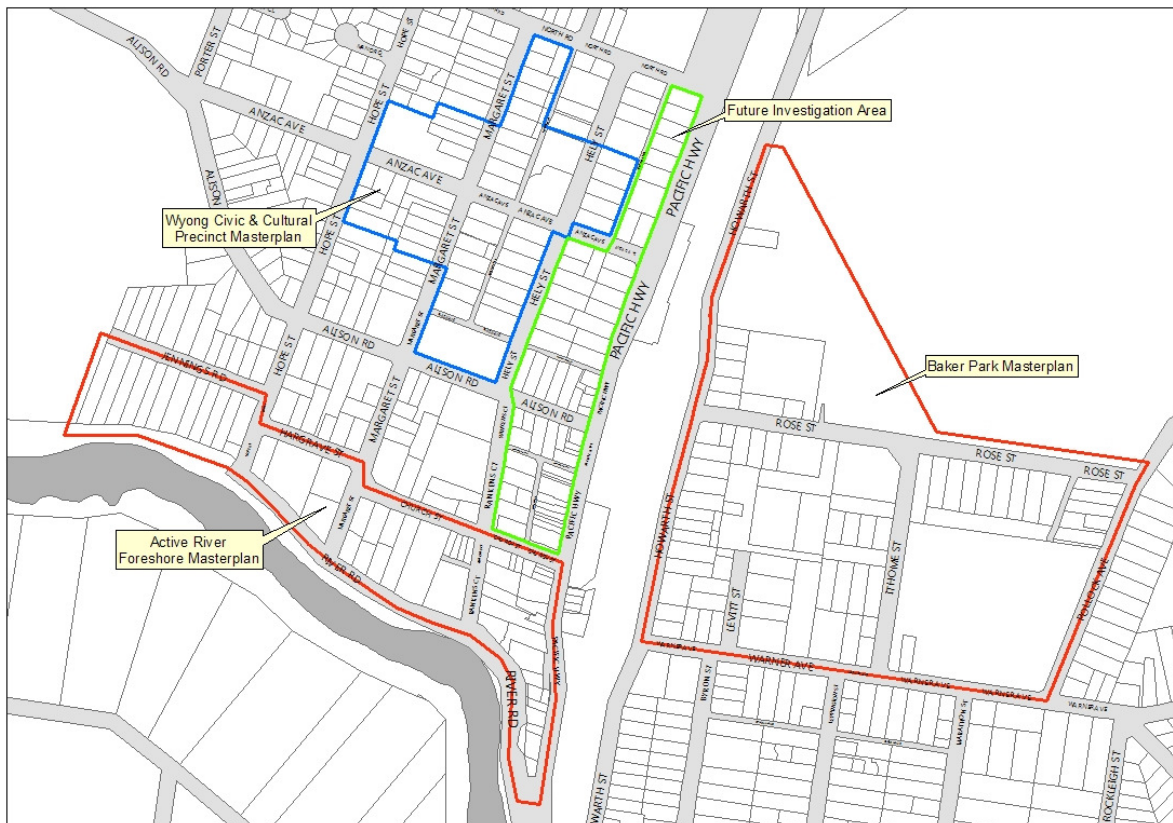


Figure 1 – Planning Investigation Areas

The New South Wales 2011/2012 State Budget

The New South Wales 2011-2012 State Budget Report identifies future works to be undertaken in 2011/2012. The programmed funding has identified \$500,000 for Wyong to be allocated towards the continued planning for the future upgrade of the Pacific Highway through Wyong Town Centre. Therefore, this would be an opportune time for Council to further engage with the relevant statutory authorities and community and business stakeholders to identify opportunities for future streetscape and public domain upgrades.

Future Pacific Highway Upgrades

Following discussions with the RTA, it is anticipated that when the RTA releases its proposal for upgrading of the Pacific Highway, that it will generally be consistent with its previously preferred option which was exhibited in July 2008. Namely:

- Two travelling lanes in both directions, generally along the existing Highway alignment
- Generally retaining parking along the western side of the Highway where feasible
- Signals at North Road, providing for all movements
- Signals at Anzac Avenue, providing for all movements

- Retaining signals at Church Street. The RTA is unlikely to make any decisions on what movements will be available at the intersection until after its community consultation.
- Bus access to the Railway Station, via Anzac Avenue intersection with link under the Rose Street Bridge.

Traffic Circulations – Roads and Traffic Authority (RTA)

In a letter dated 15 September 2011, the Roads and Traffic Authority (RTA) raised a number of issues regarding the capacity of the local road network within the Wyong Town Centre to cope with anticipated traffic generation in the event that a partial freeway interchange is constructed in the future at Alison Road.

Council's traffic modelling for the town centre indicates that without Freeway entry and exit ramps at Alison Road, the road network within the town centre will accommodate the anticipated traffic generation resulting from future residential and commercial development identified by the Wyong Planning Strategy. However, should access to the Freeway be provided at Alison Road in the future, it is highly possible that traffic congestion will occur on the internal road network.

To mitigate this congestion, sections of Anzac Avenue will need to be widened to accommodate 4 travelling lanes. This will result in a loss of on-street parking along Anzac Avenue. Localised intersection upgrades will also be required, including expansion of the roundabout at the intersection of Anzac Avenue and Alison Road to accommodate 4 travelling lanes and widening of Alison Road west of the intersection to allow traffic to merge from 2 lanes to 1 upon exiting the roundabout.

However, there are currently no plans for this Freeway access and any such proposal could be many years into the future.

Frank Ballance Park

Frank Ballance Park is the focal point for open space and public domain provisions within the Wyong Civic and Cultural Precinct Masterplan. The space will attract people through its accessibility, interactions and provision of quality active play area drawing from the future increased commercial and residential activity. The extension of Frank Ballance Park is vital for two reasons:

- 1 It enables the ability to provide appropriate water storage capacity during times of localised flood events. It should be noted that the exercise undertaken will not completely solve issues surrounding water displacement and forms part of an overall program of works currently being undertaken. This includes the augmentation of local infrastructure including the construction of culverts to mitigate water flows and displacement throughout the precinct.
- 2 It will accommodate the expected future demands for open space provisions as a result of expected increased residential and commercial densities expected as a result of the impending LEP Amendment for Wyong Town Centre.

Draft Local Environmental Plan No 178 – Wyong Town Centre

This is an important step towards providing the development industry with some certainty over planning controls within the town centre. The purpose of the draft LEP Amendment is to facilitate the increased residential and commercial densities within the town centre. The draft LEP includes the formulation of a Building Height Map and also a Floor Space Ratio Map. This is explicit in its ability to clearly define the bulk and scale of development expected within the town centre. The Masterplan consultants utilised the zoning, height and floor space provisions as a framework to develop the draft Masterplan. This is clearly highlighted in the Cross Section examples provided to indicate an overall perspective of urban form. The Masterplan develops distinctive streetscape designs within the context of the draft LEP Amendment (No 178) – Wyong Town Centre.

Implementation Plan

The implementation plan provides guidance on the time, financial and professional resources required to implement the proposals for public domain improvements presented in the Masterplan.

The structure of the implementation plan divides the Masterplan into five main projects. The boundaries of these projects have been determined to be the most logical and are defined in most cases by property boundaries, land use, financial constraints and the dependency on catalyst projects.

Estimated time frames for the delivery of each project are presented in weekly or monthly schedules as, at this stage, the actual start dates of individual projects are unknown. Additionally, as many of the projects are triggered by private development the prioritising of certain individual projects may shuffle in order as certain areas of the precinct progress. In some cases it may be possible for Council to proceed with individual projects regardless of the progress of surrounding development, however other projects are dependent on land acquisition which could occur any time within the life of the Masterplan.

As the masterplan is conceptual cost estimates have been based on current rates for urban treatments in public domain areas with allowances for special items (play equipment, public art etc). A cost component is also provided for the design development and construction documentation phases of each project. Key consultants and applicable rates have been identified and applied to each cost estimate to assist with project planning.

Finally, a summary has been provided for each project that identifies special considerations that should be addressed during the design development and construction phases. This includes liaising with service providers to consolidate service trenches and lids in the streetscape, potential requirements for night works in busy commercial zones and the provision of events management programmes for key public domain areas.

Public Carparking

The identification of possible public carparks was one of the objectives of the Wyong Civic and Cultural Precinct Masterplan. In order to meet future parking demands in the Wyong township, it has been identified that up to 300 spaces would be required. In effect this would amount to the requirement of at least two public carparks north of Alison Road.

The existing carparking analysis of the area indicates that there is a high dependency on the motor vehicle for people residing and working in the area. Existing informal carpark areas are inefficient and fragmented within and around the study area. On-street parking along Anzac Ave, Hely Street, Margaret Street is limited and adds to traffic congestion during peak times. It is identified that two developments would add additional strain to the existing parking scenario, those being the Regional Police Station under construction and the future development of the Art House. It should be noted that as the Civic and Cultural Precinct is developed and densities increase there will be an increase demand for carparking.

Part of the objectives of the Wyong Civic and Cultural Precinct Masterplan was to identify possible locations for potential public carparking. A major shortfall in off-street parking in the area north of Alison Road has been identified based upon studies carried out identifying the extent of existing on site parking for individual developments and adjacent to the proposed commercial, mixed use and business areas.

It should be clearly noted that it is not within the scope of works for this project to undertake detailed research and analysis of carparking requirements and specifications. In order to identify sites, internal consultation with Council's Traffic Engineers enabled a consistent approach to identifying sites and their justification.

A number of sites have been identified within the Masterplan that would potentially accommodate the parking needs of the Wyong township based on population densities proposed in the draft LEP Amendment No 178 (Wyong Town Centre) and demand generated by the proposed commercial uses, existing and proposed civic, justice and administrative uses. These are:

Site 1 – Anzac Ave Bowling Club.

The site is currently owned by the Wyong RSL Sub-branch. The site is bounded by Hope Street to the west, Anzac Ave to the south and Margaret Street to the east. The draft Masterplan has identified this site due to its close proximity to The Art House, the possible future relocation of the RSL to the site, and accessibility.

Site 2 – Council owned Land.

The site is under the ownership of Council. It has been earmarked to be rezoned 3(a)(Business Centre Zone) that enables the construction of a public carpark with development consent. It is close to Council Chambers, has dual access and is a large site.

Site 3 – Anzac Ave Community Centre (currently Oasis Centre).

This site is the Key Iconic Site within the draft Wyong Civic and Cultural Precinct Masterplan. It is strategically placed next to the Wyong Regional Police Station, Council Chambers and Court House. It is a large site (4,800m²) that under the draft LEP Amendment (No 178) will facilitate a building height of 19m (six storeys). Any redevelopment of the site should include the provision of public carparking facilities.

Site 4 – Margaret Street

Land bounded by Hely Street, Margaret Street and North Road has been identified as a long term possibility. The land is subject to a rezoning under the draft LEP Amendment No 178 (Wyong Town Centre) to be rezoned from 2(c)(Medium Density Residential Zone) to 3(a)(Business Centre Zone). Whilst this site is located on the northern fringe of the precinct it has easy access from North Road and is located behind “The Art House”. Refer to Figure Two – Possible Public Car Park Locations.

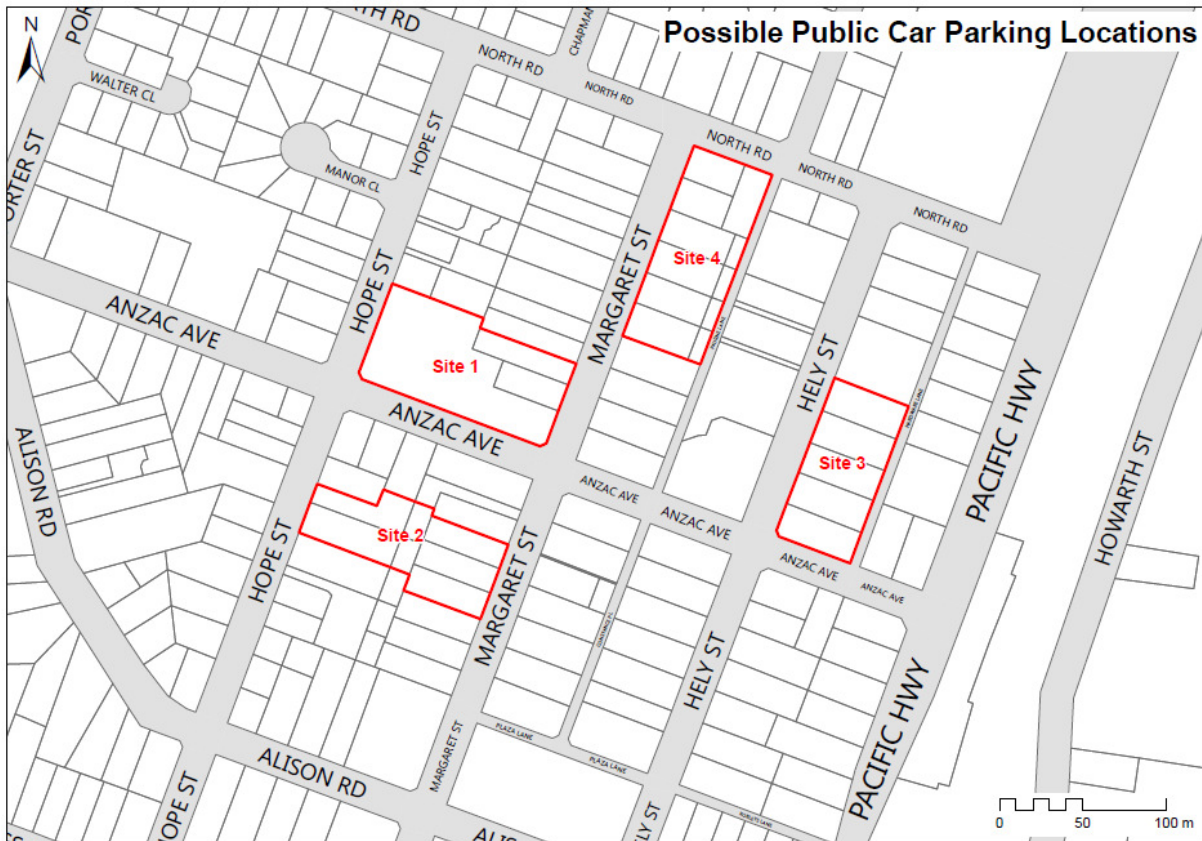


Figure Two : Possible Public Car Park Locations

Stormwater Management

Most of the Masterplan study area drains to the Pacific Highway where topography is low lying, flat and flood prone. The natural floodways in the area have been built over, resulting in the stormwater conveyed by a series of stormwater pipes and culverts and overland flow paths. The existing stormwater drainage network is under capacity with insufficient inlet pits and undersized stormwater pipes. The lower parts of the precinct are subject to localised flooding during high rainfall events. Stormwater currently ponds on Anzac Ave outside Memorial Hall, on Hely Street adjacent to the new Police Station and at points along the Pacific Highway, between North Road and Culter Drive. A detailed drainage investigation and options analysis has been prepared for Council. The study assesses the existing drainage systems and flood analysis and provides options to mitigate flooding impacts. Frank Ballance Park is an integral component of the flood mitigation strategy.

Frank Ballance Park has been designed to have a storage capacity of 2,500m³ that is regarded or determined as sufficient capacity to help alleviate the surrounding environs during high storm events. Integral to the overall design of Frank Ballance Park is the ability to steer waters east from Hope Street to the storage water features that then transcend down to low flow stone swale that represents the former creek line. The park design is a mixture of both natural and built form elements including:

- Proposed street planting along Anzac Ave to define the cultural precinct
- Adventure playground with interpretive play elements
- Water quality control ponds
- Low flow stone swale – symbolic of the former creekline
- Passive lawn area with shade trees
- Pedestrian bridge connecting proposed laneway to Anzac Ave
- Formalised plaza with interpretive sculptural elements
- Amphitheatre to provide informal seating

STRATEGIC LINKS

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
1 - Community and Education	<p>1.1 Community and Cultural Development – Provide and maintain a range of community facilities across the Shire that give access to a diverse range of affordable and coordinated programs and services. The Masterplan includes the proposed “Art House” as the intersection of Anzac Ave and Margaret Street is the focal point</p> <p>1.2 Community Buildings – Improve planning of capital works and proactive maintenance by better utilisation of reactive maintenance, better asset planning and communication.</p>	
	1.3 Community and Education – Ability to utilise the extension of Frank Ballance park and the proposed Art House for community education programs.	
2 - Community Recreation	2.1 Open Space – The Masterplan includes the redevelopment and future extension to Frank Ballance park and also the provision of public domain improvement works. This would include replanting of trees, playground area and public art.	

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
	2.2 Sport, Leisure and Recreation – The proposed capital works associated with Frank Ballance Park are to ensure that over time and increased residential and commercial development that the park becomes an efficient space that meets the needs of the surrounding community.	
3 - Economic and Property Development	3.1 Place Management – The Masterplan is a focal point in the place management of Wyong. It is identified in the 4 Year Delivery Plan 2012-2015 including the delivery of public domain improvements.	
4 - Council Enterprise	Nil	
5 - Regulatory	Nil	
6 - Environment and Land Use	6.3 Land Use Planning and Policy Development	
7 - Waste	Nil	
8 & 9 - Roads and Drainage	9.1 To manage and develop the Shires' road, bridge and drainage networks along associated infrastructure to help ensure ease of travel and environmental responsibility. – Drainage upgrades linked with the upgrade of Frank Ballance Park.	
10 & 11 - Water and Sewer Services	Nil	
12 - Administration	Nil	

Link to Community Strategic Plan (2030)

Communities will be vibrant, caring, connected with a sense of belonging and pride in their local neighbourhood.

There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.

The Masterplan provides a framework that reinforces the positive attributes of the town centre and seeks to build upon the key assets. The Masterplan provides a schematic plan of how the precinct might look in the future that centres around civic and public domain improvements with particular emphasis on Frank Ballance Park. There is a focus on development within the town centre and the Masterplan is consistent with regional and state policies associated with facilitation of urban development within existing centres that focus of public transport nodes.

The core objective of the Masterplan is to:

- To provide for an integrated land use plan that promotes the precinct as a civic and cultural hub
- An urban design framework to improve the urban fabric of the precinct including public domain improvement preliminary redesign of Frank Ballance Park including landscape design
- To improve connectivity including pedestrian movements between the precinct and the town centre
- To ensure that storm water management issues are given high priority in any urban/landscape design

The Masterplan established nine key design principles that were the foundations of the Masterplan development.

Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

The Masterplan identifies the proposed Art House as a pivotal hub that enables the facilitation and promotion of cultural activities and services that would enable greater participation in community building. The centre will have ability to offer a diverse range of uses and programs that would seek engagement from a wide spectrum of audiences.

The Masterplan highlights the need to focus on precinct planning including the role and demand for civic and cultural services that are intertwined. The future planning of the precinct through the local environmental plan process highlights the need to increase commercial and mixed use densities and also pinpoints the potential future role of both the Wyong Regional Police Station and also Wyong RSL Club, both key stakeholders within the precinct.

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

There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.

The Masterplan has identified the importance of Frank Ballance Park and role of open space provision in the town centre. There is an emphasis on-streetscape design and development with the park been the key open space component in the precinct. The extension of Frank Ballance Park will enable the ability to provide for drainage mitigation measures and also provide a larger town centre park that will within proximity to the expected commercial and residential in-fill development.

There will be a strong sustainable business sector and increased local employment built on the Central Coast business strengths.

Information communication technology will be consistent with world's best practice and adaptive to technological advances across the sectors.

The Masterplan seeks to provide a visual representation of the implementation of the draft LEP for Wyong Town Centre that includes all land within the Masterplan precinct. The draft LEP places a strong emphasis on the establishment and facilitation of employment growth within the town centre including parcels of land within the Masterplan precinct. Under the draft LEP employment targets in the town centre is estimated at 1,300 jobs that will require appropriate commercial building development.

The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.

The Masterplan has identified land that is earmarked for future commercial development. Permissible land uses include learning facilities. The proposed Art House will have usable space for the delivery and learning of cultural building programs including performance arts. Other possible options might include community based services within the Key Iconic Site.

Budget Impact

Council's consultants have prepared preliminary estimates for the public domain improvements proposed in the draft masterplan. The estimates for each elements are as follows:

Item	Estimated Cost \$	Possible Timing
1. Anzac Ave Cultural Precinct	\$4.5 – 5 million	2-3 years
2a Frank Ballance Park (existing)	\$ 1.9 million	2-3 years
2b Frank Ballance Park (extension)	\$2.4 million	5-7 years
3. Civic Plaza	\$600,000	3-5 years
4. Laneway Network	\$2 – 2.5 million	8-15 years
5. Streetscape Upgrades	\$1-1.5 million	3- 5 years

There are several options available to Council to fund these works including Section 94 Contributions, grants, revenue and contributions via voluntary planning agreements from the Key Iconic Sites within Wyong. Council may choose to forward fund some of the short term works to commence the revitalisation of this area. These funds could then be recouped through Section 94 funds. For example, the works associated with the development of Stage 1 of Frank Balance Park (eastern existing end) is estimated to cost \$1.9 million (including GST).

Consideration of the ongoing maintenance costs of these works will need to occur through the detailed design phase.

CONCLUSION

The draft Wyong Civic and Cultural Precinct Masterplan provides a platform for initiating public domain improvement works that will ignite the emergence of this precinct. The draft masterplan was developed to respond to the challenges that exist with particular emphasis on mitigating localised drainage issues whilst creating active public domain spaces. An indicative implementation plan has been developed that provides an efficient and orderly timeframe and costing schedule to implement the draft masterplan.

A copy of the draft masterplan is enclosed.

ATTACHMENTS

- 1 External Consultation D02779122
- 2 Draft Masterplan Enclosure (*Distributed under separate Cover*)

EXTERNAL CONSULTATION

Document No	Comments	Response
D02758429	<p>Positives</p> <ul style="list-style-type: none"> ▪ Desire to create a population within the precinct to use existing and proposed facilities. ▪ Need to drive a residential population. ▪ It's a start in recognising Wyong as a valued community. <p>Concerns</p> <ul style="list-style-type: none"> ▪ Neglect of the rest of the town centre. ▪ Potential/perceived impacts on the town centre with reference point of impacts of the Westfield Development. ▪ Better cohesive planning required. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The report including recommendations outlines the need for future planning that incorporated a significant component of the town centre. Refer to Map 1. Council acknowledges the importance of the town centre and its role in the development of the community. Council will need to await the final outcomes from the Roads and Traffic Authority regarding the final desired option for the proposed future Pacific Highway upgrades through Wyong.</p>
D02770098	<ul style="list-style-type: none"> ▪ Those businesses outside the Masterplan area will suffer if their part of the town is not considered. ▪ Support for the establishment of a Precinct Committee for Wyong 	<p>One of the key recommendations is to initiate further planning the town centre precinct once the resolution of the Pacific Highway option has occurred.</p> <p>There are procedures and protocols in place for the formation of a Precinct Committee. It is not the scope of the Masterplan to initiate such request.</p>
D02767263	<ul style="list-style-type: none"> ▪ Drainage and carparking problems. ▪ Supported the draft Masterplan. 	<p>The Masterplan clearly identified both drainage and carparking as considerable constraints in the existing conditions of the Masterplan. The drainage problems have been addressed through the initial implementation of the outcomes of the Drainage Investigation and Options Analysis undertaken as part of the Wyong Local Environmental Plan- No 178 – Wyong Town Centre. The outcomes included the future redesign and extension of Frank Ballance Park, the completion of infrastructure works including completion of drainage culverts towards the intersection of North Road and the Pacific Highway and specifying particular development controls associated with water</p>

Document No	Comments	Response
		<p>management.</p> <p>The identified four possible locations for public carparking. The location for public carparks is based upon outcomes and recommendations of Council staff as to the most appropriate locations considering present development consents of traffic generating developments and also future developments based on the draft LEP for the town centre.</p>
D02754537	<ul style="list-style-type: none"> ▪ The potential relocation of the RSL Club to the RSL Bowling Club site. It should be for residential/community/retirement living. ▪ The RSL Bowling Club site is subject to the same flooding implications as outlined in Council's Flood Plan. ▪ The proposed drainage works will not be functional in times of high rain events. ▪ Location of a multi storey carpark is required. ▪ Intention of the intersection of Anzac Ave and Hope Street. 	<p>The subject site known as the Wyong RSL Bowling Club site has been identified for a potential relocation of the Wyong RSL that would incorporate residential/retirement living. The Masterplan clearly identifies the potential location of the RSL Club on the eastern portion of the site and the possible development of retirement living on the western portion that includes the bowling green and carpark. The RSL Bowling Club has been zoned as 5(a)(Special Uses – RSL Bowling Club and Carpark). The LEP has an height limitation of 13m and Floor Space Ratio of 0.9:1.</p> <p>In developing the Masterplan including the broad design of Frank Ballance Park, considerable internal consultation was undertaken with relevant Council staff in order to develop a plan that could achieve dual purposes in providing valuable open space and also help in minimising localised drainage events. It should be noted that it is acknowledged that the Masterplans will not totally solve the localised drainage issues within the precinct but is regarded as a proactive measure to provide practical solutions.</p> <p>The draft Wyong Civic and Cultural Precinct Masterplan identifies four possible locations for carparking locations. At this point in time the Masterplan did not need to indicate whether they would be at grade or multi level in their configuration.</p> <p>It is anticipated that investigation of the current intersection conditions of Anzac Ave and Hope Street would be investigated. One possible solution would be eliminating right hand turns from both Hope Street and Anzac Ave.</p>

Document No	Comments	Response
D02755979	<p>Positives</p> <ul style="list-style-type: none"> ▪ Generous large area. ▪ Good analytical basis of plan. <p>Concerns</p> <ul style="list-style-type: none"> ▪ Political will to implement. ▪ Finances required in order to realise the project. ▪ Implications of the potential growth of Westfields. ▪ No Precinct Committee for Wyong to ensure a strong voice. ▪ Needs state involvement to help drive the Masterplan implementation. ▪ Still a poor image of the town. ▪ Hub of railway and bus interchange needs upgrading. 	<p>Noted</p> <ul style="list-style-type: none"> ▪ By adopting the draft Wyong Civic and Cultural Precinct Masterplan that there is a strong good will and intent from Council to start to implement the draft Masterplan into fruition. ▪ The Implementation program has been considered as part of the overarching financial considerations of Council. ▪ The draft Wyong Civic and Cultural Precinct Masterplan will provide for alternate uses than those prescribed for any possible expansion of Westfields. ▪ There are procedures and protocols in place for the formation of a Precinct Committee. It is not the scope of the Masterplan to initiate such request. ▪ Council has, engaged with the Premiers Department and RTA regarding the development of the Masterplan. Council acknowledges the need for multi governmental cooperation and facilitation in order to ensure the appropriate mechanisms are in place in order to achieve the desired outcomes. ▪ The draft Wyong Civic and Cultural Precinct Masterplan actively promotes the benefits of working and living in Wyong. In the exhibition Council early sought various media forums to highlight this including print, radio and electronic media. The general response was again people were supportive of such plans. ▪ The upgrading of the railway and bus hub will be part of the Pacific Highway upgrades.

Document No	Comments	Response
D02755983	<p>Positives</p> <ul style="list-style-type: none"> ▪ Improvement of what is there now. <p>Concerns</p> <ul style="list-style-type: none"> ▪ Lack of parking. ▪ Overdevelopment. ▪ Stormwater management. ▪ Funding of Re-development. 	<p>Noted</p> <ul style="list-style-type: none"> ▪ The draft Masterplan identified four possible locations that could provide viable parking solution for the proposed precinct. These could be in the form of either at grade or multi level carparking. ▪ It is considered that in the context of the future built form that a maximum height of six storeys with a dominance of four storey development is not regarded as excessive. It is noted that it is change to the existing urban form but in the context of the next 10-15 years that this would meet our population and employment targets as outlined in the Central Coast Regional Strategy.
D02774178	<p>Positives</p> <ul style="list-style-type: none"> ▪ Supports the zoning changes of the Masterplan. ▪ Objectives and opportunities identified in the precinct should be incorporated into the Wyong Local Environmental Plan. 	<ul style="list-style-type: none"> ▪ Noted. ▪ The draft Wyong Civic and Cultural Precinct Masterplan utilised the planning provisions of the Wyong Local Environmental Plan Amendment No 178 – Wyong Town Centre.
D02777861	<ul style="list-style-type: none"> ▪ Implications of the freeway connections along Anzac Ave. ▪ The implications of the Masterplan on traffic flows through the town centre. ▪ The need to complete a Transport and Mobility Access Plan (TMAP). ▪ The implementation of the Masterplan could potentially lead to grid lock in the town centre. 	<ul style="list-style-type: none"> • Council's traffic modelling for the town centre indicates that without Freeway entry and exit ramps at Alison Road, the road network within the town centre will accommodate the anticipated traffic generation resulting from future residential and commercial development identified by the Wyong Planning Strategy. However, should access to the Freeway be provide at Alison Road in the future, it is highly possible that traffic congestion will occur on the internal road network. To mitigate this congestion, sections of Anzac Avenue will need to be widened to accommodate 4 travelling lanes. This will result

Document No	Comments	Response
		<p>in a loss of on-street parking along Anzac Avenue. Localised intersection upgrades will also be required, including expansion of the roundabout at the intersection of Anzac Avenue and Alison Road to accommodate 4 travelling lanes and widening of Alison Road west of the intersection to allow traffic to merge from 2 lanes to 1 upon exiting the roundabout.</p>
D02757164	<ul style="list-style-type: none"> • Potential negative impact on the existing town centre • Concerns over the insufficient consultation processes. 	<p>One of the key recommendations is to initiate further planning the town centre precinct once the resolution of the Pacific Highway option has occurred.</p> <p>The masterplan process included both community workshops (attended by 44 people) from a wide range of stakeholders together with notification to all landowners. The notification process included:</p> <ul style="list-style-type: none"> • Public exhibition of the draft masterplan from 10 August until 6 September 2011. • Notification to the Wyong landowners – letter – 8 August 2011 • Advertisement in Local Newspaper – Shirewide News • Placed on Council's website from 10 August 2011 until 6 September 2011 • Radio interviews for ABC Radio, 2GO and Coast FM. • Public Presentation of Masterplans – 17 August 2011

4.1 CPA/188604 - Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant

TRIM REFERENCE: CPA/188604 - D02777047

AUTHOR: Luke Drury; Project Engineer

MANAGER: Daryl Mann; Manager Water and Sewerage

SUMMARY

Evaluation and selection of tenders for Contract. CPA/188604 – Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant (STP).

RECOMMENDATION

- 1 That Council accept the tender from Parsons Brinkerhoff for the amount of \$633,830 (excl. GST) for Contract CPA/188604 – Concept and detail design for augmentation of Wyong South Sewage Treatment Works.**
- 2 That for Contract CPA/188604, Council approve a contract budget of \$728,830 (excl. GST) that provides for a contingency amount of \$95,000 (excl. GST), representing approximately 15% of the contract value, to address potential risks that may arise over the course of the project.**

BACKGROUND

The current load on Wyong South Sewage Treatment Plant exceeds the nominal rated capacity of the plant. Although the plant is currently meeting licence requirements, it must be augmented to treat additional loads associated with future growth in the catchment. In addition the existing inlet works is at the end of its useful life and requires replacement.

In addition, there is an existing risk that, following the development of the Central Coast Mariners Centre of Excellence, the Centre of Excellence may be impacted by odour during certain conditions if odour control at the treatment plant inlet works is not upgraded.

Previous work has indicated that the actual capacity of the existing process units is in excess of their nominal rated capacity, however modifications are required to realise that capacity. These modifications will create sufficient capacity to defer the need to construct an additional aeration tank for an extended period. The works will also improve the electrical efficiency of the plant in line with Council's sustainability goals.

The approved business case identified the preferred option for augmentation, as well as identifying that the approval process by the regulator, NSW Office of Water (NOW), may impact on the final detail design.

The agreed procurement strategy for the project is to have two phases, namely a concept and detailed design phase and a construction phase. A publicly advertised Expression of Interest process was undertaken for the concept and detailed design work, and from that process three consultants were short listed to submit tenders for the concept and detailed design contract. The three consultants were Sinclair Knight Merz (SKM), GHD and Parsons Brinckerhoff. A separate construction contract will be required for the construction of the augmentation works following approval of the concept and detailed design.

This contract is for the concept and detailed design of the treatment plant augmentation, including obtaining 'in-principal' approval for the concept design from NOW prior to proceeding with the detailed design component. The scope of work also includes an Environmental Impact Assessment.

The contract also includes an optional separable portion for the provision of technical input and commissioning support during the construction phase.

Tender Process

Selective tenders were invited following a publicly advertised Expression Of Interest (EOI) process. The consultants short listed from the EOI phase and subsequently invited to tender were GHD, Parsons Brinckerhoff and Sinclair Knight Merz.

Tenders were invited in accordance with a detailed consultancy brief on the following basis:

- Concept design (Separable Portion 1) – lump sum fee
- Obtaining NOW approval – provisional sum
- Detailed design (Separable Portion 2) – lump sum fee
- Construction phase technical support (Separable Portion 3) –upper limit fee.

No formal pre-tender meeting was held as the three consultants had all visited the site on previous occasions, either during the expressions of interest phase or as part of previous consultancy work.

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

- 1 Issued on 18 July 2011, advising tenderers that the Review of Environmental Factors (REF) was to be included within the scope of work for Separable Portion 2, rather than Separable Portion 1.
- 2 Issued on 5 August 2011, advising tenderers of the availability of previously completed survey and geotechnical studies for the site.

Tenders closed at 2.00pm on 18 August 2011. All three tenderers lodged tenders in the tender box prior to the closing time.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members (from different water and sewerage sections) using the following threshold and weighted criteria:

Threshold Criteria

1. Sufficient financial capacity to provide the services
2. A minimum acceptable score against all comparative evaluation criteria (personnel, methodology & project management)
3. Any proposed departures are acceptable to Council

Weighted Criteria

Local Content

4. Assessed level of Local Content.

Others

5. The tendered price and structure; as well as any other potential costs to Council that may be identified (50%)
6. Key Personnel to be used on the project (15%)
7. Proposed Design Methodology (15%)
8. Proposed Project Management Methodology (10%)

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Infrastructure Management prior to tenders being invited. A detailed Tender Evaluation Plan was prepared setting out the evaluation process, detailed evaluation criteria and scoring guidance and was signed off by each of the evaluation panel members prior to the close of tenders. Tenders were evaluated in accordance with the Tender Evaluation Plan.

The evaluation was conducted according to the following process:

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Obtain clarifications from tenderers
- Detailed weighted evaluation of all tenders.

Assessment of Receipt

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

Tender No	Tender	Tendered Sum (Ex. GST)	Status
1	GHD Pty Ltd	\$765,400	Submitted on time
2	Parsons Brinckerhoff Pty Ltd	\$595,737	Submitted on time
3	Sinclair Knight Merz	\$737,138	Submitted on time

Note: For assessment purposes the 'Tendered Sum' is taken as the total for separable portions 1 and 2. The fee for assistance in obtaining New South Wales Office of Water (NOW) approval and technical assistance during construction will be charged on a time and expense basis using hourly rates submitted in the returnable schedules as this fee is dependent to a large extent on NOW and the performance of the successful construction contractor that are outside the control of tenderers.

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

Assessment of Conformance

Tender No. 1 (from GHD) tendered an amount 28% higher than the lowest priced tender. The response contained proposed amendments to the AS4122 clauses described in the Request for Tender Documents. GHD also requested that hourly rates for their staff for Separable Portion 3 be subject to increases due to classification changes of staff following performance reviews, on top of the inflation related adjustment set out in the contract documents. As GHD were the lowest scoring tenderer following assessment of the weighted criteria, it was decided not to request GHD to address these qualifications.

Tender No. 2 (Parsons Brinckerhoff) was the lowest priced tender. The tender contained several proposed amendments to the AS4122 clauses described in Request for Tender Documents as well as a fee qualification relating to site survey. The proposed number of hours nominated for the completion of Separable Portion 1 was lower than the other two tenderers.

In order to resolve the proposed departures and clarify the consultant's methodology, a meeting was convened between the Tender Evaluation Panel and Parsons Brinckerhoff on 13 September 2011. At that meeting, Parsons Brinckerhoff discussed the use of a specialist sub-consultant to streamline the delivery of separable portion 1 and greatly improve project efficiency. The Tender Evaluation Panel was satisfied with the methodology proposed by the tenderer. Parsons Brinckerhoff also withdrew the tender qualifications in an email received 14 September 2011. Following this process the tender was considered conforming by the Evaluation Panel.

Tender No 3 (Sinclair Knight Merz) tendered an amount 24% higher than the lowest priced tender. The response contained proposed amendments to the AS4122 clauses described in the Request for Tender Documents. The Tender Evaluation Panel felt that additional information should be provided by SKM to demonstrate their ability to provide effective project management services using staff based at Newcastle, while the design team were based in Sydney. A clarification request was sent to SKM on 6 September 2011 regarding these issues.

SKM responded to Council's clarification request on 8 September 2011 and withdrew the tender clarifications. They also discussed how the project could be effectively managed from the Newcastle office and gave examples of similar projects being completed with this approach. The information supplied satisfied the Tender Evaluation Panel that the methodology was acceptable and that the submission was considered to be conforming with the conditions of tender.

Shortlisting

Nil.

Weighted Evaluation

Evaluation scoring was conducted in two stages i.e.:

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;

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2. Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

Scoring was undertaken in accordance with the Tender Evaluation Plan.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation.

Tender No.	Tenderer	Tendered Sum (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
2	Parsons Brinckerhoff Pty Ltd	\$595,737	75
3	Sinclair Knight Merz	\$737,138	68
1	GHD Pty Ltd	\$765,400	63

The tender submission by Parsons Brinckerhoff meets the requirements of the Request for Tender documents and provides value for money to Council. Parsons Brinckerhoff has successfully dealt with the Office of Water in the past as demonstrated in their Expressions of Interest submission. Further, Council has previously contracted with Parsons Brinckerhoff and their performance was satisfactory.

2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council’s Local Preference Policy to identify the **Preferred Offer**.

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
2	Parsons Brinckerhoff Pty Ltd	\$595,737	75	\$50,000	76

3	Sinclair Knight Merz	\$737,138	68	\$0	68
1	GHD Pty Ltd	\$765,400	63	\$27,100	64

The application of the Local Preference Policy did not have any impact on the order of ranking of tenders.

Due Diligence

An assessment of the consultant's safety and quality management systems, as well as referee checks was undertaken as part of the Expressions of Interest stage.

Parsons Brinckerhoff is an international consultancy with a history of successfully completed contracts similar in nature and scope to the current works. They have in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

While the tendered amounts were above the initial pretender estimate, the panel believes the fees are reasonable given they have been obtained from a competitive market and provided by consultants recognised as leaders in their fields.

RISK ASSESSMENT

General

When letting a contract, various risks 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 consultant, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the consultant, 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 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:

4.1 CPA/188604 - Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant (contd)

- 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 an Expressions of Interest phase to select suitable consultants to tender and appropriate technical peer reviews to ensure design meets requirements.
- New South Office of Water (Regulator) does not approve the Consultant's proposed concept design for the upgrade, requires significant modifications or the approval process is protracted. Mitigated by an Expressions of Interest phase that selected consultants with previous success with the Office of Water. In addition the contract contains separable portions that allows for scope adjustments as necessary arising from the regulatory process and, should the resulting fee adjustments not be agreed, the consultant or Council to choose not to proceed with the remaining portions.
- The principal's willingness to accept increased operating risk while aeration tanks are taken offline during the construction phase. Lower acceptable risk may lead to increased scope of work required by the consultant during the design phase.
- Delay claims made by the consultant due to Council not completing technical reviews or providing input into the design within the nominated timeframes. Consensus can be difficult to achieve when a large group is reviewing multiple decisions. Mitigated by the Project Control Group (PCG) being given the delegation, by the Manager of Water and Sewer, to make any decision required to progress the design. The PCG consists of experienced staff and is representative of the projects main stakeholders.
- The performance of the construction contractor which will have an impact on the amount of technical support required from the consultant during the construction phase.

Risk Contingency

The above risks are considered to be medium for this contract given its value and the nature of the work and the site. Accordingly, it is recommended that a contingency sum of \$95,000 (excl. GST) be approved to cover the cost impact of these risks, should they eventuate. This risk allowance represents approximately 15% of the contract sum.

BUDGET

Adequate project funds to accommodate this contract are available from the following source:

- 50% Revenue and 50% contribution from Section 64 - Project number 14708.

TIME-FRAME

The project is anticipated to begin in October 2011. Separable Portion 1 (Concept Design) of the contract is expected to take approximately 16 weeks and will be followed by the NOW approval process. Separable Portion 2 (Detailed Design) will commence following receipt of 'in-principal' approval from NOW and is then expected to take approximately 26 weeks to complete.

APPROVALS

No planning approvals are required to commence this design consultancy.

CONCLUSION

Tender No 2 from Parsons Brinckerhoff Pty Ltd is the preferred and most competitive tender. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre

TRIM REFERENCE: CPA/196431 - D02767945

AUTHOR: Julie Vigar; Project Support Officer

MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

Evaluation and selection of tenders for Contract CPA/196431 – Provision of Security Services at various Council Facilities and The Entrance Town Centre.

RECOMMENDATION

- 1 That Council accept the tender from Newcastle Security in the estimated total amount of \$410,100.00 (excl. GST) for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities for a period of two years.**
- 2 That Council approve a contract budget for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities of \$492,120.00 (excl. GST) that provides for a contingency amount of \$82,020.00 (excl. GST), representing approximately 20% of the contract value, to provide for unscheduled alarm responses and other unforeseen additional services that may become necessary during the two year period of the contract.**
- 4 That Council accept the tender from Evolution Security NSW Pty Ltd in the estimated total amount of \$164,450.00 (excl. GST) for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre for a period of two years.**
- 5 That Council approve a contract budget for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre of \$197,340.00 (excl. GST) that provides for a contingency amount of \$32,890.00 (excl. GST), representing approximately 20% of the contract value, to provide for any unforeseen additional services that may become necessary during the two year period of the contract.**
- 6 That Council authorise the General Manager to offer Newcastle Security and or Evolution Security NSW Pty Ltd an extension to the contract period for an additional year subject to satisfactory performance by the Contractor during the initial two year contract period.**

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

BACKGROUND

In addition to managing the tender process for the provision of security services at various Council facilities, Council is also managing the tender process for The Entrance Town Centre on behalf of The Entrance Town Centre Management Corporation Incorporated to ensure compliance with Section 55A of the Local Government Act 1993 which states:

55A Extended operation of section 55 to council-related entities

(1) A council must comply with the requirements of section 55 (including any regulations made under that section) even though the contract to which that section applies involves something being done to or by an entity that the council has formed or participated in forming.

(2) However, if the entity concerned is formed under a public-private partnership, subsection (1) has effect only to the extent that the contract is not part of a project that has been assessed or reviewed in accordance with Part 6 of Chapter 12.

(3) In this section:

"entity" means any partnership, trust, corporation, joint venture, syndicate or other body (whether or not incorporated), but does not include any such entity that is of a class prescribed by the regulations as not being within this definition.

Tenders had previously been sought for CPA/182359 – Provision of Security Services to The Entrance Town Centre in July 2010.

At the Ordinary Meeting held on 27 April 2011, Council resolved unanimously on the motion of Councillor Webster and seconded by Councillor Wynn:

- "1 That Council decline to accept any of the tenders received for contract CPA/182359 – Provision of Security Services to The Entrance Town Centre, in accordance with sub-clause 178(1)(b), Local Government (General) Regulation 2005.*
- 2 That Council invite, in accordance with clause 167 fresh tenders based on the same or different details.*
- 3 That Council thank the tenderers for their interest and invite them to re-tender when fresh tenders are called."*

The reason for declining to accept the tenders received for CPA/182359 was for Council to explore the opportunity for economies of scale that may be achievable by combining under a single contract the security services for The Entrance Town Centre with those of Council's own facilities.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 7 June 2011 and the Central Coast Express Advocate on 8 June 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 30 June 2011.

One addenda was issued during the invitation period documenting the minutes of the Pre-tender Meeting.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

EVALUATION OF TENDERS

Tenders were evaluated by a panel of four staff members (two of which are from a unit other than the one managing the procurement process) using the following threshold and weighted criteria:

Threshold Criteria:

- 1 Compliance with Tender documents, including lodgement of the tender by the specified time.

Weighted Criteria:

- 2 Assessed level of Local Content (MANDATORY)
- 3 The Tendered Rates as well as any other potential costs to Council that may be identified
- 4 Experience in the provision of alarm monitoring, alarm response, mobile patrols, static guards and technical services
- 5 Past performance in the delivery of security services in a similar environment that correlates with Tender Specifications
- 6 Corporation's Resources (Financial and other capabilities), Ability to manage financial risk and consideration of company's management structure and their corporate systems to identify risk and manage Health and Safety matters; and
- 7 Reporting and Auditing Procedures

The evaluation criteria and their weightings were documented in the Contract development Plan and approved by the Director Infrastructure Management 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 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.
- Shortlisting of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Assessment of Receipt

The following tenders, listed in alphabetical order, were received.

Tender No	Tender	Part 1 Rates (Ex. GST)	Part 2 Rates (Ex. GST)	Part 1 & 2 Combined Rates (Ex. GST)	Status
1	Amazon Cleaning & Security	\$434,251.46*	\$214,548.64	\$648,800.10*	Submitted on time
2	Business Security Management Solutions	\$493,084.36	\$166,399.09	\$633,585.27	Submitted on time
3	Citiguard Protection Services	\$652,893.82	\$179,220.00	\$904,519.64	Submitted on time
4	Datcom Security Solutions	\$588,753.64*	<i>Not offered</i>	<i>Not offered</i>	Submitted on time
5	Evolution Security NSW Pty Ltd	\$418,806.18	\$162,000.00	\$589,590.18	Submitted on time
6	Global Elite	<i>Not offered</i>	\$310,868.00	<i>Not offered</i>	Submitted on time
7	Group 1 Security Pty Ltd	\$962,180.00*	\$217,284.55*	\$1,179,682.73*	Submitted on time
8	Newcastle Security	\$403,949.56*	\$209,090.00	\$613,039.56*	Submitted on time
9	Smith & Co Security	<i>Not offered</i>	<i>Not offered</i>	\$877,779.45	Submitted on time
10	SNP Security	\$609,618.11	\$185,990.55	\$797,308.66	Submitted on time
11	Southern Cross Protection Pty Ltd	\$425,675.32	\$231,642.62	\$645,790.44	Submitted on time
12	Unique Security Group	\$495,743.00	\$211,699.73	\$701,171.36	Submitted on time

* See Assessment of Conformance below.

Late Tender/s

All tender were received on time and were progressed to an assessment of conformance.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Assessment of Conformance

Part 1 – Provision of security service to various Council facilities Totally conforming

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 2 (from Business Security Management Solutions), Tender No 3 (from Citiguard Protection Services), Tender No. 5 (from Evolution Security NSW Pty Ltd), Tender No. 10 (from SNP Security), Tender No. 11 (from Southern Cross Protection Pty Ltd) and Tender No. 12 (from Unique Security Group) conformed to all requirements and were progressed to the next stage of evaluation.

Substantially conforming

Tender No. 1 (from Amazon Cleaning & Security) contained a monthly rate of \$130.08 (inclusive GST) for Part 1 Item 6 and a monthly rate of \$176.05 (inclusive GST) for Part 1 Item 7. A monthly rate was requested for the majority of the items in the Schedule of Rates, except Item 6 & 7. The panel consider Amazon's submission of rates for item 6 & 7 an oversight and sought clarification from the firm. The firm advised that the monthly rate provided was calculated on a 30 day basis. The submitted monthly rate was adjusted to a daily rate by dividing the submitted rate by 30. The panel decided to accept the correction since it was a genuine error and it did not substantially alter the tender.

Tender No 8. (from Newcastle Security) contained a monthly rate of \$121.00 inclusive GST for Part 1 Item 6 and a monthly rate of \$163.77 (inclusive GST) for Part 1 Item 7. A monthly rate was request for the majority of the items in the Schedule of Rates, except item 6 & 7. The panel consider Newcastle Security's submission of rate for item 6 & 7 an oversight and sought clarification from the firm. The firm advised that the monthly rate provided was calculated on a 30 day basis. The submitted monthly rate was adjusted to a daily rate by dividing the submitted rate by 30. The panel decided to accept the correction since it was a genuine error and it did not substantially alter the tender.

Non conforming

Tender No 4 (from Datacom Security Solutions) submission of the Schedule of Rates for Part 1 was incomplete. The firm had not offered rates against Items 4, 5,6,7,8,9,10 and 11. The tender was eliminated from further consideration.

Tender No 7 (from Group 1 Security) did not attend the mandatory pre-tender meeting in accordance with the Conditions of Tender. The tender was eliminated from further consideration.

Part 2 – Provision of security services at The Entrance Town Centre Totally conforming

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No. 1 (from Amazon Cleaning & Security), Tender No. 2 (from Business Security Management Solutions), Tender No 3 (from Citiguard Protection Services), Tender No. 5 (from Evolution Security NSW Pty Ltd), Tender No. 6 (from Global Elite Group), Tender No. 8 (from Newcastle Security), Tender No. 10 (from SNP Security), Tender No. 11 (from Southern Cross Protection Pty Ltd) and Tender No. 12 (from Unique Security Group) conformed to all requirements and were progressed to the next stage of evaluation.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Non conforming

Tender No 7 (from Group 1 Security) did not attend the mandatory pre-tender meeting in accordance with the Conditions of Tender. The tender was eliminated from further consideration.

Parts 1 & 2 combined – Provision of security services at various Council facilities and The Entrance Town Centre

Totally conforming

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 2 (from Business Security Management Solutions), Tender No 3 (from Citiguard Protection Services), Tender No. 5 (from Evolution Security NSW Pty Ltd), Tender No. 9 (from Smith & Co Security), Tender No. 10 (from SNP Security), Tender No. 11 (from Southern Cross Protection Pty Ltd) and Tender No. 12 (from Unique Security Group) conformed to all requirements and were progressed to the next stage of evaluation.

Substantially conforming

Tender No. 1 (from Amazon Cleaning & Security) contained a monthly rate of \$130.08 (inclusive GST) for Part 1 & 2 Item 3.6 and a monthly rate of \$176.05 (inclusive GST) for Part 1 & 2 Item 3.7. A monthly rate was requested for the majority of the items in the Schedule of Rates, except Item 3.6 & 3.7. The panel consider Amazon's submission of rates for item 3.6 & 3.7 an oversight and sought clarification from the firm. The firm advised that the monthly rate provided was calculated on a 30 day basis. The submitted monthly rate was adjusted to a daily rate by dividing the submitted rate by 30. The panel decided to accept the correction since it was a genuine error and it did not substantially alter the tender.

Tender No 8. (from Newcastle Security) contained a monthly rate of \$121.00 inclusive GST for Part 1 & 2 Item 3.6 and a monthly rate of \$163.77 (inclusive GST) for Part 1 & 2 Item 3.7. A monthly rate was requested for the majority of the items in the Schedule of Rates, except Item 3.6 & 3.7. The panel consider Newcastle Security's submission of rates for item 3.6 & 3.7 an oversight and sought clarification from the firm. The firm advised that the monthly rate provided was calculated on a 30 day basis. The submitted monthly rate was adjusted to a daily rate by dividing the submitted rate by 30. The panel decided to accept the correction since it was a genuine error and it did not substantially alter the tender.

Non conforming

Tender No 7 (from Group 1 Security) did not attend the mandatory pre-tender meeting in accordance with the Conditions of Tender. The tender was eliminated from further consideration.

Shortlisting

Part 1 – Provision of Security Services at various Council facilities

All conforming tenders under part 1 were progressed to weighted evaluate on stage process.

Part 2 – Provision of Security Services at The Entrance Town Centre

Tenders were shortlisted against Criterion No. 3 – Tendered Rates.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

The highest priced tenderer for Part 2 was Tender No. 6 (Global Elite) at \$310,868.00. The price differential against this tender and the others meant that even if the tenderer was to be assessed at the highest score for all the non priced assessment criteria it would never become the preferred tenderer. Tender No. 6 was therefore eliminated from further consideration.

Part 1 & 2 combined – Provision of Security Services at various Council facilities and The Entrance Town Centre

Tenders were shortlisted against Criterion No. 3 – Tendered Rates.

The two highest priced tenderers for Parts 1 & 2 combined were Tender No 3 (from Citiguard Protection Services) and Tender No 9 (from Smith & Co Security). The price differential between this tender and the others meant that even were these tenderers to be assessed at the highest score for all the non priced assessment criteria they would never become the preferred tenderer. Tender No. 3 & 9 was therefore eliminated from further consideration.

Weighted Evaluation

The weighted evaluation considered not only the tendered rates but the experience of tenderers in the provision of alarm monitoring, alarm responses, technical services, and the provision of mobile and static guards with a high degree of Public interaction. Submissions were also weighed against tenderers past performance and their ability to adequately resource services to both Council and The Entrance Town Centre.

Evaluation scoring was conducted in two stages i.e.

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;
2. Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation.

Part 1 – Provision of Security Services at various Council facilities

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Tender No.	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
8	Newcastle Security	\$403,949.56	78.9
5	Evolution Security NSW Pty Ltd	\$418,806.18	75.2
1	Amazon Cleaning & Security	\$434,251.46	75.1

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Tender No.	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
11	Southern Cross Protection Pty	\$425,675.32	73.8
12	Unique Security Group	\$495,743.00	67.7
2	Business Security & Management Solutions	\$493,084.36	66.6
10	SNP Security	\$609,618.11	53.7
3	Citiguard	\$652,893.82	52.3

*Sensitivity Analysis attached to report

Part 2 - Provision of Security Services at The Entrance Town Centre

Tender No.	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
5	Evolution Security NSW Pty Ltd	\$162,000.00	76.7
2	Business Security & Management Solutions	\$166,399.10	74.3
3	Citiguard	\$179,220.00	72.7
10	SNP Security	\$185,990.55	68.2
8	Newcastle Security	\$209,090.00	67.3
1	Amazon Cleaning & Security	\$214,548.64	65.2
12	Unique Security Group	\$211,699.73	64.3
11	Southern Cross Protection Pty	\$231,642.62	58.9

Parts 1 & 2 combined - Provision of Security Services at various Council facilities and The Entrance Town Centre

Tender No.	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
8	Newcastle Security	\$613,039.56	77.3

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Tender No.	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer	
5	Evolution Security NSW Pty Ltd	\$589,590.18	76.7
1	Amazon Cleaning & Security	\$648,800.00	74.1
11	Southern Cross Protection Pty	\$645,790.00	72.6
2	Business Security & Management Solutions	\$633,585.00	72.4
12	Unique Security Group	\$701,171.00	69.2
10	SNP Security	\$797,309.00	60.0

*Sensitivity Analysis attached to report

2 – Scoring Post Application of Local Preference Policy

Part 1– (Provision of Security Services at various Council facilities)

Tenders were then assessed for Local Content in accordance with Council’s Local Preference Policy to identify the **Preferred Offer**.

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$25,000.00 applicable to this category of contract.
Price Component of Most Competitive Offer	\$403,949.56
Financial Impact Limitation To Be Applied to Preferred Offer	\$20,197.48

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
8	Newcastle Security	\$403,950.56	78.9	\$149,780.00	82.6
5	Evolution Security NSW Pty Ltd	\$418,806.18	75.2	\$275,500.00	81.8
12	Unique Security Group	\$495,743.00	67.7	\$495,743.00	77.7
1	Amazon Cleaning & Security	\$434,251.46	75.1	\$66,650.00	76.7
2	Business Security & Management Solutions	\$493,084.36	66.6	\$364,252.00	74.0
11	Southern Cross Protection Pty	\$425,675.00	73.8	0.0	73.8
10	SNP Security	\$609,618.11	53.7	\$609,618.11	63.7
3	Citiguard	\$652,894.82	52.3	\$240,000.00	56.0

Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender No. 8 from Newcastle Security was assessed as the Preferred Offer and was therefore progressed to the due diligence of evaluation.

2 – Scoring Post Application of Local Preference Policy

Part 2– (Provision of Security Services at The Entrance Town Centre)

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$25,000.00 applicable to this category of contract.
Price Component of Most Competitive Offer	\$ 162,000.00
Financial Impact Limitation To Be Applied to Preferred Offer	\$8,100.00

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
5	Evolution Security NSW Pty Ltd	\$162,000.00	76.7	\$162,000.00	86.7
2	Business Security & Management Solutions	\$166,399.10	74.3	\$166,399.10	84.3
3	Citiguard	\$179,220.00	72.7	\$179,220.00	82.7
10	SNP Security	\$185,990.55	68.2	\$185,990.55	78.2
12	Unique Security Group	\$211,699.73	64.5	\$211,699.73	74.5
8	Newcastle Security	\$209,090.00	67.3	\$149,780.00	74.4
1	Amazon Cleaning & Security	\$214,548.64	65.2	\$66,650.00	68.3
11	Southern Cross Protection Pty	\$231,642.62	58.9	\$0.0	58.9

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender No. 5 from Evolution Security NSW Pty Ltd was assessed as the Preferred Offer and was therefore progressed to the due diligence of evaluation.

2 – Scoring Post Application of Local Preference Policy

Parts 1 & 2– Combined Provision of Security Services at various Council facilities and The Entrance Town Centre

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	3.5% above price component of Most Competitive Offer, with a maximum of \$35,000.00 applicable to this category of contract.
Price Component of Most Competitive Offer	\$ 613,039.56
Financial Impact Limitation To Be Applied to Preferred Offer	\$21,456.38

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score
			(Pre-application of Local Preference)		(Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
5	Evolution Security NSW Pty Ltd	\$589,590.00	76.7	\$275,500.00	81.4
8	Newcastle Security	\$613,039.56	77.3	\$149,780.00	79.8
12	Unique Security Group	\$701,171.36	69.2	\$701,171.36	79.2

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Tender No	Tender	Tendered Rates (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
2	Business Security & Management Solutions	\$633,585.27	72.4	\$364,252.00	78.2
1	Amazon Cleaning & Security	\$648,800.10	74.1	\$66,650.00	75.2
11	Southern Cross Protection Pty	\$645,790.44	72.6	\$0.0	72.6
10	SNP Security	\$797,308.66	60.0	\$784,549.30	69.8

Following assessment of Local Content, the order of rankings changed i.e. Tender No.5 from Evolution Security Pty Ltd Pty Ltd became the Preferred Offer. As the tender price Tender No. 5 is lower than that of the most competitive offer Tender No. 8 from Newcastle Security the application of the Local Preference Policy has no adverse financial impact to Council.

Preferred Options Summary

The three separate Parts tendered were assessed to explore the opportunities of economies of scale by combining under a single contract the delivery of security services requirements for Council and The Entrance Town Centre.

The evaluation of all submitted tenders revealed the best value for money will be realised by awarding two separate contracts. The cost savings captured by awarding two separate contracts is an estimated 4% over the two year contract period.

Part 1	Part 2	Sub Total	Parts 1 & 2	Difference	%
\$403,950.56	\$162,000.00	\$565,950.56	\$589,590.00	\$23,639.44	4%

Significantly the re-tendering process for the provision of security services at The Entrance Town Centre has produced a cost saving of over \$50,000.00 over the two year contract period.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

Due Diligence

Part 1 - Provision of Security Services at various Council facilities

The Schedule of Rates includes an item for unscheduled alarm responses against which tenderers were asked to submit a rate only. In order to confirm the preferred tenderer, a sensitivity analysis was undertaken on the assumption that 960 unscheduled alarm responses would need to be paid for within the first two year contract period. This number was chosen based on historical records of the alarms respond to in the previous two years. The analysis confirmed Newcastle Security to be the preferred tenderer under all foreseeable circumstances.

Tender No 8 (from Newcastle Security) is the current incumbent contractor for the provision of security services at various Council facilities. They have successfully delivered quality security service to Council since October 2008.

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 Newcastle Security possesses all of the technical, financial, managerial and security personnel resources necessary to satisfactorily deliver the works.

Part 2 – Provision of Security Services at The Entrance Town Centre

Tender No. 5 (Evolution Security NSW Pty Ltd) is a Central Coast company that has been in operation since 2007.

Concerns were held by the evaluation panel that Evolution's tendered rates would not be sustainable. The panel held a meeting with Evolution's Director and Operation's Manager to seek clarification from the tenderer that, irrespective of tendered rates the works would be carried out in full conformity with the specifications. Evolution Security Pty Ltd Pty provided confirmation to the panel that the nature and extent of the work and contract conditions were fully understood and that the tender remained available for acceptance in full knowledge of the contract requirements.

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 Evolution Security NSW Pty Ltd possesses the financial, managerial and security personnel resources necessary to satisfactorily deliver the works.

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.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

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 costs. Mitigated through financial and referee checks before contract award and timely progress payment.
- 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:

- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Mitigated through the tender process by requiring specified rates for each work item under a Schedule of Rates arrangement with upper and lower control limits. Contract payments are then calculated by multiplying the actual quantity for each work item by the tendered rate. Actual quantities are confirmed by Council through measurement / survey prior to payment.

Risk Contingency

The above risks are considered to be medium for this contract given the difficulty to control scope and the nature of the work. Accordingly, it is recommended that a contingency sum of \$114,910.00 (excl GST) representing approximately 20% of the contract sum be approved.

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre (contd)

BUDGET

Because the contracts are of the nature of standing offer arrangements, purchases will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself.

The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. The estimated value of Part 1 including CPI adjustments is estimated at \$410,100.00 (excl. GST) and for Part 2 including CPI adjustments is estimated at \$164,450.00 (excl. GST).

The actual cost will depend on fluctuations of the number of facilities being serviced, the number of alarm responses, guard services and the cost of technical work undertaken over the two year contract period. It is estimated that final contract cost could vary by up to 20%.

TIME-FRAME

The contract is for a period of two (2) years, with the option to extend for a further one (1) year. The (extended) completion date will thus be late 2014.

APPROVALS

No Approvals required.

CONCLUSION

The tender documentation for security requirements at The Entrance Town Centre and various Council facilities has been structured to explore options of separate contracts or a single contract. The assessment of tenders has revealed that Council will achieve the best value for money by awarding the contract in separate parts whereby capturing an estimated 4% cost saving over the initial two year contract period.

Part 1– (Provision of Security Services at various Council facilities)

Tender No 8 from Newcastle Security is the preferred 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 for award of Part 1.

Part 2 – (Provision of Security Services at The Entrance Town Centre)

Tender No 5 from Evolution Security NSW Pty Ltd is the preferred 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 for award of Part 2.

ATTACHMENTS

1 T145_Sensitivity Analysis_Alarm Responses _CPA/196431 D02775713

Sensitivity Analysis

The Schedule of Rates included an item for unscheduled alarm responses against which tenderers were asked to submit a rate only. In order to confirm that the cost of the unscheduled alarm responses would not alter the ranking of the preferred tender a sensitivity analysis was undertaken on the assumption that 960 unscheduled alarm responses would be required within the first two years of the contract. This estimated number was chosen based on historical records of the alarms respond to over the previous two years.

Part 1 – Provision of security services at various Council facilities.

The following table reflects the adjusted contract value against item 4 based on a quantity of 960 alarm responses.

Tender No	Tender	Tendered Rates (Ex. GST)	Tendered Rates incl. Item 4 analysis (Ex. GST)
1	Amazon Cleaning & Security	\$434,251.46*	\$471,447.10*
2	Business Security Management Solutions	\$493,084.36	\$534,975.27
3	Citiguard Protection Services	\$652,893.82	\$696,093.82
5	Evolution Security NSW Pty Ltd	\$418,806.18	\$447,606.18
8	Newcastle Security	\$403,949.56*	\$438,553.20*
10	SNP Security	\$609,618.11	\$652,818.11
11	Southern Cross Protection Pty Ltd	\$425,675.32	\$478,213.50
12	Unique Security Group	\$495,743.00	\$538,943.00

Parts 1 & 2 combined – Provision of security services at The Entrance Town Centre.

The following table reflects the adjusted contract value against item 4 based on a quantity of 960 alarm responses.

Tender No	Tender	Tendered Rates (Ex. GST)	Tendered Rates incl. Item 4 analysis (Ex. GST)
1	Amazon Cleaning & Security	\$648,800.10	\$685,995.74*
2	Business Security Management Solutions	\$633,585.27	\$675,476.18
5	Evolution Security NSW Pty Ltd	\$589,590.18	\$618,390.18
8	Newcastle Security	\$613,039.56	\$647,643.20*
10	SNP Security	\$797,308.66	\$840,508.66
11	Southern Cross Protection Pty Ltd	\$645,790.44	\$698,328.62
12	Unique Security Group	\$701,171.36	\$738,916.82

4.3 CPA/197481 - Operation and Management of Councils Four Holiday Parks

TRIM REFERENCE: CPA/197481 - D02780238

AUTHOR: Reg Norris; Engineer

MANAGER: Andrew Pearce; Manager Contracts and Project Management

SUMMARY

Evaluation of tenders for Contract No. CPA/197481 Operation and Management of Councils Four Holiday Parks located within Wyong Shire Council.

RECOMMENDATION

- 1** *That Council accept the tender from Australian Tourist Park Management (alternative fee proposal 3) as completed in Section 10: THE FEE within Attachment 1 of the tender documents, Returnable Forms and Schedules – Part C for the period of up to three (3) years with an option to extend for an additional two (2) years.*
- 2** *That Council delegate authority to the General Manager to approve the option to extend the contract period for the additional two years subject to satisfactory performance.*
- 3** *That Council enter into four separate contracts, one for each Holiday Park, in acceptance of the tender of Australian Tourist Park Management (alternative fee proposal 3)*

BACKGROUND

Wyong Shire Council (Council) currently administers four Holiday Parks located at Budgewoi, Canton Beach, Norah Head and Toowoan Bay. These holiday parks with the exception of Canton Beach are owned by the Crown with Council assuming the responsibility of care, control and management as Trustee. Canton Beach however varies in that the ownership/management is separated into three parcels: Crown land lease, Council as trustee for the Crown and direct ownership by Council. The financial surplus is re-distributed back into Crown Reserves across the shire. The revenue has increased from \$5,918,016.00 in 2005/06 to \$8,447,667.00 in 2010/11. The surplus made available for improvements on Crown Lands surrounding the holiday parks and specific areas as approved by the Department of Lands has increased from \$1,394,785.00 in 2005/06 to \$1,861,854.00 in 2010/11.

In 2006 Council engaged consultants Integrated Site Design to develop a business strategy with a view to guiding development and management of Council's Central Coast Holiday Parks over the next five years (2006-2011). That strategy was finalised in August 2006. The strategy itself outlined the actions required to give the holiday parks the capacity to deliver appropriate financial outcomes to Council on an ongoing basis. The directions and recommendations contained within the strategy were conveyed to Council in the form of various reports to Council and briefings between August 2006 and December 2007. Those works, which included two resort swimming pools, camp kitchens, bunk accommodation, en-suites, jumping pillows, outdoor theatres, barbeque facilities and refurbishments works to improve desirability are now nearing completion.

In conjunction with the upgrading strategy, a review of the operation and management of the four holiday parks was undertaken. This highlighted that, in some cases, park management focused on the daily, operational activities and less on the development, marketing and enhancement of the parks. Such a focus was viewed as being sub-optimal for the achievement of Council's longer term social and commercial objectives for its holiday parks.

In 2006 Council resolved to move away from the previous model of management and call tenders for the operation and management of its parks based on defined contractual arrangements where park managers were in the main remunerated on profit rather than income collected (revenue) at of the each parks. To that end, tenders were called in 2006 and Council at its meeting of August 23, 2006 resolved that Australian Tourist Park Management (ATPM) be awarded the contract to operate and manage Councils four holiday parks. That Contract commenced on 1 November 2006 for a period of three (3) years with the provision for an extension of two (2) years. With the approval of Council that two year extension was granted which will result in this current contract reaching termination on 31 October 2011.

With the current contract with ATPM reaching expiration on 31 October 2011, it is in the interest of Council to test the market by calling fresh tenders to operate and manage its four holiday parks. Revised documentation has been developed. The current documentation will necessitate a greater emphasis on contractors' entrepreneurialism, innovation and accountability which in turn is driven by a determination to secure better outcomes for Council, ratepayers and other stakeholders.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 2 August 2011 and the Central Coast Express Advocate on 3 August 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 26 August 2011.

The invitation documents called for Tenders to be submitted based on a fixed retainer and a nominated percentage of the gross profit for each of the four holiday parks, together with hourly labour rate for contract variations. The documentation included a Request for Tender (RFT) with eight attachments. Provisions were available within Attachment 1- Returnable forms and Schedules for alternative tenders to be submitted that could allow Council to consider cost saving alternatives.

A compulsory pre-tender meeting was held at the Council administration Building on 12 August 2011 to allow tenderers to become familiar with site conditions.

4.3 CPA/197481 - Operation and Management of Councils Four Holiday Parks (contd)

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

- 1 Minutes of the pre-tender meeting –addenda issued 15 August 2011
- 2 Extent of detail required for the two page synopsis of each of the seven Operational Plans. Addenda issued 18 August 2011

Tenders closed at Council Chambers at 26 August 2011.

EVALUATION OF TENDERS

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

Threshold Criteria (Essential criteria)

- 1 Compliance with Tender documents, including lodgement of tender by specified time and all relevant schedules, information and addenda are acknowledged.
- 2 Financial standing and a demonstrated financial capacity to undertake the contract.
- 3 Ability to manage environmental, operational and safety risk.

The above Essential Criteria are Mandatory.

Weighted Criteria

Local Content

1. Assessed level of Local Content (refer Local Preference Policy – Procurement)
(10% - fixed) this is a MANDATORY weighted criteria

Others

- | |
|--|
| <p>(a) Capacity to perform the agreement including</p> <ol style="list-style-type: none">i Quality of personnel / company<ul style="list-style-type: none">▪ Human Resource capacity, qualifications, skills and experience▪ Industrial relations, track records and practices▪ Stability of personnel / company (including years in business and security aspects)ii Previous experience of the respondent (tenderer) and standard of performance in the tourism and hospitality industries, particularly holiday park operation, maintenance and managementiii Knowledge and demonstrated application of relevant legislation<ul style="list-style-type: none">▪ Compliance with applicable legislation and standards |
| <p>iv. Standard of Service</p> <ul style="list-style-type: none">▪ Standard and quality of service on recently completed and current contracts as measured by reference and referees▪ Referee Reports▪ Quality of tenderers Contract Implementation Plan |

v Entrepreneurial ability <ul style="list-style-type: none"> ▪ Commercial business acumen including entrepreneurial ▪ Experience and ability ▪ Adequacy of Marketing Plan and capacity to work in concert with Council to effectively market and promote the Tourist Parks
vi Quality Management <ul style="list-style-type: none"> ▪ Implementation status and demonstrated effectiveness of quality System ▪ OHS&R Systems and record keeping
vii Co-ordination of Sub-contractors <ul style="list-style-type: none"> ▪ Demonstrated ability to effectively co-ordinate and manage sub-contractors ▪ Suitability of sub-contractors
viii Commitment to client service <ul style="list-style-type: none"> ▪ Customer service focus and commitment ▪ Demonstrated commitment to achieving client service including tourists and other park / facility end users ▪ A record of ethical behaviour and service delivery
ix Environmental Management <ul style="list-style-type: none"> ▪ Environmental management systems - demonstrated record of environmental issues
(b) Tendered amount under Section 10: THE FEE (Returnable Forms & Schedules) including the hourly rates associated with contract variations.

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Community and Recreation Services. The Contract Development Plan is available on file.

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents, related correspondence and referees checks.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders
- Assessment of conformance 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.

Table 1 shows the percentage of “Gross Profit” recorded by each tenderer.

Tender No	Tender	Holiday Park	Monthly profit share %	Status
1.0	Australian Tourist Park Management (Complying)	Budgewoi	49%	Submitted on time
		Canton Beach	49%	
		Norah head	40%	
		Toowoan Bay	30%	
		“Combination Tender” all 4 parks	39.5%	
1.1	Australian Tourist Park Management Alternative proposal 1-amended security	Combination Tender for all 4 Holiday Parks	37.5%	Submitted on time
1.2	Australian Tourist Park Management Alternative fee proposal 2-reduced reception hours	Combination Tender for all 4 Holiday Parks	38.5%	Submitted on time
1.3	Australian Tourist Park Management Alternative fee proposal 3-amended Security and reduced reception hours	Combination Tender for all 4 Holiday Parks	36.5%	Submitted on time
2	Free Spirit Management Pty Ltd (Complying)	Budgewoi	49.5%	Submitted on time
		Canton Beach	52.2%	
		Norah head	42.5%	
		Toowoan Bay	33%	
		“Combination Tender” all 4 parks	42%	
3	KDH Management (Complying)	Budgewoi	61.16%	Submitted on time
		Canton Beach	63.79%	
		Norah head	46.6%	
		Toowoan Bay	38.03%	
		“Combination Tender” all 4 parks	46.55%	

Table 1 and Table 2 a, b and c both form part of Section 10: THE FEE and are included in the recommendation to Council.

Position Type	Time Band	Weekday	Saturday	Sunday	Public Holiday
Nominated Manager-Toowoan Bay & Norah Head	6.00 am – 8.00 pm	\$36.00	\$54.00	\$72.00	\$90.00
	8.00 pm – 6.00 am	\$43.00	\$65.00	\$86.00	\$108.00
Nominated	6.00 am – 8.00 pm	\$35.00	\$52.50	\$70.00	\$87.50

Position Type	Time Band	Weekday	Saturday	Sunday	Public Holiday
Manager-Budgewoi & Canton Beach	8.00 pm – 6.00 am	\$42.00	\$63.00	\$84.00	\$105.00
Assistant Manager	6.00 am – 8.00 pm	\$30.00	\$45.00	\$60.00	\$75.00
	8.00 pm – 6.00 am	\$36.00	\$54.00	\$72.00	\$90.00
Office Manager	6.00 am – 8.00 pm	\$29.00	\$43.50	\$58.00	\$72.50
	8.00 pm – 6.00 am	\$35.00	\$52.00	\$70.00	\$87.00
Office Worker	6.00 am – 8.00 pm	\$27.00	\$40.50	\$54.00	\$67.50
	8.00 pm – 6.00 am	\$32.00	\$49.00	\$65.00	\$81.00
Grounds person	6.00 am – 8.00 pm	\$27.00	\$40.50	\$54.00	\$67.50
	8.00 pm – 6.00 am	\$32.00	\$49.00	\$65.00	\$81.00
Cleaner	6.00 am – 8.00 pm	\$26.00	\$39.00	\$52.00	\$65.00
	8.00 pm – 6.00 am	\$31.00	\$47.00	\$62.00	\$78.00

Table 2 b shows the labour Costs tendered for any future “Contract Variations”-Free Spirit Management Pty Ltd

Position Type	Time Band	Weekday	Saturday	Sunday	Public Holiday
Nominated Manager	6.00 am – 8.00 pm	\$36	\$36	\$36	\$36
	8.00 pm – 6.00 am				
Assistant Manager	6.00 am – 8.00 pm	\$31	\$31	\$31	\$31
	8.00 pm – 6.00 am				
Office Manager	6.00 am – 8.00 pm	\$29.30	\$29.30	\$29.30	\$29.30
	8.00 pm – 6.00 am				
Office Worker	6.00 am – 8.00 pm	\$25	\$25	\$25	\$25
	8.00 pm – 6.00 am				
Grounds person	6.00 am – 8.00 pm	\$25	\$25	\$25	\$25
	8.00 pm – 6.00 am				
Cleaner	6.00 am – 8.00 pm	\$25	\$25	\$25	\$25
	8.00 pm – 6.00 am				
Other (please Nominate)-After hours Security	6.00 am – 8.00 pm	\$50	\$50	\$50	\$50
	8.00 pm – 6.00 am				

Table 2 c shows the labour Costs tendered for any future “Contract Variations”-KDH Management

Position Type	Time Band	Weekday	Saturday	Sunday	Public Holiday
Nominated Manager	6.00 am – 8.00 pm	\$42	\$47	\$52	\$67
	8.00 pm – 6.00 am	\$47	\$52	\$57	\$72
Assistant Manager	6.00 am – 8.00 pm	\$35	\$40	\$45	\$50
	8.00 pm – 6.00 am	\$40	\$45	\$50	\$55

Position Type	Time Band	Weekday	Saturday	Sunday	Public Holiday
Office Manager	6.00 am – 8.00 pm	\$30	\$35	\$40	\$45
	8.00 pm – 6.00 am	\$35	\$40	\$45	\$50
Office Worker	6.00 am – 8.00 pm	\$28	\$33	\$38	\$43
	8.00 pm – 6.00 am	\$33	\$38	\$43	\$48
Grounds person	6.00 am – 8.00 pm	\$27	\$32	\$37	\$42
	8.00 pm – 6.00 am	\$32	\$37	\$42	\$47
Cleaner	6.00 am – 8.00 pm	\$27	\$32	\$37	\$42
	8.00 pm – 6.00 am	\$32	\$37	\$42	\$47
Other (please Nominate)- Operations Manager	6.00 am – 8.00 pm	\$50	\$55	\$60	\$70
	8.00 pm – 6.00 am	\$55	\$60	\$65	\$80

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Complying and Alternative Tender No's 1.0,1.1,1.2,1.3 from Australian Tourist Park Management and Tender No's 2 and 3 from Free Spirit Management Pty Ltd and KDH Management all conformed to all requirements with the exception of missing detail in relation to the Local Preference Policy. Clarifications were sought from tenderers. After receipt of the requested information all tenderers were then progressed to the next stage of evaluation.

Weighted Evaluation

Evaluation scoring was conducted in two stages i.e:

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;
2. Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation. Only the combined tender for the operation of all four parks have been provided in the below table. The "Combination Tender" to operate and manage all four parks minimises Councils administrative input and results in a reduced tendered percentage of the gross profit.

Tender No.	Tender	Tendered Percentage of Gross Profit (GP) for all Parks	Tendered Lump Sum/Annum based on 2010/2011 GP (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
		%		Most Competitive Offer
1.3	Australian Tourist Park Management Alternative fee proposal 3-amended Security and reduced reception hours	36.5	\$2,325,998.00	80.6
1.1	Australian Tourist Park Management Alternative fee proposal 1-amended Security	37.5	\$2,377,888.00	79.7
1.2	Australian Tourist Park Management Alternative fee proposal 2-reduced reception hours	38.5	\$2,429,779.00	78.8
1.0	Australian Tourist Park Management (complying tender)	39.5	\$2,481,669.00	77.9
2.0	Free Spirit Management Pty Ltd (Complying)	42.0	\$2,611,395.00	75.3
3.0	KDH Management (Complying)	46.55	\$2,847,496.00	71.2

Council received offers from three tenderers one of which provided three alternative proposals to that of the conforming tender. The most competitive offer after the weighted evaluation score was taken into account was from Australian Tourist Park Management (fee proposal 3). Australian Tourist Park Management's conforming tender together with the above three alternative proposals all rated higher than that of conforming tender of both Free Spirit Management Pty Ltd and that of KDH Management

The three alternative tender options provided by Australian Tourist Park Management represent a marginal reduction in service over that of the tendered specification, with option 1.3 providing Council with a reduction in contract payments of \$155,671.00/annum compared with that of the complying tender. This amount is based on calculations using the Gross Profit for 2010/2011.

Alternative proposal three provides for reduced operating hours for the reception area in periods throughout the year when demand for this service is minimal together with an amended security approach where a greater responsibility is assigned to the managers and assistant managers at each respective park. This alternative security proposal still represents a 100% increase in funding for security over that in the present contract with ATPM. Council has reviewed the amended levels of service under alternative proposal 3 and considers ATPM proposal acceptable. The security in this proposal is a \$100,000.00 increase over the current level of security. If the level of security is found to be insufficient, a contract variation will be required to increase the security Monday to Friday during the April and July school holidays at Canton Beach and Budgewoi Holiday Parks as these are the only days within any holiday period where security is not present. This will be an increased cost of \$6,400.00.

2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

(Refer to clause E.7 of policy)

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Service
Method to Determine Financial Impact Limitations	2.5% above the price component of the Most Competitive Offer, up to a maximum of \$50,000.00
Price Component of Most Competitive Offer (ATPM Fee Proposal 3)	\$ 2,325,998.00
Financial Impact Limitation To Be Applied to Preferred Offer	Maximum of \$50,000.00 to apply

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Lump Sum based on tendered % of GP 2010/2011 (Ex. GST)	Weighted Evaluation Score	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score
			(Pre-application of Local Preference)		(Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
1.3	Australian Tourist Park Management Alternative fee proposal 3-amended Security and reduced reception hours	\$2,325,998.00	80.6	\$968,447.00	84.7
1.1	Australian Tourist Park Management Alternative fee proposal 1-amended Security	\$2,377,888.00	79.7	\$1,010,447.00	83.9
1.2	Australian Tourist Park Management Alternative fee proposal 2-reduced reception hours	\$2,429,779.00	78.8	\$1,071,887.00	83.2
1.0	Australian Tourist Park Management (complying tender)	\$2,481,669.00	77.9	\$1,113,887.00	82.4
2.0	Free Spirit Management Pty Ltd (Complying)	\$2,611,395.00	75.3	\$1,374,750.00	80.5
3.0	KDH Management	\$2,847,496.00	71.3	\$891,415.00	74.3

Due Diligence

Alternative Tender (fee proposal 3- No 1.3) from Australian Tourist Park Management 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 Australian Tourist Park Management possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the contract service.

Australian Tourist Park Management is a company located in Marine Parade Coolangatta Queensland with a history of successfully completing contracts similar in nature and scope to the current service. The company has in place fully documented plans that relate to procedures for landscaping, asset cleaning, local marketing, OHS & R, security and environmental/waste management for holiday park management. These documented plans are required and form part of the requirements under this contract.

The percentage of gross profit tendered/annum (fee proposal 3) by Australian Tourist Park Management will reduce Councils contract payment/annum by \$104,600.00 using the 2010/2011 financial data. In addition the new tender specification has elements that require the tenderer to provide an increased level of service including the payment of the Crown Land lease at Canton Beach. The effective reduction in financial commitment by Council under this new contract is in the order of \$200,000.00 compared to that of the current contract.

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 works/service being undertaken.

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 Councils contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the percentage tendered including the retainer to allow for unforeseen additional works/services 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 an inability to adequately manage the holiday parks. Mitigated through financial and referee checks and the provision of a security deposit, before contract award and timely progress payments.
- Inadequate management of the holiday park resulting in a degrading of the asset, loss in revenue 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 adherence to 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:

- Changes to regulatory requirements/standards requiring contract variations. Mitigated by using latest information in tender documents.
- Brief does not adequately cover the required service and additional investigations are found to be necessary during the period of the contract. Mitigated by preparation of comprehensive brief and peer review of documentation prior to inviting tenders.
- Additional services required during the contract period. The contract includes unit rates for labour to accommodate changes to the type of service and changes in levels of service.

Risk Contingency

The above business risks are considered to be medium for this contract given the value of the contract and the nature of the work. As this contract is based on a tendered percentage of the gross profit plus a nominated retainer, any contract payments are taken from the holiday park income (revenue). Provided the parks maintain profitability there will be funds available to meet contract payments. Due to the nature of this contract there is no need to set aside a contingency amount as would apply to a works contract. The amount paid under this contract will vary according to the gross profit

BUDGET

Funding for this service contract will be taken from that section related to the Holiday Parks Service Unit contained within the 2011/2012 Annual Plan.

TIME-FRAME

This service contract is to commence at the expiration of the existing period contract. Nominated commencement is 1 November 2011. The contract period is for three years with a Principal determined extension for an additional two years. Included within the contract is a requirement for the successful contractor to develop and provide to Council for approval documented plans that relate to procedures for landscaping, asset cleaning, local marketing, OHS & R, security and environmental/waste management for holiday park operations. These plans are generally required within three months of the letter of acceptance

APPROVALS

There are no specific approvals required prior to the awarding of this contract by Council

CONCLUSION

Since the original tender was let in August 2006, Council over the last 5 years has expended more than \$4.6 million in capital upgrades to the holiday parks. Those works together with the Council driven change to managing its parks has improved both the presentation and tourist numbers at all the parks. In turn there has been a substantial increase in the quality of tenders received in this latest round compared with those tenders received in the initial calling in 2006.

Tender No CPA/197481 (Option, alternative fee proposal 3) from Australian Tourist Park Management is the highest scoring tender and meets all of Council's requirements for this contract. This company has provided a similar service to Council for over the last five years (three year contract plus two year extension). That contract has been without major contractual issues and the relationship has been favourable over the period of this contract. This contractor has responded to direction in a timely manner and as such there is no resistance to offering another period contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.4 Provision of Security and Gate Keeping Services at Buttonderry Waste Management Facility

TRIM REFERENCE: CPA/201071 - D02776468
AUTHOR: Elfi Blackburn; Coordinator Waste Management
MANAGER: Andrew Pearce; Acting Director Infrastructure Management

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/201071 Provision of Security and Gate Keeping Services at Buttonderry Waste Management Facility

RECOMMENDATION

That Council accept tender no. 2 from Business Security Management Solutions Pty Ltd for a period of up to three years commencing on 5 December 2011. The estimated expenditure against this contract is outlined in the Confidential Attachment and includes a 5% contingency. However actual expenditure may vary with fluctuations in demand and annual adjustments for rise and fall.

BACKGROUND

Since January 1999 Council has directly managed the operation of the Buttonderry Waste Management Facility (BWMF) using a combination of internal and external resources. The site is utilised not only as a landfill but also as a recycling facility for metals, concrete and general recyclables and accommodates an organics processing facility.

Citiguard Protection Services Pty Ltd is the current contractor and has provided the security and gate keeping services since December 2006. The current contract commenced in 2008 and expires on 4 December 2011. Fresh tenders have been called for a new contract with similar requirements and provisions as the current contract and with a term of three years.

The gate keeping services are provided by a contractor to ensure the separation of fee collection from the operational waste disposal and recycling activities which are undertaken by Council. This separation is important to minimise fraud and to demonstrate independence particularly in relation to waste levy payments to the NSW State Government. Also, contractors have specialist training and hold licences that permit guards to provide security services on site and protect staff in the event of threatening behaviour displayed by customers.

Tenderers were required to provide a weekly fee for the provision of a minimum of two security personnel during the operational hours of BWMF to operate the weighbridge and gatehouse, identify incoming waste, operate the computer based transaction system, reject unacceptable waste materials, apply and collect the appropriate disposal fees and secure and bank all cash and cheque receipts collected on Council's behalf.

In addition, tenderers were required to provide an hourly rate to be used for the valuation of any additional work required by Council outside the scope of the contract works. For example, upgrading the transaction database, software or calibration of the weighbridges is generally undertaken after hours to minimise disruptions to the operations and would require the utilisation of the hourly rate.

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

The tender documents provided that the contractor take responsibility for all cash, cheque, eftpos and credit card receipts from the facility and to reimburse Council for such takings on a weekly basis. In order to secure the Contractor's performance and compliance with the Contract, the Contractor is required to submit a bank guarantee in the amount of \$200,000.00.

All tenderers are security companies with background in cash collection, static patrol, gate house operation, control and providing general security services.

The contract requires the provision of two gatehouse operators at all times to limit opportunities to commit fraud. In addition, the gatehouse is monitored by security cameras and site staff undertake regular audits to determine the accuracy of the weighbridge operator's classification of waste and application of associated charges.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 16 August 2011 and the Central Coast Express Advocate on 10 August 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 1 September 2011.

The invitation documents called for schedule of rate tenders, based on a detailed specification.

No addenda were issued. Tenders closed at Council Chambers at 2.00 pm on 1 September 2011.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members using the following threshold and weighted criteria:

Threshold Criteria:

- 1 Conformance with the requirements of the tender documents.
- 2 Ability to manage operational and safety risk.

Weighted Criteria:

- 1 Assessed level of Local Content (MANDATORY)
- 2 Price.
- 3 Company experience and capacity to perform the service
- 4 Methodology Statement

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.

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderers.

Assessment of Receipt

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

Tender No	Tender	Status
1	Allegiance Investigations & Security Services Pty Ltd (Allegiance)	Submitted on time
2	Business Security Management Solutions Pty Ltd t/a BSMS Security (BSMS)	Submitted on time
3	Citiguard Protection Services Pty Ltd (Citiguard)	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Allegiance) conformed to all requirements and was progressed to the next stage of evaluation.

Tender No 2 (from BSMS) claimed 100% Local Content (Schedule 8) even though the company is based in Newcastle. Also, Schedule 10 - Proposed Security Personnel and the proposed staff roster nominated four staff as the main personnel to be provided under the proposed contract. However, those four proposed staff differed from those for whom Local Content was claimed in Schedule 8. The panel sought clarification on this matter and the firm advised that the Local Content amounts to 69% of the tendered weekly rate and clarified the proposed staffing arrangement. The panel decided to accept the clarification and the tender was progressed to the next stage of evaluation.

Tender No 3 from Citiguard did not include an amount for the value of the Local Content, but instead stated that all staff are residents of the Central Coast. The panel sought clarification from the company. Citiguard advised that 71.48% of the tendered weekly rate constitutes Local Content. The panel decided to accept the clarification and the tender was progressed to the next stage of evaluation.

Weighted Evaluation

Evaluation scoring was conducted in two stages i.e:

1. Prior to application of Council's Local Preference Policy to establish the **Most Competitive Offer**, and;

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

2. Following application of the Local Preference Policy for the assesement of Local Content to establish the **Preferred Offer**.

Begin with scoring results prior to application of the Local Preference Policy. The following example text is provided.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation.

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
2	Business Security Management Solutions Pty Ltd t/a BSMS Security	84.0
3	Citiguard Protection Services Pty Ltd	79.9
1	Allegiance Investigations & Security Services Pty Ltd	50.8

Tender Number 1 (from Allegiance) received the lowest ranking with a score of 50.8. The comparatively low score reflects the high tendered rate. The company has some experience in operating gatehouses, but is mainly involved in providing security services, protection of cash and patrolling.

Tender Number 3 (from Citiguard Protection Services) received a score of 79.9. The score reflects the company's sound understanding of the required services and its experience gained while providing the current security and gate keeping services. However, the tendered weekly rate resulted in the company being ranked second.

Tender Number 2 (from BSMS Security) is the Most Competitive Tender with a score of 84.0. While the company has some experience in providing gatehouse duties including logging of vehicles and checking induction passes before allowing access to controlled site, it has limited experience in processing transactions that involve payments and operating a computerised database. BSMS has a strong background in providing security services and patrolling and was recently awarded Council's cash collection contract. Referee checks undertaken were highly positive and established that the company is very professional, cooperative and provide good services. BSMS confirmed that all staff will be paid in accordance with the Security Services Industry Award 2010.

2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	3.5% above price component of Most Competitive Offer, with a maximum of \$35,000 applicable to this category of contract.
Price Component of Most Competitive Offer	As per Confidential Attachment
Financial Impact Limitation To Be Applied to Preferred Offer	As per Confidential Attachment

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Weighted Evaluation Score (Pre-application of Local Preference)	Weighted Evaluation Score (Post application of Local Preference)
		83.5	Preferred Offer
2	Business Security Management Solutions Pty Ltd t/a BSMS Security	84.0	90.5
3	Citiguard Protection Services Pty Ltd	79.9	86.6
1	Allegiance Investigations & Security Services Pty Ltd	50.8	55.7

Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender no. 1 from Business Security Management Solutions Pty Ltd was assessed as the Preferred Offer and was therefore progressed to the due diligence state of the evaluation process.

Due Diligence

Tender No 2 (from BSMS) was subjected to an in-house safety system assessment and referee checks.

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

On the basis of the information provided by the tenderer and independent referees, it is considered that Business Security Management Solutions Pty Ltd possesses all of the technical and managerial resources necessary to satisfactorily complete the service.

Business Security Management Solutions Pty Ltd is a Newcastle based contractor with a history in the provision of security services, gatehouse operations and patrolling. The company has in place fully documented and accredited Occupational Health Safety Management System.

The amount tendered by Business Security Management Solutions Pty Ltd is within 10% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

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 costs. Mitigated through security deposit and referee checks before contract award and timely progress payments.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

4.4 Provision of Security and date Keeping Service at Buttonderry Waste Management Facility (cont.)

Specific Risks Leading to Contract Variations

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

- Risk of fraud through staff failing to collect the appropriate disposal fee. Mitigated by a security camera installed in the gatehouse, operators are required to work in pairs and regular audits of transactions.
- Contractor fails to reimburse Council for the weighbridge takings on a weekly basis. Mitigated by a \$200,000 security bond that covers approximately four weeks of takings combined with weekly reviews by Credit Management of outstanding payments.

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 as outlined in the Confidential Attachment representing approximately 5% 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 high probability that the contract budget as outlined in the Confidential Attachment, which incorporates the contingency allowance, will not be exceeded.

BUDGET

This contract is funded from the Buttonderry Operational Budget and the costs are included in the financial model for waste. The tendered prices are subject to annual CPI increases.

TIME-FRAME

The contract will commence on 5 December 2011 and has a term of three years.

APPROVALS

No approvals are required.

CONCLUSION

Tender No 2 from Business Security Management Solutions Pty Ltd 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 CONFIDENTIAL ATTACHMENT - CPA 201071 Security and gate keeping services Buttonderry Waste Management Facility (D02778718 - *Distributed under seperate cover*)

5.1 Review of the Impacts of Council's Local Preference Policy

TRIM REFERENCE: F2007/01410 - D02751585

AUTHOR: John McCarthy; Purchasing Coordinator

MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

This report reviews the financial and likely business impacts of Council's Local Preference Policy over the last six months of operation.

RECOMMENDATION

- 1** *That Council receive the report on the impact of Council's Local Preference Policy.*
- 2** *That Council adopt Option 1 for the continuation of the Local Preference Policy.*

BACKGROUND

This report details the financial and likely business impacts of Council's Local Preference Policy (LPP) for the period between April 2011 and September 2011.

At the Ordinary Meeting held on 25 November 2009 it was resolved unanimously on the motion of Councillor McBride and seconded by Councillor Matthews as follows:

- "1 That Council adopt the draft Local Preference Policy - Procurement (as per Attachment 1).*
- 2 That subject to adoption of Recommendation 1, the Local Preference Policy - Procurement commence from 1 March 2010."*

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

AGAINST: NIL"

After twelve months in use and in accordance with both ICAC recommendations and the requirements of Council's Local Preference Policy, a report must be submitted to Council detailing the following:

ICAC requirements (September 2001):

“Council’s who have adopted a Local Preference Policy should:

report annually on their use of local preference procurement, including who the beneficiary of the decision was, the number of instances local preference was applied, and the measures taken by council to measure the cost and effectiveness of such a policy”

In addition, Council’s Local Preference Policy states:

“On an annual basis, or at shorter intervals as deemed necessary by the General Manager, a report will be prepared for inclusion in a Council business paper detailing the outcomes of applying this Policy, including:

- The number of times that application of this Policy influenced procurement decisions.*
- The names of beneficiaries of decisions made through application of this Policy.*
- The financial implications to Council in applying this Policy.*
- The effectiveness of this Policy in developing and promoting business and industry within the Local region.*
- Recommendations for amendments to this Policy”*

At the Ordinary Meeting held on 23 March 2011, after consideration of a report on the first year’s impacts of the LPP, it was resolved unanimously on the motion of Councillor McBride and seconded by Councillor Matthews as follows:

- “1 That Council receive the report on the impact of Council’s Local Preference Policy.*
- 2 That Council adopt Option 1 for the continuation of the Local Preference Policy.*
- 3 That Council consider a further report in 6 months.”*

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

AGAINST: NIL

The following report addresses resolution 3 detailing the impacts of the LPP over the last six months.

RESULTS

The number of times application of the Local Preference Policy influenced procurement decisions for the period 1 April 2011 to approximately 30 September 2011.	4
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BENEFICIARIES

The following table lists the names of businesses that have benefited from the application of the Local Preference Policy over the last twelve months.

Business name of beneficiary	Total value of benefit	Number of times the supplier has received a benefit
ELN Ford Pty Ltd	\$243.87	1
Central Coast Ford Pty Ltd	\$606.26	3

FINANCIAL IMPLICATIONS

a) Direct Costs

The following table details the direct cost to Council in applying the Local Preference Policy for the period 1 April 2011 to approximately 30 September 2011.

Description of Cost	Value of direct incurred costs over the last 6 months (excl GST)
The financial implications to Council in applying the Local Preference Policy. This is the lost opportunity cost to Council by favouring Central Coast businesses as a result of applying the Local Preference Policy.	\$850.13

In addition to the above costs, there is the potential for a further cost of approximately \$10,490.00 to be incurred by Council. This is the result of the Local Preference Policy elevating the ranking order of a local contractor engaged under contract CPA/198064 – Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility.

The contract ranked a panel of preferred suppliers. In August 2011 the application of the Local Preference Policy elevated Andy's Earthworks Pty Ltd from 9th place to 8th place. Although contracted to Council as a preferred supplier, Andy's Earthworks Pty Ltd is yet to be engaged by Council as higher ranked contractors currently have the capacity to cater for Council's needs.

This contract expires on the 30 September 2012. At this stage, it is unlikely that Andy's Earthworks Pty Ltd Pty Ltd services will be required. As a consequence, there is only a low possibility that further direct costs will be incurred by Council as a result of applying the Local Preference Policy provisions to this tender.

b) Indirect Costs

Application of the Local Preference Policy had resulted in additional administrative costs incurred by Council staff. These costs are essentially a one off and are attributed to the setting up and training of staff in ensuring the correct application of the LPP. This phase of the policy implementation is over.

In the last 6 months approximately 233 purchase orders have required the correct application of the LPP. The process of ensuring the correct application of the LPP is now embedded into Council's procurement systems and given its limited impact on influencing decisions, is not currently considered a significant impost on Council resources.

EFFECTIVENESS OF LOCAL PREFERENCE POLICY IN DEVELOPING AND PROMOTING BUSINESS WITHIN THE LOCAL REGION

The major businesses that have benefited from the Policy have been Central Coast car dealerships.

It is noted that while the impact of the Policy itself in supporting local businesses has been minimal, approximately \$76M (64%) of Council discretionary expenditure is already currently spent with suppliers based on the Central Coast. Conversely, approx. \$44M (36%) is spent with suppliers located in other areas.

In considering the effectiveness of the Local Preference Policy it is noted that the policy has only operated for eighteen months. In that time no major tendering decisions have hinged on Local Content scoring outcomes. Under the policy a major construction tender involving a local and non-local supplier, equal in price and non price criteria, may well be influenced in favour of the local company.

In addition, it is also worth noting within the last six months Gosford City Council has also implemented a LPP. Gosford City Council's LPP is similar to Wyong's with the most notable difference being their policy only comes into effect when a purchase exceeds \$150K.

RECOMMENDATIONS FOR AMENDMENTS TO THE LOCAL PREFERENCE POLICY

Following the review a number of Options were identified for possible amendments to the Policy as detailed below.

OPTION 1

Leave the Policy in its current format and give it more time to impact on future procurement decisions.

Comment:

The Policy has only been in place for eighteen months, and a longer period of operation is justified to ascertain the benefits that might occur.

OPTION 2

Withdraw the Policy as it has had no significant impact on generating local employment opportunities.

Comment:

The Policy has only been in place for eighteen months, and a longer period of operation is justified to ascertain the benefits that might accrue. In addition, it will only take one major construction tender where both a local and non local supplier are equal in criteria for the policy to influence a local outcome.

OPTION 3

Amend the Policy by increasing the preference % or change the threshold limits that apply to the three purchasing categories. This is likely to increase the chances of engaging local businesses. However, this could significantly impact on additional costs to Council through greater "subsidy" of local companies in a competitive environment.

Comment:

The current preference % is considered reasonable in balancing the cost to the community of implementing the policy, and encouraging and supporting local businesses. In a competitive environment extra protection for local businesses should not be a principal focus of the Policy.

CONCLUSION

Given the relatively low impact of the Policy influencing purchasing decisions and the low cost impost to Council, it is recommended that the Policy continue in its current format with a further review to be conducted in 12 months time.

ATTACHMENTS

Nil.

5.2 Rate Payment Incentive Scheme 2011-12

TRIM REFERENCE: F2010/00500 - D02778264

AUTHOR: Darryl Telfer; Revenue Accountant

MANAGER: Cate Trivers; Chief Financial Officer

SUMMARY

Report of Council's 2011-12 Rate Payment Incentive Scheme.

RECOMMENDATION

That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2011-12.

BACKGROUND

At the Ordinary Meeting of Council on 22 June 2011, it was resolved to again conduct the rate payment incentive scheme in 2011-12.

To be eligible for entry, ratepayers had to have either paid the 2011-12 rates and charges including arrears by 31 August 2011 in full or to have elected to pay their 2011-12 rates in full or by instalments by the direct debit method. It should be noted that ratepayers paying in full received two tickets in the draw whilst those paying by direct debit received a single ticket.

THE PROPOSAL

It is proposed that the rate payment incentive scheme winner for 2011-12 be drawn.

OPTIONS

Continuation of the scheme in 2012-13 will be at the discretion of Council at the time that it adopts rates and charges for that year. This is expected to occur during June 2012.

Council is already committed to the scheme for the 2011-12 period, having resolved to conduct the scheme for 2011-12 at its Ordinary Meeting on 22 June 2011.

DRAFT

STRATEGIC LINKS

Annual Plan and 4 Year Delivery Plan

<i>Principal Activity</i>	<i>1 Year Annual Plan Actions 2011-2012</i>	<i>Financial Line Item No and Description</i>
Administration	Collection of payments for rates and charges	

Contribution of Proposal to the Principal Activity

A financial benefit estimated in the order of \$101,000 is expected to be realised by Council as a result of the cash flow benefits resulting from the early payment of rates and through reduced payment transaction costs resulting from ratepayers electing to pay using the direct debit method.

Link to Shire Strategic Vision

There is no direct link to any Key Focus Areas

Financial Implications

At the conclusion of the rate payment period, a total of 5,826 ratepayers had paid their rates in full, a decrease of 478 on the previous year. It is reasonable to assume that this reduction is a reflection of the difficult economic circumstances faced by many people within our community.

For the purpose of estimating the benefit to Council through additional interest opportunity it has been assumed that 50% of those who paid in full did so as a result of the scheme. Additionally the estimated benefit is based upon the investment return to Council through the earlier investment of these funds, at the 90 day bank bill rate, currently 4.87% p.a. as at 15 September 2011.

Whilst it is difficult to determine how many ratepayers paid their rates in full as a result of the incentive scheme, even if as few as 274 ratepayers did so in response to the scheme, the benefit to Council in additional interest opportunity would cover the value of the scheme's prize.

Additionally, 2,806 ratepayers elected to pay their rates in full or by instalments using direct debit, an increase of 82 on the previous year.

Although not eligible for inclusion in the rate payment incentive scheme, at the time of issue of the 2011-12 rate notices 1728 ratepayers had elected to pay by direct debit on weekly, fortnightly, four weekly or monthly intervals, an increase of 163 or 10.42% over the previous year.

Principles of Sustainability

Nil impact.

CONSULTATION

Details of the scheme were included in the A to Z of Council Services directory that was included with each rate notice issued by Council in July this year.

Additionally the scheme was advertised in Council's Shirewide column in the Central Coast Express on Wednesday 24 August 2011 and in a stand alone quarter page advertisement in the Friday 26 August 2011 edition of that newspaper.

GOVERNANCE

Section 4G of the Lotteries and Art Unions Act 1901 permits the conduct of gratuitous lotteries such as the Rate Payment Incentive Scheme without a permit.

CORPORATE RISKS

Nil impact

CONCLUSION

Conduct of the scheme provides Council with a significant financial benefit through increased investment income or reduced payment processing costs.

ATTACHMENTS

Nil.

5.3 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2011/01723 - D02779037
AUTHOR: Lisa Martin; Grants Officer
MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$7,040.00 from the 2011-12 Councillors' Community Improvement Grants as follows:

<i>Central Coast Community Chest (\$5,000-\$10,000) (\$500 already allocated)</i>	<i>Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.</i>	<i>500</i>
<i>Central Coast Family Support Service - Grandparents raising grandchildren (\$2000) (\$1000 already allocated)</i>	<i>Weekend Getaway (respite) Camp</i>	<i>200</i>
<i>Central Coast Foster Carers Support Group (\$1000) (\$650 already allocated)</i>	<i>Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.</i>	<i>200</i>
<i>Central Coast Hash House Harriers (\$2000)</i>	<i>To assist with the administrative costs associated with hosting/organising the Central Coast Half Marathon and 10km Fun Run.</i>	<i>2,000</i>
<i>Northlakes United Junior Rugby Union (\$240) (Emergency approved by GM)</i>	<i>To assist with ground fees incurred for hiring Slade Park on 9 October plus catering arrangements provided to participants and officials involved with the game.</i>	<i>240</i>
<i>Northern Women's Health Centre (\$600) (\$450 already allocated)</i>	<i>To provide a Calmbirth program to pregnant women and their birth partners.</i>	<i>150</i>
<i>The Salvation Army Oasis Youth Support Network (\$2000) (\$1350 already allocated)</i>	<i>Facilitate the workshops at the Salvation Army Oasis Centre</i>	<i>650</i>
<i>Toowoona Bay Ocean Swim 2011 (\$500)</i>	<i>To purchase two shade gazebos.</i>	<i>100</i>
<i>Toukley Swimming Club Inc (\$3100)</i>	<i>To purchase electronic timing equipment.</i>	<i>2,000</i>
<i>Toukley Torch Bearers for Legacy (\$1000) (Emergency approved by GM)</i>	<i>To assist with costs/advertising for Harry Moore OAM Memorial Legacy Golf Day</i>	<i>1,000</i>

BACKGROUND

Provision has been made in Council's Annual Plan for each Councillor to recommend to Council the donation of funds to individuals, local service, charitable or community organisations that 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.

In accordance with Clause 2.2 of the Councillor's Community Improvement Grants Policy available funding for the 2011/2012 financial year is \$112,500. Clause 2.2 states:

"In the financial year preceding a Local Government election, the allocation to the individual Councillors will be 75% of the allocation identified in Clause 1.1 and will be available to Councillors from 1 July to 31 May of that year."

THE PROPOSAL

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

OPTIONS

- 1 Approval of applications as submitted will provide a community benefit residents of the Shire.
- 2 Non approval could result in assistance not being provided to the community.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable 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 Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2011-12 financial year. Unspent approvals lapse 31 May 2012.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration.

GOVERNANCE

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

CORPORATE RISKS

Nil impact.

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.

Councillors' Community Improvement Grants 2011-12

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2011 - 31/05/2012		11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	11,250	112,500
Expenditure up to and including Ordinary Council Meeting of 14/09/2011		3,660	4,100	2,285	3,342	1,000	2,350	2,357	1,285	1,800	3,997	26,176
Available allocation as at 14/09/2011		7,590	7,150	8,965	7,908	10,250	8,900	8,893	9,965	9,450	7,253	86,324
Proposed Allocations for 12/10/11												
Central Coast Community Chest (\$5,000-\$10,000) (\$500 already allocated)	Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.								500			500
Central Coast Family Support Service - Grandparents raising grandchildren (\$2000) (\$1000 already allocated)	Weekend Getaway (respite) Camp					200						200
Central Coast Foster Carers Support Group (\$1000) (\$650 already allocated)	Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.					200						200
Central Coast Hash House Harriers (\$2000)	To assist with the administrative costs associated with hosting/organising the Central Coast Half Marathon and 10km Fun Run.		500	1,000						500		2,000
Northlakes United Junior Rugby Union (\$240) (Emergency approved by GM)	To assist with ground fees incurred for hiring Slade Park on 9 October plus catering arrangements provided to participants and officials involved with the game.						240					240
Northern Women's Health Centre (\$600) (\$450 already allocated)	To provide a Calmbirth program to pregnant women and their birth partners.					150						150
The Salvation Army Oasis Youth Support Network (\$2000) (\$1350 already allocated)	Facilitate the workshops at the Salvation Army Oasis Centre	300						350				650
Toowoomba Bay Ocean Swim 2011 (\$500)	To purchase two shade gazebos.		100									100
Toukley Swimming Club Inc (\$3100)	To purchase electronic timing equipment.						2,000					2,000
Toukley Torch Bearers for Legacy (\$1000) (Emergency approved by GM)	To assist with costs/advertising for Harry Moore OAM Memorial Legacy Golf Day	100	100			100		250	450			1,000

ATTACHMENTS

Nil.

5.4 Representation by Councillors on Committees and External Organisations

TRIM REFERENCE: F2004/08792 - D02784868

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

This report is to confirm Mayoral and/or Deputy Mayor representation and to elect Councillor representation on Committees of Council and external organisations for the ensuing Mayoral Term – September 2011 to September 2012.

RECOMMENDATION

- 1 That Council nominate a Councillor representative to the Wyong Shire Governance Committee for the next 12 months.**
- 2 That Council nominate a Councillor representative to the Wyong Shire Grants Committee for the next 12 months.**
- 3 That Council nominate a Councillor representative to the Senior Citizens Committee for the next 12 months.**
- 4 That Council nominate a Councillor representative to the Wyong Shire Sports Committee for the next 12 months.**
- 5 That Council nominate a Councillor representative to the Central Coast Regional Organisation of Councils Executive Group for the next 12 months.**

BACKGROUND

Council at its extraordinary meeting held on 1 October 2008 elected Councillor Representation to Committees and external organisations for the term of Council.

Subject to the outcome of each Mayoral and Deputy Mayoral election during the term of Council, the representation of Committees may have to be adjusted to reflect the new status.

In addition Councillor Symington has advised that, due to family commitments and other reasons, he wishes to withdraw from his position as Councillor Delegate on the Wyong Shire Council Governance Committee and the Gosford/Wyong Water Authority (GWWA). A replacement delegate is required to be elected for the Governance Committee, however is not required for the GWWA.

THE PROPOSAL

This report is to confirm Mayoral and/or Deputy Mayor representation and to elect councillor representation on Committees of Council and external organisations for the ensuing Mayoral Term – September 2010 to September 2011. It also indicates two vacant positions as a result of Councillor Symington’s withdrawal from membership.

The following committees, panels or external associations require representation of the Mayor and/or Deputy Mayor by virtue of the Office:

REPRESENTATION ON WSC COMMITTEES

The Act declares that the Mayor shall be the Chair of each committee and the GM has a right of attendance. The Act also provides for a Councillor elected as Chairperson by the Council in the event the Mayor chooses to pass over his/her statutory rights. The Mayor has indicated his intentions in respect of Chairpersonship. He wishes to be chairperson of the Beach Liaison, Governance and Tuggerah Lakes Estuary, Coastal and Floodplain Management Committees. The vacancies are indicated in the table below:

WSC Committees

Group	Required	Current Representation	Vacancy
Beach Liaison Committee	Mayor and two Councillors	Councillor Graham (as Mayor) Councillor Matthews Councillor McNamara	Nil
Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee	Mayor and three Councillors	Councillor Graham (as Mayor) Councillor Wynn Councillor Webster Councillor McBride	Nil
Governance Committee	Mayor, two Councillors and an alternate	Councillor Graham (as Mayor) Councillor Wynn Councillor Delegate – (vacant) formerly Councillor Wynn) Councillor Vincent (alternate)	Councillor Delegate
Consultative Committee	Mayor and one Councillor	Councillor Delegate Matthews Councillor Delegate Symington	Nil (already two Clrs attending)

5.4

Representation by Councillors on Committees and External Organisations (contd)

Group	Required	Current Representation	Vacancy
General Manager Performance Review Panel	Mayor, Deputy Mayor and one Councillor	All 10 Councillors	Nil
Grants Committee	Mayor and three Councillors	Eaton Matthews Vincent	Councillor delegate to replace Mayor
Senior Citizens Committee	Mayor One Councillor and one alternate	Best Eaton (alternate)	Councillor delegate to replace Mayor
Sports Committee	Mayor and three Councillors	McBride McNamara Symington	Councillor delegate to replace Mayor
Strategic Finance Committee*	Mayor or Chair elected by the Council(chair) Minimum two other Councillors All Councillors invited <i>*Resolved at 27/4/11- to elect permanent members after Committee Structure Review</i>	McBride (Chair) Councillor Delegate Councillor Delegate	<i>*Resolved at 27/4/11- to elect permanent Councillor Delegates after Committee Structure Review</i>
Joint Regional Planning Panel	Mayor and one Councillor alternate. 1 staff member and 1 alternate staff member.	Graham Symington (alt) G Vereker M Johnson (alt)	Nil.

Councillor Delegates on External Committees

Some external Committees/Groups nominate the Mayor by virtue of office as delegate. Each Committee or group would have to reconsider its constitution or charter if the Mayor did not wish to act as WSC delegate.

Councillor Wynn was formerly elected as a Councillor delegate on the Central Coast Regional Organisation of Councils Executive Group, however as she has now been elected as Deputy Mayor for the ensuing term, another Councillor delegate will be required.

5.4 Representation by Councillors on Committees and External Organisations (contd)

External Committees

Committee/Group	Representation	Current Delegates	Vacancy
Central Coast Regional Organisation of Councils Executive Group	Mayor Deputy Mayor Councillor (Vacant, was Councillor Wynn) General Manager	Councillor Graham (Mayor) Councillor Wynn (Deputy Mayor) Councillor Delegate – Vacant Michael Whittaker (General Manager)	Councillor Delegate

OPTIONS

- 1 To not elect Councillor representatives may be in contravention to the Charters of Committees of Council.
- 2 To elect Councillor representatives on Committees and external organisation would ensure that Council meets its obligations to the community and statutory regulations.

STRATEGIC LINKS

The governance of membership to WSC and external committees and associations enables Councillors to guide the strategic direction of Council's activities. The deliberations recommendations of committees assists Council with its decision making process.

Link to Shire Strategic Vision

Aligns the link between the decision making process and the Strategic Vision by enabling participation of representatives of the governing body (the Council) in the consultation and decision making processes of the organisation and external bodies.

Financial Implications

Nil

Principles of Sustainability

Nil

CONSULTATION

Nil

5.4 Representation by Councillors on Committees and External Organisations (contd)

GOVERNANCE

Clause 19, Sub Clauses (3) - (7) of Council's Code of Meeting Practice states as follows:

- “(3) The Chairperson of each Committee meeting must be:*
- (a) the Mayor; or*
 - (b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or*
 - (c) if Council does not elect such a member - a member of the Committee elected by the Committee.*
- (4) Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.*
- (5) If neither the Mayor nor the Deputy Chairperson of a Committee is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the committee to be acting Chairperson of the Committee.*

CORPORATE RISKS

Nil

CONCLUSION

Adjustment of the membership of Committees to reflect the election of Mayor and Deputy Mayor for the 2011/2012 term is required to ensure compliance with the practices of WSC and external committees, panels and associations.

ATTACHMENTS

Nil.

5.5 2011 Wyong Regional Chamber of Commerce Annual Business Awards

TRIM REFERENCE: F2004/06517 - D02782944

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Corporate Governance

SUMMARY

Council has received notification of the upcoming 2011 Wyong Regional Chamber of Commerce Annual Business Awards to be held on Friday 14th October 2011 at Kooindah Waters Golf and Spa Resort, Wyong.

RECOMMENDATION

- 1 That Council authorise any interested Councillor/s to attend the 2011 Wyong Regional Chamber of Commerce Annual Business Awards function.**
- 2 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

BACKGROUND

The Wyong Regional Chamber of Commerce hosts an Annual Business Awards event to reward and showcase businesses in the Wyong region.

THE PROPOSAL

The function is to be held at Mercure Kooindah Waters Golf and Spa Resort, Kooindah Boulevard, Wyong on Friday 14 October 2011.

STRATEGIC LINKS

Annual Plan

Nil impact.

Contribution of Proposal to the Principal Activity

Nil impact.

Link to Shire Strategic Vision

The function will enable Councillors to network with the business community more efficiently and also aid them in achieving positive outcomes that will in turn benefit the economy of the region.

Financial Implications

The table below indicates the cost for attendance at the function per Councillor:

Wyong Regional Chamber of Commerce Annual Business Awards	Partner Fees	Councillor Fees
Registration (incl GST)	\$85	\$85
Travel (by vehicle approx)		\$29
Total estimate per Councillor attending	\$85	\$114

Principles of Sustainability

Nil impact.

CONSULTATION

Nil.

GOVERNANCE

In accordance with Clause D17 of WSC Policy on Facilities and Expenses for Councillors, WSC will pay for attendance/ticket costs for spouses or partners if accompanied by a Councillor at events officially sanctioned by the Council. This report seeks Council's authorisation of the function.

CORPORATE RISKS

Nil impact.

CONCLUSION

The function listed would be of benefit to the Councillors and give them the opportunity to gain an understanding of the needs and aspirations of the business community and attendance is encouraged.

ATTACHMENTS

Nil.

5.6 2011 Tuggerah Lakes Mardi Gras Black Tie Ball

TRIM REFERENCE: F2004/06190 - D02787971

AUTHOR: Jacquie Elvidge; Councillor Services Officer

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Council has received notification of the upcoming 2011 Tuggerah Lakes Mardi Gras Black Tie Ball to be held on Saturday 26 November 2011 at the Greenhouse Function Centre at Azzurro Blu Wharf, The Entrance.

RECOMMENDATION

- 1 That Council authorise any interested Councillor/s to attend the 2011 Tuggerah Lakes Mardi Gras Black Tie Ball.**
- 2 That Council meet any reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

BACKGROUND

The Entrance Town Centre Management Corporation holds an annual Tuggerah Lakes Mardi Gras Festival. The Festival was originally conceived as a means to raise funds for local charities; however, it has now become a major tourist attraction for the Central Coast area.

The Tuggerah Lakes Mardi Gras Festival is one of the longest running festivals in Australia, and will be celebrating its 60th Anniversary in 2011.

THE PROPOSAL

The ball is to be held at the Greenhouse Function Centre at Azzurro Blu Wharf, The Entrance on Saturday 26 October 2011. It is proposed that Council authorise any interested Councillors to attend the ball and also meet any reasonable expenses incurred by Councillors and their partners.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan
Nil impact.

Contribution of Proposal to the Principal Activity

Nil impact.

Long term Financial Strategy

Nil impact.

Asset Management Strategy

Nil impact.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

The ball will enable Councillors to network with business owners and community members and also aid them in achieving positive outcomes that will in turn benefit the region.

Budget Impact

The table below indicates the cost for attendance at the function per Councillor:

Tuggerah Lakes Mardi Gras Black Tie Ball	Partner Fees	Councillor Fees
Tickets (incl GST) <i>*Please note that this is an approximate cost based on last years ticket price.</i>	\$120	\$120
Travel (by vehicle approx)	Nil	\$10
Total estimate per Councillor		\$250

CONSULTATION

Nil.

GOVERNANCE AND POLICY IMPLICATIONS

In accordance with Clause D17 of WSC Policy on Facilities and Expenses for Councillors, WSC will pay for attendance/ticket costs for spouses or partners if accompanied by a Councillor at events officially sanctioned by the Council. This report seeks Council's authorisation of the function.

MATERIAL RISKS AND ISSUES

Nil impact.

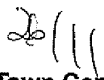
CONCLUSION

The Tuggerah Lakes Mardi Gras Black Tie Ball will give Councillors an opportunity to network with local business owners and community members, allowing them to gain an understanding of the needs and aspirations of the community and attendance is encouraged.

ATTACHMENTS

- 1 2011 Tuggerah Lakes Mardi Gras Black Tie Ball Letter - 17 May 2011 D02788154




**The Entrance Town Centre
 Management Corporation Inc.**
 P 02 4333 5377
 F 02 4333 5365
 Marine Parade
 (located inside the Visitor Information Centre)
 PO Box 120
 The Entrance NSW 2261
 ABN: 58 079 298 108

17th May, 2011

Cr Doug Eaton
 Mayor
 Wyong Shire Council
 P.O. BOX 20
 WYONG NSW 2259

Re: 2011 Mardi Gras Black Tie Ball

Dear Doug,

As you may or may not be aware this year is the 60th Anniversary of the Tuggerah Lakes Mardi Gras Festival making it the longest running festival in NSW.

This year the Mardi Gras black tie ball will be held in the new Glasshouse Function Centre at Azzurro Blu Wharf, The Entrance. The ball will be held on Saturday 26th November 2011. All queen entrants will be present at the ball, as we all know this is a very busy time of the year I would like to notify you in advance so you can keep this date free in your diary, if you are interested in attending the ball.

The Mardi Gras parade, festivities and crowning of the 2011 Mardi Gras Queen will take place the following Saturday 3rd December we have invited all past Queen entrants to participate in the parade we are hoping for up to thirty past Queens to be present adding an extra dimension to the parade

Further correspondence will be forwarded closer to the event.

Kind regards

Paul Barnes
 Entrance Town Centre Manager

Mayor - 1

Sent to Lesley - prepare reports to Council - interested committees not possible.

E info@theentrancetcm.com.au
 W www.theentrance.org

**5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March
2011 Governance Committee Meeting**

TRIM REFERENCE: F2004/07245 - D02788658

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

A meeting of the Wyong Shire Governance Committee was held on 29 June 2011 (reconvened on 31 August 2011), draft minutes are now submitted to Council for consideration

RECOMMENDATION

- 1 *That Council receive the draft minutes of open and confidential sessions of the Wyong Shire Governance Committee Meeting held on 29 June 2011 (reconvened on 31 August 2011) and adopt the recommendations contained therein.*
- 2 *That Council endorse the amended format for reporting of items to the Governance Committee to include the following:*

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
1	<i>Disclosure of Interest</i>	<i>Procedural Item</i>	<i>2 mins</i>
2	<i>Confirmation of Previous Minutes</i>	<i>Procedural Item</i>	<i>5 mins</i>
3	<i>Status Report on Outstanding Actions</i>	<i>Chairman</i>	<i>5 mins</i>
4	<i>Enterprise Risk Management Strategy</i>	<i>Project Manager</i>	<i>10 mins</i>
5	<i>Major Projects</i> <ul style="list-style-type: none"> • <i>Probity Reports</i> • <i>Major Project Risk Updates</i> • <i>Upcoming High Risk Procurement</i> 	<i>Manager Major Projects</i>	<i>20 mins</i>
6	<i>Financial Overview</i>	<i>General Manager</i>	<i>15 mins</i>
7	<i>Information Management Status Report</i>	<i>Chief Information Officer</i>	<i>10 mins</i>
8	<i>Special Investigations</i>	<i>Appointed Investigators</i>	<i>10 mins</i>
9	<i>Report from Internal Ombudsman</i>	<i>Internal Ombudsman</i>	<i>10 mins</i>

10	Compliance Reviews	General Counsel	5 mins
11	Legal Matters/Issues Report	General Counsel	10 mins
12	Risk Register Report	Director Corporate Services	10 mins
13	Internal Audit <ul style="list-style-type: none"> • Balanced Score Card • Internal Audit Reports Issued • Other Matters 	Internal Auditor (JS) Internal Auditor (JS) Senior Internal Auditor (TB) Internal Auditor (JS)	15 mins
14	Status Report on Outstanding Internal Audit agreed actions	Internal Auditor (JS)	5 mins
15	External Audit Report	External Auditor	5 mins
16	Other Matters	Chairman	5 mins

- 3 That Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 16 March 2011 and confirmed by the Committee on 29 June 2011.

The draft minutes of that meeting are set out in full below.

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL
 HELD IN THE COUNCIL CHAMBER
 WYONG CIVIC CENTRE, HELY STREET, WYONG
 ADJURED ON 29 JUNE 2011
 AND
 RECONVENED ON 31 AUGUST 2011 AT 7:30 AM

PRESENT

Mr David Holmes (Chairperson), Mr Bruce Turner and Mr Jason Masters (independent members), Councillor W Symington and Councillor S Wynn.

IN ATTENDANCE

General Manager, Internal Auditor, Senior Internal Auditor, General Counsel, External Auditor and two administration staff members.

The Chairperson, Mr David Holmes, declared the meeting open at 7.40am

APOLOGIES

Apologies were received on behalf of the Internal Ombudsman, Ms Belinda Charlton, who is unable to attend the meeting due to illness.

1.1 Disclosure of Interest

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption and the NSW Ombudsman and remained in the meeting during discussion on all items.

Mr Bruce Turner, Independent Member, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for of the Audit and Risk Committee for the Department of Premier and Cabinet which encompasses the Division of Local Government and remained in the meeting during discussion on all items.

Mr David Holmes, Chairperson, declared a non-pecuniary insignificant conflict of interest for the reason that he has a minor shareholding with Cap Gemini and remained in the meeting during discussion on all items.

2.3 Internal Audit Report

Mr Dennis Banicevic, External Auditor, declared a non pecuniary insignificant conflict on the matter as he is an employee of Price Waterhouse Coopers who may have submitted a tender in relation to the engagement of external advisors for the development of an Enterprise Risk Management Strategy (ERMS) in relation to the Audit Plan.

Mr Banicevic stated:

"I choose to remain in the meeting and participate in discussion as the conflict has not influenced me because I am an observer only and did not partake in the discussions dealing with the ERMS."

2.3 Internal Audit Report

Mr Dennis Banicevic, External Auditor, declared a pecuniary interest on the matter relating to discussion on the renewal of the contract for External Auditor, for the reason that he is currently an employee of PWC, left the meeting at 8.50am took no part in the discussion and returned to the meeting at 8.58am.

- 5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)
-

COMMITTEE RECOMMENDATION

That the Committee record the Disclosures of Interest made by the external Members relating to matters under consideration at this meeting.

- 1.2 Minutes of the Wyong Shire Governance Committee - 16 March 2011
-

COMMITTEE RECOMMENDATION

That the Committee confirm the minutes, of the open session and closed session, of the previous meeting of the Wyong Shire Governance Committee Meeting held 16 March 2011 which were adopted at Council's Ordinary meeting of 11 May 2011.

- 1.3 Wyong Shire Governance Committee Action Plan - 16 March 2011
-

COMMITTEE RECOMMENDATION

That the Committee confirm the amended action plan of the previous Governance Committee Meeting held on 16 March 2011.

- 2.1 2010-11 Annual Plan - March Quarter Review
-

COMMITTEE RECOMMENDATION

That the Committee note the third Quarterly Review (Q3) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 25 May 2011.

- 2.2 Minutes of the Strategic Finance Committee 23 March 2011
-

COMMITTEE RECOMMENDATION

That the Committee note the minutes of the Strategic Finance Committee held on 23 March 2011 which were adopted, by Council at its Ordinary Meeting on 27 April 2011.

2.3 Internal Audit Report

Enterprise Risk Management Strategy (ERMS) in relation to the Audit Plan

Mr Dennis Banicevic, External Auditor, declared a non pecuniary insignificant conflict on the matter as he is an employee of Price Waterhouse Coopers who may have submitted a tender in relation to the engagement of external advisors for the development of an Enterprise Risk Management Strategy (ERMS) in relation to the Audit Plan.

Mr Banicevic stated:

"I choose to remain in the meeting and participate in discussion as the conflict has not influenced me because I am an observer only and did not partake in the discussions dealing with the ERMS."

Renewal of the contract for External Auditor

Mr Dennis Banicevic, External Auditor, declared a pecuniary interest on the matter relating to discussion on the renewal of the contract for External Auditor, for the reason that he is currently an employee of PWC, left the meeting at 8.50am took no part in the discussion and returned to the meeting at 8.58am.

COMMITTEE RECOMMENDATION

- 1 ***That the Committee receive the amended Internal Audit Report.***
- 2 ***That the Committee consider an information report on the Draft Local Environmental Plan (DLEP) process at its next meeting on 5 October 2011.***
- 3 ***That the Committee consider an Operational Management Report on the commissioning of the Mardi to Mangrove pipeline at the June 2012 meeting of the Governance Committee.***

2.4 Major and Significant Project Update

COMMITTEE RECOMMENDATION

That the Committee receive the report on Major and Significant Project Update.

2.5 Office of the Internal Ombudsman

An apology, on behalf of the Internal Ombudsman, was submitted when the meeting reconvened on 31 August 2011, and as a result she was absent during discussions on this item. However she was in attendance at the 29 June 2011 when this item was informally discussed.

COMMITTEE RECOMMENDATION

That the Committee receive the report on Office of the Internal Ombudsman.

5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)

2.6 Progress of the Service Delivery Review Recommendations

COMMITTEE RECOMMENDATION

That the Committee receive the report on Progress of the Service Delivery Review Recommendations.

2.7 Summary of Experience of Current External Governance Committee Members

COMMITTEE RECOMMENDATION

That the Committee receive the report on Summary of Experience of Current External Governance Committee Members.

2.8 Other Matters

The General Manager, Michael Whittaker, left the meeting at 9.18 am and did not return and as a result was absent during discussions on this item.

COMMITTEE RECOMMENDATION

That the Committee note that, in response to an invitation from the Chairman to Committee Members to raise any issues which may require consideration by the Committee, no items were raised.

2.9 Service Delivery Review - Final Report

COMMITTEE RECOMMENDATION

That the Committee receive the report on Service Delivery Review - Final Report.

2.10 Section 430 Investigation - "Body Hire" Arrangements

The General Manager, Michael Whittaker, left the meeting at 9.18 am and did not return.

COMMITTEE RECOMMENDATION

1 *That the Committee receive the report on Section 430 Investigation - "Body Hire" Arrangements.*

- 5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)
-

- 2 That the Committee consider the report on the Section 430 Investigation – “Body Hire” Action Plan, submitted to Council on 14 September 2011, at its meeting on 5 October 2011.

2.11 Agenda Items for the Governance Committee

The General Manager, Michael Whittaker, left the meeting at 9.18 am and did not return and as a result was absent during discussions on this item.

COMMITTEE RECOMMENDATION

- 1 That the Committee receive the report on Agenda Items for the Governance Committee.
- 2 That the Committee endorse the amended format for reporting of items to the Governance Committee to include the following:

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
1	<i>Disclosure of Interest</i>	<i>Procedural Item</i>	<i>2 mins</i>
2	<i>Confirmation of Previous Minutes</i>	<i>Procedural Item</i>	<i>5 mins</i>
3	<i>Status Report on Outstanding Actions</i>	<i>Chairman</i>	<i>5 mins</i>
4	<i>Enterprise Risk Management Strategy</i>	<i>Project Manager</i>	<i>10 mins</i>
5	<i>Major Projects</i> <ul style="list-style-type: none"> • <i>Probity Reports</i> • <i>Major Project Risk Updates</i> • <i>Upcoming High Risk Procurement</i> 	<i>Manager Major Projects</i>	<i>20 mins</i>
6	<i>Financial Overview</i>	<i>General Manager</i>	<i>15 mins</i>
7	<i>Information Management Balanced Score Card</i>	<i>Chief Information Officer</i>	<i>10 mins</i>
8	<i>Special Investigations</i>	<i>Appointed Investigators</i>	<i>10 mins</i>
9	<i>Report from Internal Ombudsman</i>	<i>Internal Ombudsman</i>	<i>10 mins</i>
10	<i>Compliance Reviews</i>	<i>General Counsel</i>	<i>5 mins</i>
11	<i>Legal Matters/Issues Report</i>	<i>General Counsel</i>	<i>10 mins</i>
12	<i>Risk Register Report</i>	<i>Director Corporate Services</i>	<i>10 mins</i>

13	Internal Audit <ul style="list-style-type: none"> • Balanced Score Card • Internal Audit Reports Issued • Other Matters 	Internal Auditor (JS) Internal Auditor (JS) Senior Internal Auditor (TB) Internal Auditor (JS)	15 mins
14	Status Report on Outstanding Internal Audit agreed actions	Internal Auditor (JS)	5 mins
15	External Audit Report	External Auditor	5 mins
16	Other Matters	Chairman	5 mins

The Open Session Of The Meeting closed at 9.45 am.

CONFIDENTIAL SESSION

The Chairperson announced that the Open Session of the meeting was now closed but the meeting would resume in Confidential Session to discuss the following Agenda Item:

3.1 Council's Online Status

THE MEETING terminated at 9.47 am.

A copy of the confirmed Minutes of the 16 March 2011 are below;

WYONG SHIRE COUNCIL
MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL
HELD IN THE TONY SHERIDAN FUNCTION ROOM
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 16 March 2011
COMMENCING AT 9:30AM

PRESENT

Mr David Holmes (Chairperson), Councillor W Symington, Cr S Wynn (arrived at 9.45am)
Mr Bruce Turner and Mr Jason Masters (independent members).

IN ATTENDANCE

General Manager, Internal Auditor, Senior Internal Auditor, Internal Ombudsman, General Counsel, External Auditor and one administration staff member.

The Chairperson, Mr David Holmes, declared the meeting open at 9.30 am

APOLOGIES

Apologies were received on behalf of Councillor Eaton

1.1 Disclosure of Interest

The external members confirmed the following disclosures:

Mr Bruce Turner disclosed a non pecuniary insignificant conflict of interest regarding matters under consideration at this meeting as a result of him being the Chair of the Audit and Risk Committee for the Department of Premier and Cabinet, which has a Division of Local Government as a subset, and remained in the meeting and stated that:

"I chose to continue to participate in this issue as the conflict has not influenced me in carrying out my public duty."

Mr Jason Masters disclosed a non pecuniary insignificant conflict of interest regarding matters under consideration at this meeting as a result of him being the Chair for the Audit and Risk Committees for both the NSW Ombudsman and the Independent Commission Against Corruption and remained in the meeting and stated that:

"I was approached and declined to propose for the Probity Advisory for Councils On-Line (Parramatta, Lake Macquarie, Hornsby & Wyong) re-negotiation strategy. However, I chose to continue to participate in this issue as the conflict has not influenced me in carrying out my public duty."

**5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)**

Mr David Holmes declared a non-pecuniary insignificant conflict of interest for the reason that he has minor shares with Capgemini and remained in the meeting.

COMMITTEE RECOMMENDATION

That the Committee record the Disclosures of Interest made by the external Members relating to matters under consideration at this meeting.

1.2 Minutes of the Wyong Shire Governance Committee - 24 November 2010

COMMITTEE RECOMMENDATION

1 *That the Committee confirm the draft minutes of the previous meeting of the Wyong Shire Governance Committee Meeting held 24 November 2010 which were received at Council's Ordinary meeting of 9 February 2011 with the following amendments:*

Item 3.3 - Review of Dates and Revision of Agenda Items

- *An additional report - Governance Committee Action Plan to be included in the required list of Standard Agenda Items.*
- *Meetings will commence at 9.30am and finish at 12.30pm.*

2 *That the Committee Chairperson and the General Manager consult to amend the date proposed for the second quarter meeting and Committee Members be advised.*

BUSINESS ARISING FROM THE MINUTES

There was no business arising.

1.3 Notice of Intention to Deal with Matters in Confidential Session

COMMITTEE RECOMMENDATION

1 *That the Committee consider the following matter in Confidential Session, pursuant to Sections 10A(2)(a) of the Local Government Act 1993:*

Report No 4.1 - Internal Auditor's Contract

2 *That the Committee note its reason for considering Report No 4.1 in confidential session is that discussion is anticipated which concerns personnel matters concerning particular individual (other than Councillors).*

5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)

1.4 Governance Committee Chairperson's Report - Governance Committee
Review

COMMITTEE RECOMMENDATION

- 1 ***That Council and the General Manager; organise a Governance Committee Workshop, invite the External Committee Members, all Councillors and Senior Executives of Council to attend and that this workshop be convened by an independent facilitator.***
- 2 ***That the External Members provide a list of 3 possible facilitators to the General Manager for submission to the Mayor to enable a facilitator to be selected for the proposed Workshop.***

Mr Holmes noted that he was disappointed with the lack of response from Directors to the questionnaire and noted that some responses received noted dissatisfaction with the Committee. In order to get clarification on the role of the Governance Committee, he agreed with the Mr Whittaker's suggestion that a meeting between the External Members, Councillors and senior staff should be organised. Mr Holmes stated that the External Members will have a meeting with the facilitator to brief him/her before the workshop.

Mr Whittaker stated that an essential element of any organisation is a Governance Committee with independents who, given their experience, can act as mentors and give advice. He noted that the Governance Committee provides the framework for dealing with issues and give best practice guidance to Council but should not be directly involved in resolving issues. Issues such as statutory requirements should be dealt with by management which has the biggest governance obligations, followed by Councillors. However Councillors and staff have to balance the aspirations of the Committee with the level of funding and resources available

2.1 Items from Governance Committee Meeting of 24 November 2010 required
to be considered englobo

COMMITTEE RECOMMENDATION

- 1 ***That the Committee, with the with the exception of item numbers 2.6, 3.2 and 3.3, now adopt the following reports.***
 - 1.1 ***Disclosure of Interest***
 - 1.2 ***Minutes of the Extraordinary Wyong Shire Governance Committee - 6 October 2010***
 - 2.2 ***Internal Audit Report***
 - 2.3 ***2010 -11 Annual Plan - September 2010 Quarter Review***
 - 2.4 ***Office of the Internal Ombudsman***
 - 2.5 ***Budget Process 2010 - 11***
 - 2.6 ***Chairman's Minute - Other Matters for Discussion***
 - 3.1 ***Progress of the Service Delivery Review Recommendations***
 - 3.2 ***Department of Local Government - Section 430 Investigation***
 - 3.3 ***Review of Dates and Revision of Agenda Items***

2 Item 2.6 Chairman's Minute - Other Matters for Discussion

- 1 That the Committee note the action of the General Manager in regards to the Proposed Incubator at Wyong and that a watching brief is being kept on this item which has now been included on the Risk Register.**
- 2 That the Committee note the recent DLG Guidelines which will be discussed at the proposed Governance Committee Workshop.**

3 Item 3.2 Department of Local Government - Section 430 Investigation

That the Committee receive the report on the Department of Local Government (DLG) Section 430 Investigation and defer consideration of this item subject to the outcome of the DLG investigation.

4 Item 3.3 Review of Dates and Revision of Agenda Items

That the Committee adopt amendments to this item requested by the Chairperson under item 1.2 of this Business Paper.

Proposed Incubator at Wyong

Mr Whittaker gave an update on the current status of the Proposed Incubator at Wyong and advised that Ms D Dickson of the Major Projects Unit is managing this project. He advised that the Commonwealth Government had made a promise to provide \$2.7 m towards this project and stated that to date neither a draft agreement nor funding have been provided to Council. The General Manager gave an overview of Council's relationship with Central Coast Group Training and noted that this goes back over a period of twenty years. He also noted that if any Councillors declared a conflict of interest in this matter they would be excluded from any discussions on the item.

Department of Local Government – Section 430 Investigation

Mr Whittaker gave an update on the current status of the Department of Local Government - Section 430 Investigation into "Body Hire" arrangements. He noted that, with the exception of Contractors hired for the Mardi to Mangrove Project, all other body hire arrangements have now been dismantled and that it is proposed to finalise Body Hire personnel by the end of April 2011. This will allow for procurement and employment structures, which comply with regulations, to be put in place. This will form part of Council's response to the DLG investigator and should go a long way towards reconciling any concerns the DLG may have. Reports outlining the changes to Body Hire arrangements have been submitted to Council and adopted unanimously.

Mr Masters asked if any changes in Council's procedures for recording of documentation were now proposed as a result of this investigation. Mr Whittaker advised that as part of the Service Delivery Review changes are proposed to be made to Council's document management system which include:

Linking of all documentation to the property data base which would be the primary identifier
Appointment of Data Manager to improve Council's data management processes and put systems in place for tighter controls.

Ms Charlton noted that, while Council is a high level user of technology, it is difficult to navigate through Council's records to find information required in response to investigations.

2.2 Office of the Internal Ombudsman

COMMITTEE RECOMMENDATION

That the Committee receive the report on Office of the Internal Ombudsman.

Ms Charlton advised that the increase in the number of items now being reported for investigation should not be taken as an indication of increased non compliance as it was as a result of staff being more proactive in reporting matters and some matters are recurrences of items previously dealt with. Ms Charlton noted that referrals from external bodies such as NSW Ombudsman and ICAC increased the workload as these require independent reviews and also noted that summaries of some items listed in her report deliberately curtailed to protect the privacy and safety of staff involved.

Ms Charlton referred an item in her report regarding changes to the Protected Disclosures Act 1994 (NSW) in particular point 9 which relates to keeping the identity of the person who made the disclosure confidential. Ms Charlton noted that if a person voluntarily identifies him/herself this requirement will not apply.

Mr Turner asked Ms Charlton if she was the co-ordinator of protected disclosures and she replied that with the assistance of Ms Baker she was liaising with outdoor staff to raise awareness of governance issues in particular the Gift Register and giving advice on how to report matters through the proper channels. This means that she is performing a dual role of investigator and educator. Ms Baker suggested that perhaps a card giving instructions on how to report a matter for investigation could be drawn up and distributed to staff, however this could create an increase in the already heavy workload. Ms Charlton stated that she would appreciate assistance with this workload. Mr Glendenning noted that Statutory Investigations are required to be completed within a specific timeframe.

2.3 Internal Audit Report

COMMITTEE RECOMMENDATION

That the Committee receive the Internal Audit Report.

Mr Turner queried a statement on page 30 of the report which states that "*the Asset Management Manager is developing a process around the evaluation of projects which will incorporate a rigorous risk management component from the beginning of the project*". Mr Whittaker responded that Council aims to have a corporate framework for project and risk management in place by next year.

In response to a query asking if there were any major risks with current projects Mr Simpson identified the Warnervale Town Centre as a major risk, due to its size, the numerous external agencies involved and the requirement for the Storm water harvesting and Storm water management works.

Mr Whittaker advised that this matter is now managed by the Major Projects Department which aims to get the project to a point where the two major barriers are removed. These being resolution on government funding for the access point and the rainwater harvesting scheme required to protect the catchment of Porter's Creek. He stated that, by July 2011 the status of this project could move from a concept to a reality and will have appropriate controls in place to minimise risk.

In response to a query from Councillor Wynn, Mr Whittaker advised that each project is assigned to an experienced Project Manager who assess risk elements and develops a project plan, business case and risk plan. Staff are being up skilled to enable them to appropriately manage projects. Larger projects could have multiple risk plans and multiple project managers. In response to a query from Councillor Wynn who asked if WSC has the appropriate level of expertise to deal with such projects it was suggested that this information on Project Risk Management could be provided by adding additional information to the Corporate Risk Report table which would prioritise issues of concern and a comment could be added under status to flag issues of concern. Mr Whittaker agreed to this and added that he will provide a verbal update on the status of projects at the next meeting.

Mr Masters inquired if WSC had a Disaster Management Plan in place, Mr Whittaker confirmed that he has initiated a major project to investigate Council's preparedness for emergencies. The Director Infrastructure Management has been allocated the task of working through Councils' disaster management plan.

Councillor Symington requested clarification on what was meant by a "computer assisted audit" and was advised that access can be give to staff to use software called "i-ferret", which is fraud detection software which allows the user to analyse mass data efficiently and identify recurring sequences of numbers which may relate to fraudulent activity.

2.4 Budget Process 2010 - 11

COMMITTEE RECOMMENDATION

That the Committee note the progress Wyong Shire Council's business planning and budget development.

Mr Holmes remarked on the statement on this report which stated that "*it will take 2-3 years before a reasonable level of service/product costing and monitoring sophistication is reached*". Mr Whittaker advised that we are currently operating at a statutory level of service but will require more time to evolve and perfect the system. He identified a need to produce simple reports to allow staff to manage individual expenses, run projects and cost them correctly.

5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)

2.5 2010-11 Annual Plan - December 2010 Quarter Review

COMMITTEE RECOMMENDATION

That the Committee note the second Quarterly Review (Q2) report (October – December 2010) of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 23 February 2011.

Mr Whittaker made a presentation on this item and advised that the power point would be issued to all Committee members as an attachment to these minutes.

3.1 Progress of the Service Delivery Review Recommendations

COMMITTEE RECOMMENDATION

That Council receive the report on Progress of the Service Delivery Review Recommendations.

Mr Symington asked why Wyong Shire Council vehicles are not replaced until 120,000 kilometres and was advised that this was due to extended manufacturers warranties.

3.2 Major and Significant Project Update

COMMITTEE RECOMMENDATION

That Council receive the report on Major and Significant Project Update.

3.3 Minutes of the Strategic Finance Committee 28 July 2010

COMMITTEE RECOMMENDATION

That the Committee note the minutes of the Strategic Finance Committee held on 28 July 2010 which were adopted, together with the Charter of the Strategic Finance committee, by Council at its Ordinary Meeting on 11 August 2010.

3.4 Other Matters

1 Councils-on-line Review

Mr Masters asked for an update on the outcome of the Council-on-line Review

COMMITTEE RECOMMENDATION

That a report on Councils-on-line Review be considered at the next meeting of the Governance Committee.

2 Chinese Cultural Theme Park

Mr Masters, who has personal experience of business dealings with China, expressed concern at the speed that this matter is progressing and asked for an update from Mr Whittaker.

Mr Whittaker advised that this matter was adopted via a Mayoral Minute submitted to Council. He has attended only one meeting with the proponents and requested that a professional proposal must be submitted for assessment. In order for Council to analyse whether or not this is a viable proposal for Council Mr Whittaker has requested proper development plans, staging plans, risk profiles and marketing plans would have to be submitted. These would then have to be screened by Treasury and the Department of Local Government. Mr Masters stated that the returns on any alternative uses of this land would also have to be considered as a comparison.

Councillor Symington advised that he felt uncomfortable with the fact that Council has entered into an agreement in principal without first giving all the Councillors an opportunity to either consider a report on this matter or inspect the proposed site.

Mr Whittaker advised that a report will be submitted to Council after a site inspection has been arranged. Currently the only issue being addressed is the request for the provision of:

- an access license to enable investigations to be carried out and
- a letter of comfort/affirmation from Council.

Mr Masters advised that Council should adopt probity measures to supervise this project.

COMMITTEE RECOMMENDATION

That a report on Chinese Cultural Theme Park be considered at the next meeting of the Governance Committee

3 Corporate Risk Workshop

COMMITTEE RECOMMENDATION

That the Governance Committee Members be invited to attend a Corporate Risk Workshop to be held at the inception of the Enterprise Risk Strategy project.

4 Council Sponsorships

Councillor Wynn queried Council's procedures on adopting sponsorships which appear to be considered on an "ad hoc" basis and was advised that Council has adopted Policies for Inward and Outward Sponsorships which deal with probity around Council's involvement in sponsorship agreements and the risks involved.

**5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011)
Governance Committee Meeting and confirmed Minutes of 16 March 2011
Governance Committee Meeting (contd)**

5 Procurement

Mr Masters noted in the Council's minutes the number of tenders and contracts that had been recently let and asked if Probity Advisors/Auditors had been used and if so, were reports by the Probity Advisor/Auditor had been provided.

Mr Whittaker advised that probity processes was incorporated into the procurement process however he noted that he had not seen any such reports and would review.

Committee Recommendation

That reports from Probity Advisors/Auditors be provided to the General Manager and tabled at the next Governance Committee meeting after finalisation..

The **Open Session Of The Meeting closed** at 12.50 pm.

CONFIDENTIAL SESSION

The Chairperson announced that the Open Session of the meeting was now closed but the meeting would resume in Confidential Session to discuss the following Agenda Item:

4.1 Internal Auditor's Contract

ATTACHMENTS

- | | | | |
|----------|--|-----------|-----------|
| 1 | MINUTES - Confidential Governance Committee Meeting - 16 March 2011 (distributed under separate cover) | Enclosure | D02560359 |
| 2 | MINUTES - Confidential Governance Committee Meeting - 29 June 2011 (reconvened 31 August 2011) | Enclosure | D02759175 |

6.1 Information Reports

TRIM REFERENCE: F2011/00027 - D02783624
AUTHOR: Susanna Gardiner; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

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 in total.

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

6.2 Submission on Proposal to Upgrade Existing Warnervale Railway Station by Hannan Pty Ltd

TRIM REFERENCE: F2007/00274 - D02781501

AUTHOR: Scott Duncan; Senior Strategic Planner

MANAGER: Martin Johnson; Manager Land Use Planning Policy Development

SUMMARY

Reporting on a draft submission that has been prepared to the NSW State Government which is generally supportive of the funding offer to upgrade the existing Warnervale Railway Station and expand commuter car parking.

RECOMMENDATION

That Council endorse the attached submission to the NSW State Government supporting the offer to fund the extension to the existing Warnervale Railway Station.

BACKGROUND

At its meeting held on 14 September 2011 Council resolved unanimously on the motion of Councillor Eaton:

- "1 That Council request the General Manager to prepare a submission to the State Government generally supportive of the proposal but highlighting issues raised in discussions at the Council meeting and other issues deemed relevant by Council staff.*
- 2 That Council request the General Manager present the submission to Council prior to being submitted to the State Government.*
- 3 That Council request the General Manager seek assurance from the State Government that the North Warnervale Railway Station will proceed as planned.*

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

AGAINST: NIL"

6.2 Submission on Proposal to Upgrade Existing Warnervale Railway Station by Hannan Pty Ltd (contd)

As per Resolution 1 and 2, a copy of the draft submission has been prepared for Council's consideration (see Attachment 1). The letter also seeks assurances from the NSW State Government that the North Warnervale Railway Station (proposed to be located in the Warnervale Town Centre) will proceed as proposed to be planned as per Resolution 3.

It should be noted that the unsolicited offer to fund the upgrading of the existing Warnervale Station by Hannan Property will be initially referred to the Department of Premier and Cabinet before it is subsequently considered by the Department of Transport and its associated agency Railcorp.

Transport NSW has been contacted about timeframes for determining the unsolicited offer. It has initially advised that they would normally give some indication of assessment timeframes after receipt of the proposal and that Council will be consulted in the process. So at this stage definitive timeframes are not known.

Council is in the process of finalising a preferred draft Structure Plan and Masterplan for Precinct 7A with a view to placing it on public exhibition during October/November 2011. The offer to upgrade the existing railway station may mean that additional medium density housing within 400m of the station could be considered. Other planning issues will also be required to be re-examined e.g. implications for traffic planning, re-examining options for locating the grade separated crossing in the vicinity of Warnervale Village (if funding can be obtained) and timing for closure of the existing level crossing.

Council staff are currently in the process of working through what implications this offer might have for the Precinct 7A Structure Plan and Masterplan and whether additional work will be required prior to placing the document on public exhibition. A request will be made to Transport NSW on the expected time frames for a decision before any decision is made on this matter. Council staff want to avoid a situation arising where extensive changes are required to be made to these plans after they have been publicly exhibited.

ATTACHMENTS

- 1 Draft Letter to the Director-General - Department of Transport D02781623

SD/Scott Duncan
F2007/00274

23 September 2011

Mr Les Wielinga
Director-General
Department of Transport
PO Box K659
HAYMARKET NSW 1240

Dear Sir

SUBMISSION ON PROPOSAL TO UPGRADE EXISTING WARNERVALE STATION BY HANNAN PTY LTD

At its meeting on 14 September 2011 Council resolved the following:

RESOLVED unanimously on the motion of Councillor EATON:

- 1 That Council request the General Manager to prepare a submission to the State Government generally supportive of the proposal but highlighting issues raised in discussions at the Council meeting and other issues deemed relevant by Council staff.***
- 2 That Council request the General Manager present the submission to Council prior to being submitted to the State Government.***
- 3 That Council request the General Manager seek assurance from the State Government that the North Warnervale Railway Station will proceed as planned.***

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

AGAINST: NIL

Council has been advised by Hannan Properties that they will be making an unsolicited offer to the NSW State Government to upgrade the existing Warnervale Railway Station. The proposed offer consists of:

- Increasing the length of the existing platform from 4 to 8 trains for north and south bound rail traffic.
- Enhancing passenger facilities involving all weather waiting areas and amenities.
- Improving safety by upgraded lighting/CCTV.
- Pedestrian overpass.

It is anticipated that these works will cost \$3 million.

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Further works may be undertaken to provide a commuter carpark, bicycle spaces and bus interchange and shared pedestrian cycleway to connect Warnervale Station with the North Wyong Industrial Estate. However, these additional works would be subject to Hannan Properties obtaining retail rights over the railway platform.

Council is supportive of the offer being made by Hannan Properties providing that it does not impact on the timing and funding of the new North Warnervale Railway Station. Council is working hard with relevant State Government agencies and the community to stimulate development on the Warnervale Town Centre. New development at Warnervale Town Centre is expected to provide housing for 4,000-5,000 people and create 1,200 jobs. Council would have concerns with the offer by Hannan Properties if this was to impact on the NSW State Government's commitment to the new North Warnervale Railway Station. Council has also requested clarification from the NSW State Government about the future of the existing Warnervale Railway Station on previous occasions without success. Consequently, Council requests that a firm commitment from the NSW State Government be made to ensure that both railway stations remain open.

There are a number of detailed issues associated with the offer that still need to be worked through by Council with Hannan Properties, namely:

- Whether the proposed railway station platforms should be located north or south of the current level crossing in Warnervale Village.
- Impact of proposed railway station platforms on possible locations for any future grade separated level crossing through Warnervale Village and community impacts from immediate closure of existing level crossing in Warnervale Village.
- Ensuring that any offer made to upgrade the existing Warnervale Railway Station will not prejudice future Section 94 contribution plan funding obligations.
- Implications for land uses proposed as part of the Precinct 7A rezoning e.g. more scope for medium density housing if the existing Warnervale Station remains open permanently.

Despite these issues, Council seeks to affirm its support for the offer by Hannan Properties as it will assist with the provision of rail services to the northern part of Wyong Shire. The offer is particularly important to the community given the delays that have been experienced with the delivery of the new Warnervale Railway as part of the Warnervale Town Centre development.

It would be appreciated if you could support the funding proposal by Hannan Properties which will be submitted to the Director General, Department of Premier and Cabinet shortly. It would also be appreciated if you could confirm timeframes for determining the unsolicited offer by Hannan Properties.

Yours sincerely,

Michael Whittaker
GENERAL MANAGER

CC: Con G. Kargas
Manager, Investment & Economic Development
Major Projects Coordination
NSW Department of Premier & Cabinet
E: con.kargas@dpc.nsw.gov.au

6.3 Investments Report for August 2011

TRIM REFERENCE: F2004/06604 - D02772721
AUTHOR: Devini Susindran; Financial Accountant
MANAGER: Cate Trivers; Chief Financial Officer

SUMMARY

This report details Council's investments as at 31 August 2011.

RECOMMENDATION

That Council receive the report on Investments Report for August 2011.

BACKGROUND

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

Council's portfolio includes investments in managed funds which were permitted under the previous Minister's order, however are now held under the "grandfather" provisions of the current Ministers Order. These investments are being wound up. Investments held in the Blackrock Care and Maintenance Fund continue to be wound up progressively and are now expected to be finalised by 2016.

CURRENT STATUS

Managed Funds

WSC has \$7.58m invested in managed funds which are "grandfathered" investments under the Ministers Order. These investments in August incurred a revaluation adjustment (2.33%). The creditworthiness of these investments remains satisfactory.

Blackrock Care and Maintenance Fund \$7.58m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. A revaluation capital loss of \$0.18m (unrealised). No income distribution was made in August.

Cash and Term Deposit Funds

Term deposits to the value of \$10m were redeemed and \$21.5m was invested with one and six months to maturity. Return on cash and term deposits for August 2011 was \$0.65m.

Institution	Term (Approximate)	Interest Rate	Maturity	Investment / (Redemption)
CBA	2 months	5.88%	August 2011	(\$10,000,000)
CBA	4 months	5.80%	January 2011	\$5,000,000
CBA	2 month	5.79%	November 2011	\$2,500,000
CBA	1 months	5.77%	October 2011	\$2,000,000
ANZ	3 months	5.85%	November 2011	\$5,000,000
Bankwest	6 months	5.85%	February 2012	\$5,000,000
Bankwest	1.5 months	5.70%	October 2012	\$2,000,000

Total Funds

Total net return for August 2011 was \$0.47m consisting of \$0.65m interest earnings and \$0.18m capital losses.

Table 1 Investment Portfolio by Risk Category

	July 2011	Year-to-date Returns	
	\$ '000	%	\$ '000
Cash at Call	11,600	7.14	139
Term Deposits	125,820	5.97	1,131
Cash Management Funds	7,576	(12.31)	(168)
Enhanced Income			(1)
Total Investments	144,996	4.83	1,101

Year to date returns in August of 4.83% is slightly unfavourable when comparing with the benchmark UBSA YTD Bank Bill Index of 5.09% mainly due to unrealised valuation losses of \$0.18m. The year to date return excluding this unrealised loss is 5.65% and compares favourably to the benchmark.

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB Long term or above) and time horizon of the investment concerned. The target maximum limit in each category and the current spread of investments is as listed in Table 1A. Portfolio is currently over-weight in A1 however this is positive due these investments offering the best rates selected for the investment time frame. Current world financial market volatility did not negatively impact on the portfolio in July, apart from minor revaluation of Blackrock securities, however as these are hold to maturity this loss will not be realised in the long term.

Table 1A – Portfolio Credit Framework

Investment Category Short Term	Target Allocation Maximum	Portfolio Allocation Short Term	Comments
A1	10.0%	77.5%	
A2	75.0%	16.6%	
A3	10.0%		
Unrated	15.0%	5.9%	Includes Managed Funds
TOTAL	110%	100.0%	

Investment transactions and earnings during August 2011 are shown in Table 2 - Portfolio Performance.

Table 2: Portfolio Performance

	Full Year 2010-11 \$m	July 2011 \$m	August 2011 \$m	Year to Date 2011-12 \$m
Movement in Assets				
Opening Balance	126.39	136.86	132.19	136.86
Capital Gain/Loss – (see below)	1.90	(0.15)	(0.18)	(0.33)
Net Cash/Investments(Withdrawals)	8.57	(4.52)	12.99	8.47
Closing Balance	136.86	132.19	145.00	145.00
Trading Position				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	1.90	(0.15)	(0.18)	(0.33)
Interest Earnings	5.33	0.78	0.65	1.43
Total Return for Period	7.23	0.63	0.47	1.10

Movements in investments comprised the following changes in, valuation, new investments and redemptions during August.

Type of investment	Institution		\$m	\$m
Call deposit	Interest earned	Income	0.06	
	Net movement	Investment	1.43	1.49
Term deposits	CBA	Redemption	(10.0)	
	CBA	Investment	5.0	
	CBA	Investment	2.5	
	CBA	Investment	2.0	
	ANZ	Investment	5.0	
	Bankwest	Investment	5.0	
	Bankwest	Investment	2.0	11.5
TOTAL				12.99

Interest and Investment Returns

Returns as at 31 August 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a favourable variance when compared to the year to date budget.

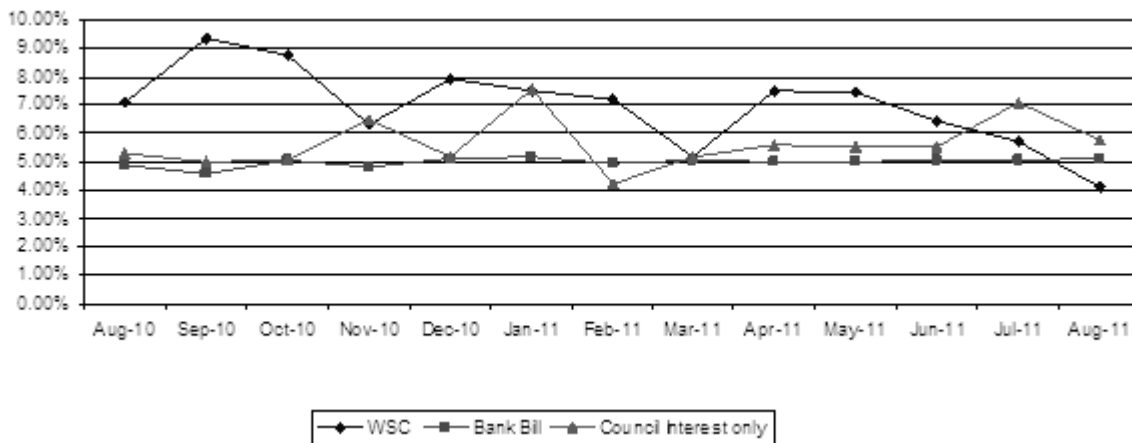
Table 3 Annual Investment Portfolio Performance as at 31 August 2011

Investment Source	FYR Original Budget \$ '000	YTD Budget \$ '000	YTD Actual \$ '000	Variation YTD Budget \$ '000
General Fund	3,365	561	502	(59)
Water	1,082	180	448	268
Sewerage	1,653	275	151	(124)
Total	6,100	1,016	1,101	85

Interest rates in the month, on term deposits other than a statutory \$10.2m deposit for WorkCover, ranged from 5.77% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for August of 5.14%.

Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the UBSA Bank Bill Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:

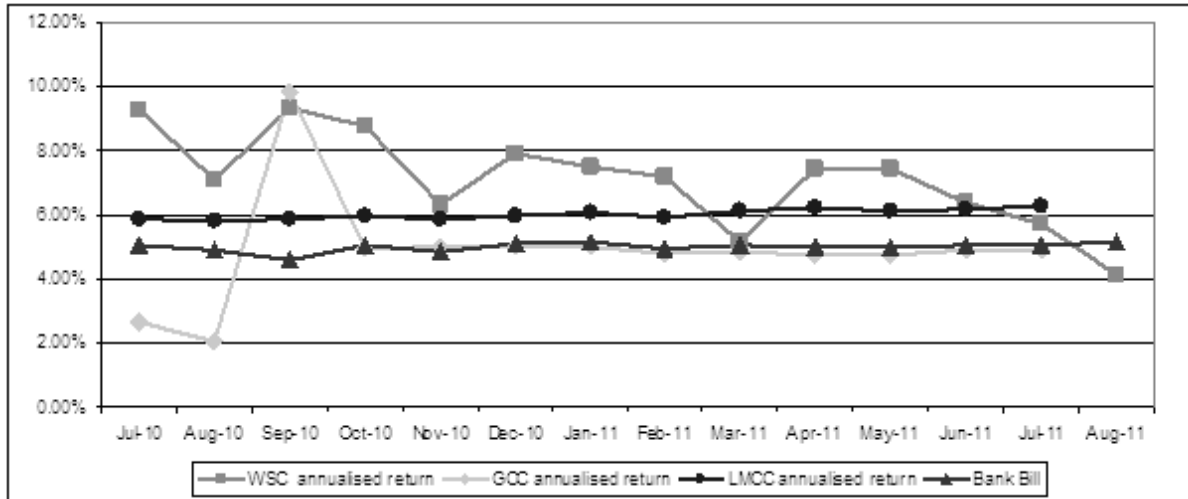


Council: Council Total Return (Interest and Investments)
Bank Bill: UBSA Bank Bill Index
Council Interest Only: Council Interest Earnings

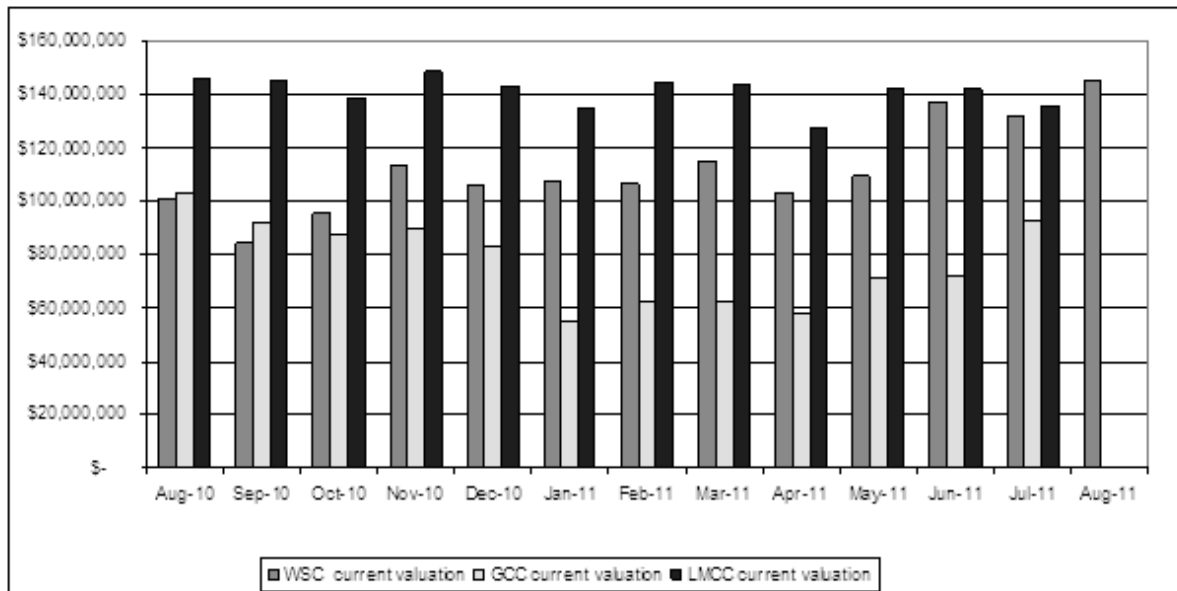
Comparison to similar Councils

Council's annualised returns (5.71%) for July compare to similar councils in the area, Lake Macquarie City Council (6.29%) and Gosford City Council (4.92%). Returns for August have been impacted by the unrealised capital losses.

There is a one month lag in the information available.



Council's portfolio has grown gradually with investments now at \$144m and are compared below with Lake Macquarie and Gosford City councils. Approximately \$115m of these funds was restricted at June 2011.



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 August 2011 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Council has significantly reduced its holdings in managed funds, with the majority of investments now held in term deposits in accordance with the provisions of the ministerial investment order.

Investments are being conservatively managed to ensure that value is added to the fixed interest portfolio and Council will be re-developing its long term investment strategy as the level of managed funds in the portfolio reduces.

ATTACHMENTS

- 1 Summary of Investments by Type - August 2011 D02772980

Wyong Shire Council
Summary of Investments - By Type
As at 31 August 2011

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 31.7.11 \$	PORTFOLIO BALANCE 31.8.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:					
Westpac Corporate Investment Account (AA)	Daily	9,586,744	11,082,011	65,269	4.75
UBS Cash Account (AA)	Daily	519,230	518,527	0	
Total Cash At Call		10,105,974	11,600,538	65,269	
TERM DEPOSITS & BONDS					
NAB Term Deposit	07/07/2011			-852	
Commonwealth bank Term deposit	29/08/2011	10,000,000		45,107	5.88
Commonwealth bank Term deposit	27/09/2011	5,000,000	5,000,000	25,267	5.95
Bendigo/Adelaide Term Deposit	26/09/2011	5,000,000	5,000,000	26,116	6.15
Wyong Credit Union Term deposit	28/12/2011	1,000,000	1,000,000	4,969	5.85
Bankwest Term Deposit	05/10/2011	5,000,000	5,000,000	25,479	6.00
Westpac Term Deposit	05/10/2011	5,000,000	5,000,000	24,970	5.88
NAB Term Deposit	19/01/2012	5,000,000	5,000,000	25,649	6.04
Bankwest Term Deposit	18/04/2012	5,000,000	5,000,000	25,692	6.05
Bendigo/Adelaide Term Deposit	18/04/2012	5,000,000	5,000,000	26,753	6.30
NAB Term Deposit	27/03/2012	10,000,000	10,000,000	53,082	6.25
Bendigo/Adelaide Term Deposit	26/06/2012	4,000,000	4,000,000	21,742	6.40
IMB Term Deposit	26/06/2012	5,000,000	5,000,000	26,753	6.30
SunCorp Term Deposit	04/07/2012	10,000,000	10,000,000	53,507	6.30
NAB Term Deposit	28/12/2012	5,000,000	5,000,000	26,414	6.22
ANZ Bank	27/11/2011	5,000,000	5,000,000	25,479	6.00
SunCorp Term Deposit	27/01/2012	10,000,000	10,000,000	52,742	6.21
IMB Term Deposit	27/11/2011	5,000,000	5,000,000	25,904	6.10
Commonwealth bank Term deposit	07/01/2012		5,000,000	795	5.80
Commonwealth bank Term deposit	07/11/2011		2,500,000	397	5.79
Commonwealth bank Term deposit	03/10/2011		2,000,000	316	5.77
ANZ Bank	29/11/2011		5,000,000	801	5.85
Bankwest Term Deposit	27/02/2012		5,000,000	801	5.85
Bankwest Term Deposit	10/10/2011		2,000,000	312	5.70
T-Corp (WorkCover NSW)	02/09/2011	10,243,519	10,243,519	43,326	4.98
Westpac Deposit Bond	24/09/2012	4,082,423	4,076,063	24,563	5.13
Total Term Deposit & Bonds:		114,325,942	125,819,582	586,086	
CASH MANAGEMENT FUNDS:					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,756,950	7,576,408	-180,542	
Total Cash Management Funds		7,756,950	7,576,408	(180,542)	
TOTAL		132,188,866	144,996,527	470,813	

6.4 Annual Disclosure of Interest Returns 2010-11

TRIM REFERENCE: F2010/01313 - D02724023

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Annual Disclosure of Interest Returns 2010-11.

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September each year. Newly appointed staff are also required to lodge a return within three months of being appointed to a designated position.

All required disclosures have been submitted with the exception of 8 staff, of whom are on maternity leave and other extended leave. These returns are being pursued. Section 450A also specifies that the General Manager must table the returns lodged under these Sections and, in accordance with this Section of the Act, the returns for the period 1 July 2009 to 30 June 2010 are tabled, together with those new staff who commenced in, and staff who have resigned from designated positions between 1 July and 30 September 2010.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

ATTACHMENTS

1 Disclosures of Interest Received - 1 July to 30 September 2011 D02724041

**Disclosure of Interest Register
1 July – 30 September 2011**

Councillors

-

Staff

Bruce, K (resignation)
Conroy, M (resignation)
Critchley, L (resignation)
Oldham, J
Willis, V (resignation)
Witherdin, D

6.5 Information Concerning Rates and Charges Written Off 2010-11

TRIM REFERENCE: F2010/00500 - D02777892

AUTHOR: Darryl Telfer; Revenue Accountant

MANAGER: Cate Trivers; Chief Financial Officer

SUMMARY

Rates and Charges written off under the General Manager's delegation during the 2010-11 financial year.

RECOMMENDATION

That Council receive the report on Information Concerning Rates and Charges Written Off 2010-11.

BACKGROUND

Clause 131 (6) of the Local Government (General) Regulation 2005 requires the General Manager to advise Council of rates and charges written off under the General Manager's delegation.

Below are details of rates and charges written off during 2010-11:

Pensioner Concessions

The Local Government Act 1993 (LGA) provides that eligible pensioners are entitled to concessions on rates and charges applicable to their principal place of residence.

The amount of these concessions is set by the LGA at;

- 50% of the combined total of ordinary rates and domestic waste charges, to a maximum of \$250.
- 50% of the sewer service charges, to a maximum of \$87.50
- 50% of the combined total of water service and water usage charges, to a maximum of \$87.50

In 2009-10 the amounts written for pensioner concessions were:

Ordinary Rates	\$2,341,441.94
Domestic Waste Charges	\$1,174,554.89
Sewer Service Charges	\$1,192,887.81
Water Service Charges	\$942,343.12
Water Usage Charges	<u>\$284,803.68</u>
Total	<u>\$5,936,031.44</u>

Through an annual claim lodged with the Division of Local Government, Council receives reimbursement of 55% of the pensioner concession amounts written off.

Accordingly the net cost to Council through the provision of pensioner concessions in 2010-11, as required under the LGA, was \$2,671,214.15.

Postponed Rates

The Local Government Act 1993 (LGA) enables a ratepayer to apply for a postponement of part of the rates on land which is used only as the site of a house or on rural land but, because of its zoning or permitted use, is valued for rating purposes in a way that reflects its permitted use rather than its actual use.

The rates attributable to the increased value are postponed for 5 years and, thereafter, are written off, together with the interest that has accrued on those rates.

In 2010-11 the amount of postponed rates and interest written-off under this provision was \$9,362.20.

Small Balances

Rates and charges written off under the General Manager's delegation during 2010-11 in relation to Small Balances to maximum \$0.50 per assessment, was \$945.70.

Other Rates and Charges Written off

Assessment 2252 (5) - 174 Buff Point Avenue, Buff Point

Rates and Charges Written Off \$455.20

A Certificate under Section 603 of the Local Government Act 1993 (for the purpose of protecting purchasers in respect to outstanding rates on land being purchased) was issued on 12 March 2010.

Subsequent to the purchase being completed, it came to Council's notice that a payment of \$453.00 made 28 February 2010 and reflected in the certificate had been incorrectly applied to the assessment due to incorrect details being keyed by another customer through an online payment channel. That payment was subsequently applied to the benefit of the customer that made the payment resulting in an increase in the balance outstanding against the subject assessment by \$453.00 which was claimed by Council in a subsequent reminder notice issued to the purchaser.

As provided by Section 603, purchasers are protected by such subsequent claims by Council for any amounts not included in certificates previously issued and relied upon by bona fide purchasers.

Considering the amount involved it was deemed uneconomical to pursue recovery of the amount from the previous owner being the party that would have benefited from the initial misallocation of the payment. Accordingly the amount of the payment of \$453.00 together with interest subsequently applied of \$2.20, totalling \$455.20, was written off.

6.5 Information Concerning Rates and Charges Written Off 2010-11 (contd)

Assessment 1543 (8) - 7 Sovereign Cres, Chittaway Bay

Rates and Charges Written Off \$484.94

A Certificate under Section 603 of the Local Government Act 1993 (for the purpose of protecting purchasers in respect to outstanding rates on land being purchased) was issued on 14 October 2010.

Subsequent to the purchase being completed, it came to Council's notice that a payment of \$577.24 made 21 September 2010 and reflected in the certificate had been incorrectly applied to the assessment due to incorrect details being keyed by another customer through an online payment channel. That payment was subsequently applied to the benefit of the customer that made the payment resulting in an increase in the balance outstanding against the subject assessment by \$577.24 which was claimed by Council in a subsequent reminder notice issued to the purchaser.

As provided by Section 603, purchasers are protected by such subsequent claims by Council for any amounts not included in certificates previously issued and relied upon by bona fide purchasers. Following discussions with the purchasers it was agreed to write off the outstanding balance on the assessment of \$484.94

Considering the amount involved it was deemed uneconomical to pursue recovery of the amount from the previous owner being the party that would have benefited from the initial misallocation of the payment.

ATTACHMENTS

Nil.

6.6 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02778589
AUTHOR: Daniel Kemp; Engineer
MANAGER: Daryl Mann; Acting Manager Water and Sewerage

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

That Council receive the report on Mardi to Mangrove Link Project Status.

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Financial – refer to corresponding Confidential Report (Meeting of 14 September 2011) on the Update on the Financial Status of the Mardi to Mangrove Link Project.

Overall Construction Status (excluding Commissioning)	Completion Date:	30 September <u>2011</u>	% Work Complete:	<u>99%</u>
--	-----------------------------	-----------------------------	-----------------------------	------------

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		30 September 2011	99%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		100%
Work Package 2 – Wyong River Pump Station	19 February 2010		99%

6.6 Mardi to Mangrove Link Project Status (contd)

Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		100%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		100%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		100%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		100%

Milestone 2:		4 April 2011	100%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		100%
Milestone 3:		30 October 2011*	60%
Commissioning	1 August 2011		

*(Dates as per JH latest program C19) * excl 2 week contractor's float*

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	27 January 2011	25 September 2011	<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011	4 April 2011	<input checked="" type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- Pipe laying has been completed on all properties.
- 50/56 properties have been restored (excluding minor outstanding works).

6.6 Mardi to Mangrove Link Project Status (contd)

- Works have been 100% completed by John Holland on 50/56 properties (assuming hydro testing is satisfactory and valves have been completed).
 - 37/56 landholders have signed releases.
 - Easement Plans have been prepared for all properties.
 - Key property and landholder issues at present include:
 - Key focus is on meetings with landholders to close out restoration issues – progressing well
 - Slow progress in getting JHG to complete minor outstanding restoration work and to properly repair driveways damaged during construction.
-

Stakeholder Liaison

Media

- Traffic updates, including details of restoration works, continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- A media alert and release was issued for the system launch media event.
- Media articles on the system launch event were featured in various local and national broadcasts and publications.

Resident communication

- Weekly traffic emails continue to be sent to more than 30 households who have sought direct updates. The focus of these updates has changed from construction to restoration.
- Direct liaison with affected landholders is ongoing via the project's Property Team.

Other

- The turning on of the system media launch was held on 31 August. The event was attended by the Parliamentary Secretary for Sustainability and Urban Water.
 - The date for the Community Celebration Day has now been set for Sunday 16 October. This will coincide with the start of National Water Week. Invitations will be distributed shortly.
 - A community celebration event is being planned for October. This will coincide with the end of National Water Week.
-

Incidents

- No significant Environmental or safety incidents occurred in the last period.
 - Ongoing monitoring of siltation controls at Ingram property.
-

Major Achievements / Issues

- Work Package 1: Work on this package has been completed
- Work Package 2: Work on the Wyong River Pump Station has also been effectively completed.
- Work Package 3: Work on this package has been completed
- Work Package 4: Construction of the Mardi Dam Discharge Structure has been completed.
- Work Package 6: Construction of the Mardi to Mangrove Transfer Pump Station has been completed. Commissioning of the transfer pump station has now commenced.
- Work Package 7: Construction of the pipeline is now completed. All the hydrostatic pressure testing is complete, commissioning has now commenced.
- Work Package 18: Wyong River weir has now been completed



Mardi to Mangrove System launch
(Work Package 6)

ATTACHMENTS

Nil.

6.7 Central Coast Water Corporation Update

TRIM REFERENCE: F2004/08792 - D02778639

AUTHOR/ MANAGER: Garry Casement; Manager Headworks

SUMMARY

The Councils have agreed in principle to the transfer of the Councils water supply authority functions and responsibilities or parts there of to the new Corporation on 1 July 2013 subject to a positive cost benefit analysis and no material impact on Wyong Shire Council. This report provides an update for the Councillors on the formation of the Central Coast Water Corporation

RECOMMENDATION

That Council receive the report on Central Coast Water Corporation Update.

KEY PROGRESS ITEMS

To date Wyong Shire and Gosford City Councils have:

1. Approved a Constitution and Voting Shareholders' Agreement in accordance with the Memorandum of Understanding (MoU) with the NSW Government providing for the establishment of the CCWC on 17 February 2011
2. Agreed in principle to the full transfer of the Councils' water supply authority functions, responsibilities and resources from 1 July 2013
3. Endorsed the nomination of the Directors to the inaugural Board of the CCWC at a meeting on 30 June 2011
4. Endorsed a Strategic Project Management Plan (SPMP) to investigate the compressed timeframe for the full implementation of the CCWC at a meeting on 30 June 2011

The activities currently being progressed are:

Appointment of Directors

Final arrangements are being discussed with the nominated external Directors. Once resolved, the Councils will be recommending to the NSW Governor that the nominated Directors be appointed to the Board.

Cost Benefit Analysis

The Councils' agreed under the MoU that the transfer of any water supply authority functions, responsibilities or resources to the CCWC would be subject to a cost benefit analysis (CBA).

A brief for the CBA is being developed by the CCWC Project Control Group (PCG). It will consider the financial impacts on the Councils of transferring the water supply authority business to the CCWC. It is proposed that the CBA will consider the transfer of water and sewerage business but not drainage functions. The CBA will also evaluate the costs and benefits to the community.

It is envisaged that the results of the CBA will be reported to the Councils in February 2012.

Establishment of Project Office and Project Team

A Project Office is being established to manage the activities under the SPMP. It will comprise Council officers recruited by an Expression of Interest within Wyong and Gosford Councils. The office will be based in Wyong and will be responsible for undertaking and coordinating the Councils activities in relation to investigating the implementation of the CCWC. The Project Office will report to CCWC PCG.

Document Management

All documentation related to the CCWC will be collated as part of the establishment of the Project Office. It will also coordinate all future documents in relation to the investigation and establishment of the CCWC.

PROJECT STATUS

The overall project scope includes:

- (a) identification of the most efficient structure for the CCWC, on a whole of business basis while ensuring no material impact on WSC
- (b) enabling critical business support systems
- (c) Developing a strategic human resource plan to facilitate staff transfers
- (d) Identifying and valuing assets to be transferred
- (e) Addressing governance, legal and regulatory issues
- (f) Aligning existing systems and procedures.

The project is currently in transition from the initiation and establishment phase to the implementation phase

Activity	% Work complete
Communication and Engagement Strategy	ongoing
Undertake Recruitment of External Directors	90
Strategic Project Management Plan	90
Resource project	ongoing
Complete ancillary Agreements	100
Induction package	95
Establish Project Team	70
Establish Project Office	90

STAKEHOLDER LIAISON

The Communication and Engagement Strategy covering the next 2 years has been prepared. The strategy builds on the communication strategy developed the initiation and establishment phase.

Accomplishments

- Completed the current round of information sessions for Water and Sewer staff
- Finalised the staff engagement framework (with HR and the unions) for presentation to the PCG.

BUDGET

The SPMP endorsed by the Councils included a project budget of \$2M for the engagement of external resources.

The project is jointly funded by Gosford City and Wyong Shire Councils. Oversight of project expenditure is managed through the PCG.

Council will seek to recover costs incurred by the establishment of the CCWC in future IPART determinations.

To date, the costs to complete the establishment phase (Oct 10 – 30 June 2011) of the CCWC are within budget.

The implementation phase (1 July 2011 – 30 June 2013) is being developed. To date there has been minimal expenditure to date and is dependant on the outcome of the CBA.

ATTACHMENTS

- 1 CONFIDENTIAL ATTACHMENT - CBA Brief (*D02789903 - Distributed under seperate cover*) Enclosure

6.8 Outstanding Questions without Notice and Notice of Motions

TRIM REFERENCE: F2011/00027 - D02777524

AUTHOR: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Report on outstanding Questions without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Table of Outstanding Questions on Notice and Notices of Motion - 12 October 2011 | D02777217 |
|---|--|-----------|

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
1	Environment and Planning Services	8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee <i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i> <ul style="list-style-type: none"> • <i>The Terms of Reference (charter, roles, responsibilities and function);</i> • <i>Possible membership</i> • <i>Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</i> 	9 September 2009 Cr Wynn / Cr Best	A report is being prepared for a Council meeting held in October 2011.
2	Environment and Planning Services	9.5 - Notice of Motion – Sea Level Rise Notification 1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i> 2 <i>Text of the letter be endorsed by Council.</i>	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified, waiting on Council's General Counsel to submit additional information for the report to be submitted to Council.
3	General Manager's Department - Major Projects	7.6 - Notice of Motion – Warnervale Town Centre Viability <i>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i>	12 May 2010 Cr Eaton / Cr Best	Major Projects have requested and received expressions of interest from consultants to conduct a feasibility study on WTC current DCP and SEPPs against the proposed DCP and revised zoning SEPP. The tender selection is finalised and the next step is to engage a consultant to commence the feasibility.
4	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Eaton	A briefing was held on 11 May 2011. This report to Council needs to be reviewed following the submission of the Natural Resources Management Strategy draft to Council. A Report is being prepared for the November 2011 round of meetings.
5	Community and Recreation Services	8.2 - Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i>	27 October 2010 Cr Graham / Cr Eaton	Councillor briefing has been postponed. A Councillor Business Update to be submitted in November to address the issue.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
6	Corporate Services	9.1 - Notice of Motion – Women’s Committee 1 <i>Include</i> consideration of a Status of Women Committee during their deliberations on the whole committee structure. 2 <i>Consider</i> participation / membership to include Councillors, staff and community reps.	10 November 2010 Cr Matthews / Cr Webster	A report has been prepared and is to be considered at the same meeting as the report on the proposed environment committee.
7	Community and Recreation Services	Q114/11 – Memorandum of Understanding with Department of Housing <i>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</i>	23 February 2011 Cr Best	A meeting was held with representatives of Housing NSW on 5 July to discuss and finalise the MOU. The final draft MOU will now be forwarded to ET for endorsement.
8	Infrastructure Management	Q2/11 – Odour in Water at Chain Valley Bay North <i>Residents in the Chain Valley Bay North area have reported that their town water smells “fishy”. Could Council staff please advise if there is any <u>link</u> between the recently reported manganese levels in the water and the fishy smell. If no <u>link</u> exists, could staff please advise what might be causing the fishy smell?</i>	9 March 2011 Cr Vincent	Due to no specific location provided for the complaint, other than it was in Chain Valley Bay, Council's flusher cleaned the mains in Chain Valley Bay in April and could not find any problems which related to the particular request. Records since this date indicate no similar problem. A Councillor Business Update is being prepared.
9	Infrastructure Management	7.1 - Notice of Motion - Regional Push to Reinstate F3 Link 1 <i>That Council <u>form</u> a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</i> 2 <i>That Council <u>urge</u> the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</i>	25 May 2011 Cr Best / Cr Eaton	A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received. A follow up email has been sent from the General Manager to the Minister for Central Coast, Minister for Resources and Energy.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
10	Environment and Planning Services	<p>7.2 – Notice of Motion – Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission</p> <p>2 That Council <u>be advised</u> of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.</p>	8 June 2011 Cr Wynn / Cr Vincent	<p>Letters were issued to relevant members and ministers on 19 July 2011.</p> <p>Report submitted to Council on 14 September 2011, Item 6.2 titled Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.</p>
11	Environment and Planning Services	<p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <p>1 That Council <u>acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</p> <p>2 That Council <u>request</u> the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</p> <p>3 That Council <u>request</u> the report be prepared in partnership with the appropriate agencies and indigenous community.</p> <p>4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting.</p>	13 July 2011 Cr Best / Cr Vincent	This NOM has been put on the Environment and Natural Resources Work Programme and timing will depend on the availability within the works programme to undertake unallocated projects unlikely to occur prior to the 2nd quarter.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
12	Community and Recreation Services	9.1 – Notice of Motion – Registered Clubs 1 <i>That Council <u>support</u> the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.</i> 2 <i>That Council <u>provide</u> a letter of support which outlines the important role played by clubs in our community.</i> 3 <i>That Council <u>formally advise</u> the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms.</i>	27 July 2011 Cr Graham	Letters currently being prepared.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
13	Environment and Planning Services	<p>9.3 - Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys</p> <p>1 That Council <u>call on</u> the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</p> <p>2 That Council <u>support</u> residents on the Central Coast by <u>requesting</u> the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</p> <p>3 That Council <u>direct</u> the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</p> <p>4 That Council <u>commend</u> the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</p> <p>5 That Council <u>direct</u> the General Manager also write to the Member for Dobell on the status of the his proposed private members bill.</p>	27 July 2011 Cr Vincent	Relevant Letters have been issued and awaiting responses.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
14	Infrastructure Management	<p>7.2 - Notice of Motion - Proposed Major Transport Infrastructure Projects</p> <p><i>That Council <u>request</u> the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.</i></p>	10 August 2011 Cr Eaton	A meeting has been arranged for the relevant staff to discuss preparation of a scoping brief for the report.
15	Community and Recreation Services	<p>U26/11 - Proposed Grant Application for the Wyong Skills Centre</p> <p>1 <i>That Council <u>note and endorse</u> the funding application as submitted to the Federal Government's Community Infrastructure Grants – Youth Commitments Program for the development of the Wyong Skills Centre on Nos 18 – 20 Margaret Street, Wyong for \$2,985,000.</i></p> <p>2 <i>That Council <u>undertake</u> an Expression of Interest process for partners to provide a suitable site and build and operate the Wyong Skills Centre.</i></p> <p>3 <i>That Council <u>consider</u> a report on the outcome of the Expression of Interest process.</i></p> <p>4 <i>That Council <u>reaffirm</u> the request for staff to investigate other larger suitable sites as possible locations for the Wyong Skills Centre.</i></p>	24 August 2011 Cr Symington	<p>Council has commenced the project planning required to implement the Expression of Interest process required by this resolution.</p> <p>The Expression of Interest has been advertised and closes on Thursday 6 October 2011. An assessment and recommendation will be undertaken by staff and then reported to Council.</p>
16	Corporate Services	<p>Q23/11 - Projected Additional Revenue Raised by Charging School to Utilise Sports Grounds</p> <p><i>“Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council's sports grounds and facilities?”</i></p>	24 August 2011 Cr Vincent	An answer to this question will be submitted to a Council meeting in October 2011.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
17	Environment and Planning Services	<p>8.1 - Notice of Motion - Proposed Public Meeting - Coal Mining Projects</p> <p>1 That Council <u>convene</u> a public meeting in late October 2011 for all residents from Doyalson to Wye Point to Gwandalan to discuss the extension and expansion of coal mining operations in the area and its implications for residents, the environment, infrastructure and Council operations.</p> <p>2 That the public meeting be <u>held</u> in a central location in the north of the Shire.</p> <p>3 That Council <u>invite</u> representatives from the coal mining companies to present their current proposals.</p> <p>4 That Council <u>provide</u> staff to facilitate the public meeting and to outline Council's responses to the current proposals.</p> <p>5 That Council <u>record</u> the issues raised at the public meeting and seek responses for the public from the coal mining companies involved.</p> <p>6 That Council <u>invite</u> the State Members for Wyong, Swansea and Lake Macquarie and the Minister for the Central Coast to the public meeting</p>	14 September 2011 Councillor Wynn	Preparations are underway to find a venue for the meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
18	Environment and Planning Services	<p>8.2 - Notice of Motion - Coal Seam Gas (CGS) Inquiry</p> <p><i>That Wyong Shire Council:</i></p> <p>1 <i>Write and thank the State Government for banning the chemicals used in the tracking process.</i></p> <p>2 <i>Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;</i></p> <p>3 <i>Call on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and</i></p> <p>4 <i>Calls on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and independently assessed.</i></p> <p>5 <i>Rejects suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.</i></p> <p>6 <i>Place a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands.</i></p>	14 September 2011 Councillor Wynn	Letters currently being drafted.
19	Community and Recreation Services	<p>8.3 - Notice of Motion - Sporting Ground Fees and Charges for Local Schools</p> <p>4 <i>That Council meet with the Regional Council of Parents and Citizens Association as soon as practicable.</i></p>	14 September 2011 Councillor Vincent	Report to be submitted to 9 November 2011 Council meeting.

No	Department	Question Asked / Resolution	Meeting Asked/ Councillor	Status
20	Community and Recreation Services	Q24/11 Refunds to Soccer Associations due to Wet Weather at their Grounds <i>"Can staff please advise if refunds are given to Soccer Associations where their grounds were closed due to wet weather?"</i>	14 September 2011 Councillor Matthews	A response is currently being prepared.
21	Community and Recreation Services	Q25/11 Upgrades at EDSACC Oval North <i>"Can staff advise when the drainage upgrade and new lights will be provided at the home ground of Killarney Vale Soccer Club (EDSACC Oval North)?"</i>	14 September 2011 Councillor Matthews	A response is currently being prepared.
22	Environment and Planning Services	Q26/11 Pioneer Dairy <i>"Could staff provide a 'Councillor Update' on the current status of Wyong Shire Council in relation to the Pioneer Dairy Trust (community access / progress of site)?"</i>	14 September 2011 Councillor McBride	A Councillor Business Update is currently being prepared.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE 14 SEPTEMBER
2011**

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
1	General Manager's Department - Major Projects	2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age	10 November 2010 Cr Eaton	Report submitted at 14 September 2011 meeting titled – Excellence in Aged Living.
2	Community and Recreation Services	10.1 - Notice of Motion - Storage of Dinghies on Foreshore in Wyong Shire	27 April 2011 Cr Wynn	A Councillor Business Update was submitted on 15 September 2011.
3	Community and Recreation Services	6.1 - Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services	13 July 2011 Cr Graham / Cr Webster	Letters sent to Premier, Ministers and MP on 29 August 2011 – D02754823.
4	Environment and Planning Services	9.1 - Notice of Motion – 4WD Environmental Vandalism	24 August 2011 Cr Best/ Cr Wynn	<ul style="list-style-type: none"> • Councillor Business Update has been issued • Report to Tuggerah Lakes Estuary, Coastal, Floodplain Management Committee has been included in paper for 6 October meeting • Letters to be sent within the next fortnight • Educational material is being developed • Article in Shirewide for next rates mail out • Rangers will be patrolling the area in coming weeks • Signage and rehabilitation works are being planned for installation and implementation
5	Environment and Planning Services	Q21/11 - Cost of Health Surveillance Inspections	10 August 2011 Cr Wynn	Answer to this question included in this business paper.
6	Community and Recreation Services	Q16/11 – Status Report on Delay in Purchasing Relocatable Security Cameras	8 June 2011 Cr Symington	Council is currently finalising external security contractors. Report on contracts included in this business paper.

	Department	Question on Notice / Notice of Motion	Date Asked/ Councillor	Status
7	Community and Recreation Services	Q22/11 - Park on Corner of Golf Links Drive and Fishburn Crescent, Watanobbi	24 August 2011 Cr Matthews	A Councillor Business Update was submitted on 30 September 2011.

7.1 Answers to Question on Notice

TRIM REFERENCE: F2010/00500 - D02753274

AUTHOR/MANAGER: Jamie Loader; Manager Building Certification and Health

7.1 Q21/11 - Cost of Health Surveillance Inspections

The following question was asked by Councillor Webster at the Ordinary Meeting on 10 August 2011:

"Mr Mayor, my question is on behalf of the small business community that is one of the largest employers in the current economic times and are doing it tough. I have received representation from shopkeepers in the food sector that require health surveillance inspections through Council's Health Department. The advice that I have received is that costs for these inspections have sky rocketed. Could you please provide Council with cost increases over the past five years for these services and the rationale behind these decisions?"

Cost Increases

The previous five years of fees associated with the food surveillance program are detailed in the following table:

Financial Year	Admin Fee	Inspection Fee	Re-Inspection Fee	No. of Inspections	Total Cost*
2007/08	\$0.00	\$148.05	\$0.00	2	\$296.10
2008/09	\$250.00	\$0.00	\$140.00	1	\$250.00
2009/10	\$250.00	\$0.00	\$147.00	1	\$250.00
2010/11	\$250.00	\$0.00	\$153.65	1	\$250.00
2011/12	\$390.00	\$0.00	\$165.00	1	\$390.00

* Based on premises not requiring a re-inspection

Rationale

An amendment to The Food Act (2003) in November 2007, introduced provisions for Councils to be formally recognised by the NSW Food Authority as an Enforcement Agency. This resulted in Council entering into an agreement with the NSW Food Authority under the banner of the Food Regulation Partnership. Under the partnership agreement, the NSW Food Authority sets recommended fees based around the principle of cost-recovery for the administration and inspection costs of operating a food surveillance program. Councils are able to charge an administration fee and an inspection fee to cover the costs of the service.

Since 1 July 2008, Council has opted to charge food businesses only the administration fee as determined by the NSW Food Authority, which includes a minimum of one inspection per year. Council does not charge an inspection fee for the initial inspection, however, in cases where there are significant or numerous defects, a re-inspection will be carried out and a re-inspection fee may be applied.

7.1 Q21/11 - Cost of Health Surveillance Inspections (contd)

Prior to 1 July 2008, there was no provision to charge an administration fee and as such Council charged an inspection fee for each programmed inspection. Under that program, most premises received a minimum of two inspections per year and were charged the inspection fee for each.

ATTACHMENTS

Nil.

8.1 Notice of Motion - Tidy Towns

TRIM REFERENCE: F2004/00034 - D02773720

AUTHOR: Sue Wynn; Councillor

MANAGER: Sonia Witt; TL Governance and Councillor Services

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 12 October 2011 she will move the following Motion:

- “1 That WSC report to Council on the interface between WSC, the community and Tidy Towns.
- 2 That WSC look at the current model used with our Landcare volunteers to see if a similarly designed policy would achieve the right outcome for Council and the community.
- 3 That a cost benefits analysis of supporting this program be considered as part of the report.”

COUNCILLORS NOTE

Background

Tidy Towns are a volunteer organisation that has a number of groups in some of our suburbs.

The organisation provides a great public benefit with improved public amenity in the suburbs where they operate but there is no official pathway for these groups to seek or access Council assistance, nor for any work carried out on Council land.

Wyong Shire Council and the community also have little knowledge of the parameters of the Tidy Towns operations are nor how they interface with the Landcare groups operating in the same public spaces.

8.2 Notice of Motion - Development Applications for Retail Liquor Outlets

TRIM REFERENCE: F2004/07052 - D02773754

AUTHOR: Sue Wynn; Councillor

MANAGER: Sonia Witt; TL Governance and Councillor Services

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 12 October 2011 she will move the following Motion:

“That Wyong Shire Council require any Development Application submitted for a Retail Liquor Outlet be supported by a Social Impact Statement prepared by a suitably qualified person.”

8.3 Notice of Motion - Diamond Jubilee Queen Elizabeth II

TRIM REFERENCE: F2004/07706 - D02780952

AUTHOR: Doug Eaton; Councillor

MANAGER: Sonia Witt; TL Governance and Councillor Services

Councillor D Eaton has given notice that at the Ordinary Meeting to be held on 12 October 2011 he will move the following Motion:

- "1 That Council formally approach the Federal and State Governments, via its local members, to obtain details of the Governments' proposed celebrations to mark the Diamond Jubilee for Queen Elizabeth II which will be celebrated on 6 February 2012.*

- 2 That Council note the correspondence received from the Australian Monarchist League requesting Council consider "doing something in its own tight to mark the diamond Jubilee"."*

8.4 Notice of Motion - Joint Regional Planning Panel Representation

TRIM REFERENCE: F2011/02277 - D02785276

AUTHOR: Doug Eaton; Councillor

MANAGER: Sonia Witt; TL Governance and Councillor Services

Councillors Eaton and Symington have given notice that at the Ordinary Meeting to be held on 12 October 2011 they will move the following Motion:

- "1 That Council recognises that its representatives to the Joint Regional Planning Panel (JRPP) should be Councillors as they are the elected representatives of the community and changes its current representation to reflect this principle such that Councillor Symington be appointed its other delegate replacing Ms Vereker.*
- 2 That Council appoint a Councillor as an alternate delegate to the JRPP.*
- 3 That Council advise the secretariat of JRPP of these changes to its representation.*
- 4 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting."*

8.5 Notice of Motion - Vales Point Reserve

TRIM REFERENCE: F2009/02124 - D02788812

AUTHORS: Sue Wynn; Councillor

Doug Vincent; Councillor

MANAGER: Sonia Witt, TL Governance and Councillor Services

Councillors Sue Wynn and Doug Vincent have given notice that at the Ordinary Meeting to be held on 12 October 2011 they will move the following Motion:

- "1 That Council declares the works at Vales Point Reserve, Mannering Park to be of significant priority and importance.*
- 2 That Council requests the General Manager to ensure that the State Government Grant funds are fully utilised (in accordance with the grant conditions).*
- 3 That Council requires a Part 5 Environmental Assessment be undertaken to address the migration of foreshore stabilisation stones into the pool.*
- 4 That Council provide monthly progress reports in respect of the project and the Part 5 Assessment process, to the Mannering Park Community Precinct Committee, prior to its meetings until the project is completed."*

8.6 Notice of Motion - Proliferation of Alcohol Outlets

TRIM REFERENCE: F2004/07706 - D02793428

MANAGER: Sonia Witt; TL Governance and Councillor Services

AUTHOR: Greg Best; Councillor

Councillor Best has given notice that at the Ordinary Meeting to be held on 12 October 2011 he will move the following Motion:

- "1 That Council reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.*
- 2 That Council make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:*
 - the escalation of binge drinking*
 - anti social behavior*
 - alcohol related violence*
 - hospitalizations*
 - consumptions of police and custodial resources*
 - millions of dollars of damage to public and private property*
 - domestic violence*
 - motor vehicle abuse*
 - addictions*
 - the cost to society of managing the resultant chronic life issues*
- 3 That Council seek to move urgency at the upcoming Local Government and Shires Association Conference seeking to reject this proposal.*
- 4 That Council inform all fellow NSW Councils of its intention to reject this push to escalate the sale of alcohol through local service stations and urge all sister Councils to make similar formal representations."*

9.1 Rescission Motion - Eco Tourism Park Proposal

TRIM REFERENCE: CPA/169320 - D02786496
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley; Manager Corporate Governance

Council, at the Ordinary Meeting held on 26 June 2011 gave consideration to Item No 5.4 a report regarding Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Eco-Tourism Park Proposal.

At that meeting, Council resolved, in part, as follows:

- "2 That Council defer any decision regarding its support or opposition to the proposal pending completion of all relevant ecological studies due October 2011.*
- 3 That Council consider a report on the ecological studies."*

A Rescission Motion has been received from Councillor Best to be moved at the Ordinary Meeting of Council to be held on Wednesday, 12 October 2011, as follows:

- "MOVE that the following resolution carried at the Ordinary Meeting of Council held on 26 June 2011 be rescinded, in part, as follows:*
- 2 That Council defer any decision regarding its support or opposition to the proposal pending completion of all relevant ecological studies due October 2011.*
 - 3 That Council consider a report on the ecological studies."*

Should the above Rescission Motion be carried, further notice is given that Councillor Best will move the following motion:

- "MOVE*
- 1 That Council note the community concerns in relation to the possible establishment of an eco-resort to be located immediately south of Lakes Beach Surf Club.*
 - 2 That Council not pursue any further assessments or studies associated with the establishment of an eco-tourist facility on the subject site*
 - 3 That Council complete the existing preliminary assessments and use the information to assist local land care groups & staff to remediate the subject area.*
 - 4 That Council request the General Manager to investigate other sites that may be suitable to accommodate and enhance eco-tourism & report to Council his findings.*
 - 5 That Council recognise the outstanding volunteer contribution provided to the Wyong Shire community from the Shire's land/coast/dune care groups.*

- 6 *That Council direct the likely substantial reoccurring revenues raised from any such eco-resort initiative to fund local environmental support groups and the wider environmental restoration of the Shire."*