
WYONG SHIRE COUNCIL

REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 13 AUGUST 2008,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

13 AUGUST 2008

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WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

360 Disclosures of Interest

F2008/01064 ED:MR

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

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

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

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

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

361 Proposed Inspections

F2008/00003 ED:MR

SUMMARY

Inspections proposed to be held on 27 August 2008 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
27 August 2008	Salt Water Creek Reserve and playground (Liberty Playground)	Director Shire Services
27 August 2008	Toowoona Bay and Canton Beach Holiday Parks (Upgrade works)	Director Shire Services
27 August 2008	North Entrance Beach - Rehabilitation of Dunes (not inspected 23 July 2008)	Director Shire Services
27 August 2008	Bush Street, Norah Head – Road Reconstruction & Car park works	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 27 August 2008 be received and the information noted.

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

362 Proposed Briefings

F2008/00003 ED:MR

SUMMARY

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

Date	Briefing	Description	Time	Presented by
13 August 2008	Killarney Vale/Bateau Bay/Tumbi Umbi Strategic Planning	Briefing on Housing NSW strategies to address public housing in the Killarney Vale/Bateau Bay/ Tumbi Umbi areas and development of a master concept plan.	12noon - 12.30 pm	Glenn Beatty, Housing NSW & Ecologically Sustainable Design consultants
13 August 2008	Bateau Bay and Landfill adjoining property	Briefing with Council's Lawyers and attendance, in some part, by Darcy Smith.	12.30pm - 1.30 pm	HWL Ebsworth Lawyers/ Paul Wise + Darcy Smith (part)
13 August 2008	Water Authority Board Meeting	Discuss content of board papers for upcoming Water Authority Meeting. Water Modelling information included. Proposed IPART submission.	1.30 pm - 3.30 pm	General Manager, Manager Headworks, Acting Manager Corporate Services and Manager Water and Waste

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 27 August 2008 be received and the information noted.

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

363 Address by Invited Speakers

F2008/00003 ED:MR

SUMMARY

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

RECOMMENDATION

- 1** *That the report on Invited Speakers be received and the information noted.*
- 2** *That, should speakers be present at the meeting, standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.*

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

364 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

SUMMARY

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

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

RECOMMENDATION

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

W020 *Contract No CPA 135634 - Wyong South Sewage Treatment Plant Augmentation*

W021 *Notice of Motion - Bateau Bay Tip Contractor Meeting*

2 *That the reason for dealing with Item Nos W020 and W021 confidentially is that they both contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

3 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

13 August 2008
To the Ordinary Meeting of Council

General Manager's Report

365 Confirmation of Minutes of Previous Meetings

F2008/00003 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 23 July 2008 and the Extraordinary Meeting of Council held on 30 July 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 23 July 2008 and the Extraordinary Meeting of Council held on 30 July 2008 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 23 JULY 2008,
COMMENCING AT 5.06 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES AND ACTING MANAGER CONTRACTS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.06 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 326, 327, 328, 329, 343, 332, 336, 354, 337 AND 339, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

326 Disclosures of Interest

F2008/01064 MW:SW

W017 – WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE TO THE WYCRA BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE GENERALLY INTERESTS COINCIDE AND DO NOT CONFLICT."

W017 – WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCIL APPOINTEE ON THE WYCRA BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART 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."

337 – SURF CLUB RENEWAL PROGRAM**354 – NOTICE OF MOTION – \$7.13 MILLION INJECTION OF FUNDS INTO PARK, PLAYGROUNDS AND SURF CLUBS**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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 FORSTER and seconded by Councillor STEVENS:

That the report be received and advice of disclosures noted.

RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor PAVIER:

That item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs to be dealt with prior to item 337 - Surf Club Renewal Program .

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

327 Proposed Inspections

F2008/00003 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor WELHAM:

That the report on inspections conducted on Wednesday, 23 July 2008 be received and the information noted with the exclusion of North Entrance Beach – Rehabilitation of Dunes and Noraville Cemetery Gardens and the inclusion of Bateau Bay Rehabilitation Closed Landfill Site.

328 Proposed Briefings

F2008/00003 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor WELHAM:

That the report be received and the information noted, with the inclusion of the Bateau Bay Landfill Confidential Briefing held Wednesday 23 July 2008.

329 Address by Invited Speakers

F2008/00003 MW:SW

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

- 1 That the amended report on Invited Speakers be received and the information noted.***
- 2 That standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.***
- 3 That the speaker on item 356 - Notice of Motion – Boycott of Korean Products be excluded due to illness and the inclusion of speakers Mr Chad Griffiths, Executive Officer and Mr Jim Myers, President, representing Surf Lifesaving Central Coast for item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.***
- 4 That item 343 - Geotextile Bag Investigations be moved forward in the agenda.***

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

330 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

W017 – Wyong Community Recreation Association

W018 – Contract CPA 137900 – Provision of Security Services

W019 – Contract CPA 115476 – Progress Report on the Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill

- 2 That the reason for dealing with Report No W017 confidentially is that it contains personnel matters concerning particular individuals.***
- 3 That the reason for dealing with Report No W018 confidentially is that it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***
- 4 That the reason for dealing with the Report No W019 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 5 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

331 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

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

That the minutes of the previous Ordinary Meeting of Council held on 9 July 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

332 Proposed Dwelling at Lot 1 DP 582078 No 38 Werrina Parade, Blue Bay

MLG:MLG DA 316/2007

MR MARK EASTHAM, RESIDENT, ADDRESSED THE MEETING AT 5.43 PM, ANSWERED QUESTIONS AND RETIRED AT 5.49 PM.

MR NIGEL DICKSON, REPRESENTING DICKSON ROTHSCHILD PTY LTD, ADDRESSED THE MEETING AT 5.49 PM, ANSWERED QUESTIONS AND RETIRED AT 6.04 PM.

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

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2** *That Development Control Plan 2005, Chapter 100; Part 2.6 – “Building Design” and Chapter 99; Part 3.1 – “Building Lines” be varied to permit the development.*
- 3** *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 4** *That those who made written submissions be advised of Council’s decision.*

FOR: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR PAVIER.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

333 Contract CPA 141366– Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

CPA/141366 AB

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM DURING CONSIDERATION OF THIS ITEM.

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

That this matter be deferred to later in the business paper to allow staff to research answers to questions.

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

- 1 That all complying tenders received for the hire of plant/trucks for the operation of Buttonderry Waste Management Facility be accepted for inclusion on a priority ranking list for a period of 12 months.***
- 2 That the Director Shire Services be authorised to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA 141366 Hire of Plant for the Operation of Buttonderry Waste Management Facility. The estimated annual expenditure for all plant and trucks against this contract is \$1,353,132 including GST (\$1,230,120 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.***

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

AGAINST: COUNCILLOR EATON.

334 Contract CPA 105697 – Financial Assessment for Toukley Aquatic Centre Refurbishment Project

CPA/105697 MDL

It was MOVED by Councillor BEST and SECONDED by Councillor EATON:

- 1 That the report be received and the information noted.***
- 2 That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.***

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- 3 *That Council convene an extraordinary meeting of Council on 30 July 2008 to receive a report from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.*

An AMENDMENT was MOVED by Councillor ROSE and SECONDED by Councillor STEVENS:

- 1 *That the report be received and the information noted.*
- 2 *That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.*
- 3 *That Council consider a report on 13 August 2008 from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.*

FOR: COUNCILLORS ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER, STEWART AND VEUGEN.

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

- 1 ***That the report be received and the information noted.***
- 2 ***That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.***
- 3 ***That Council convene an extraordinary meeting of Council on 30 July 2008 to receive a report from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.***

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

AGAINST: COUNCILLORS ROSE AND STEVENS.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

335 Establishment of Extension to Alcohol Free Zone – Long Jetty

F2008/00602 MW

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

That Council formally adopt the proposal to extend an Alcohol Free Zone in the following location for the period up to 30 June 2009:

Long Jetty: Surf Street, The Entrance Road and Watkins Street from Stella Street up to and including Swadling Street to corner of Oaks Street.

336 Investigation into Alleged Illegal Dumping

F2008/01538 GV:MD

COUNCILLOR BEST LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.28 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.29 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.09 PM AND RETURNED TO THE CHAMBER AT 7.11 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.22 PM DURING CONSIDERATION OF THIS ITEM.

MR NEIL ADAMS, CONSULTANT REPRESENTING ADAMS CONSULTING AND TRAINING, ADDRESSED THE MEETING AT 6.26 PM, ANSWERED QUESTIONS AND RETIRED AT 6.55 PM.

It was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE:

- 1 *That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.*
- 2 *That Council adopt all recommendations as outlined in the report.*

An AMENDMENT was MOVED by Councillor BEST;

- 1 *That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.*
- 2 *That Council adopt all recommendations as outlined in the report.*

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- 3 *That Council recognise the limited capacity of the current investigation and as a consequence encourage those that may have further information to make their representations to the ICAC under the protection of the protected disclosures legislation.*

The AMENDMENT lapsed for want of a SECONDER.

It was MOVED by Councillor PAVIER and seconded by Councillor STEWART:

That the MOTION be put.

RESOLVED that the MOTION be put.

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

AGAINST: COUNCILLORS BEST AND EATON.

RESOLVED on the motion of Councillor WELHAM and seconded by Councillor ROSE:

- 1 ***That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.***

- 2 ***That Council adopt all recommendations as outlined in the report.***

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

AGAINST: COUNCILLORS BEST AND EATON.

337 Surf Club Renewal Program

F2004/06211 LS

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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 PAVIER LEFT THE CHAMBER AT 8.39 PM AND RETURNED TO THE CHAMBER AT 8.40 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor STEVENS:

That Council has dealt with this matter through item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.

338 Status Report of Shire Wide Audit

F2004/07245

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

- 1** ***That the report be received and the actions taken noted.***
- 2** ***That the Mayor's approval to importing rocks and fencing material to secure the Gwandalan Landfill site be endorsed.***
- 3** ***That the Mayor's approval to rescheduling this report from the Ordinary Meeting of 9 July 2008 to 23 July 2008 to allow more information to be provided be endorsed.***

339 Central Coast Bid for Australian Surf Life Saving Championships 2010-12

F2004/06179 GSM:LS

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.39 PM AND RETURNED TO THE CHAMBER AT 8.40 PM DURING CONSIDERATION OF THIS ITEM.

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 8.39 PM, ANSWERED QUESTIONS AND RETIRED AT 8.49 PM.

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

That, subject to agreement with Gosford City Council and subject to the New South Wales State Government agreeing to cover any payments to Surf Life Saving Australia, Council proceed with a bid for the 2010-12 Australian Surf Life Saving Championships.

RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEWART:

That Council adjourn for ten minutes.

THE MEETING WAS ADJOURNED AT 8.50 PM AND RESUMED AT 9.00 PM.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

340 Minutes of the Wyong Shire Senior Citizens Council Meeting – 19 June 2008

F2008/00407 AE

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

That the minutes of the Wyong Shire Senior Citizens Council meeting of 19 June 2008 be received and the information noted.

341 Minutes of the Central Coast Regional Organisation of Councils – 18 June 2008

F2004/06390 ED

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 18 June 2008 be received and the recommendations contained therein, adopted.

Information Reports

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

That with the exception of report number 344 the information reports be received and the recommendations adopted.

342 Proposed Alterations and Additions to Existing Café/Restaurant at Toukley

DA/627/2004/D DMD:DMD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

343 Geotextile Bag Investigations

F2007/00876

MS MARLENE PENNING, REPRESENTING COASTCARE, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.34 PM.

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

- 1 That Council (including the role of the Estuary Management Committee) in partnership with the local North Entrance Coastcare Group and Department of Environmental and Climate Change, Council facilitate a Dune Stabilisation trial utilising the new Geotextile Bag Technology.**
- 2 That prior to any such trial staff report to Council on indicative cost and locality details.**

344 2007 Warnervale Rail Station

DA/261/2005 JW:JW

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

- 1 That the report be received and the information noted.**
- 2 That subject to staff confirmation Council return the railway station development application to the applicant advising that no Council consent is required due to the provisions of the infrastructure SEPP.**
- 3 That Council advise the Member for Wyong accordingly.**

AT THIS STAGE OF THE MEETING COUNCIL CONSIDERED ITEM 333 – CONTRACT CPA 141366 – HIRE OF PLANT AND TRUCKS FOR THE OPERATION OF BUTTONDERRY WASTE MANAGEMENT FACILITY

345 Activities of the Development Assessment Unit

F2004/07830 JD:JD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

346 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

347 Flashing Warning Lights Outside Schools

F2004/05521 JEM

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

That the report be received and the information noted.

348 Mowing and Maintenance of Open Space and Park Areas

F2004/06144 BS

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

That the report be received and the information noted.

349 Works in Progress Report – Water and Sewer

F2004/07830 KRG:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

350 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

351 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

352 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

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

That the report be received and the information noted.

353 Notice of Motion – Maintenance of Stormwater Treatment Devices

F2004/00165

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

That due to concerns raised through the Estuary Management Committee, staff report on the maintenance of stormwater treatment devices across the Shire. The report should include, but not necessarily be limited to, relevant aspects of budgets and responsibilities associated with stormwater asset maintenance, design, construction and performance for intended objectives covering both new and existing development areas.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

354 Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs

F2004/07041

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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 ROSE LEFT THE CHAMBER AT 7.58 PM AND RETURNED TO THE CHAMBER AT 7.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.14 PM AND RETURNED TO THE CHAMBER AT 8.16 PM DURING CONSIDERATION OF THIS ITEM.

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 7.37 PM, ANSWERED QUESTIONS AND RETIRED AT 7.47 PM.

MR JIM MYERS, PRESIDENT REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 7.37 PM, ANSWERED QUESTIONS AND RETIRED AT 7.47 PM.

It was MOVED by Councillor PAVIER and SECONDED by Councillor GRAHAM:

- 1 *That Council agree, in principle, to proceed with the previously identified list of high priority works in need of funding as follows;*
 - a *\$1.24 Million for items 1 to 10 of the floodlight upgrade priority list as identified by staff. For clarity, No 1 is the Ourimbah soccer oval and up to including No 10 EDSAAC Netball Courts. These items have been previously reported to Council.*
 - b *\$890,000 towards installation of sub-soil drainage on sportsgrounds as priority identified in a Council report of January 2005.*
 - c *\$500,000 for playground land acquisition in Ourimbah to provide for a playground site. \$1Million to meet the identified high priority playgrounds strategy as identified in previous reports and briefings to Council as early as 2005.*
 - d *\$3 Million towards a rebuild/refurbishment program, conditional on an agreed program of works between Council and the surf clubs. Council notes that the surf clubs have presented recently their priority list of clubs rebuild/refurbishment, in Wyong Shire.*

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- e \$500,000 towards management and upgrading of Darren Kennedy Oval Toukley (Council report November 2005 and February 2007).
- 2 That staff, as a result of the above funding, explore where matching or other grants could be sourced eg from State and Federal Governments etc to assist in the delivery/acceleration of the above works. As a result of the recent surf club briefing, Council strongly encourage and also write to the surf club movement, urging them to lobby their respective State and Federal Members of Parliament to assist in further additional funding opportunities.
- 3 That Council seek to amend the 2008-09 Management Plan to include an expenditure of \$1,330,000 from land sales and developer contributions for those works identified above to be carried out in the current financial year.
- 4 That the amendment be exhibited for a minimum period of 28 days.
- 5 That a report be brought back to Council following this exhibition. This report is to include the list of works, timetable and the results of 2 above.
- 6 That, in formulating the 2009/2010/2011 Management Plans, Council give consideration to the expenditure of \$5,800,000 from land sales and developer contributions for the remainder of the works identified above.

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor BEST;

- 1 That Council recognise the outstanding contribution to our community by Surf Life Saving Central Coast and the importance of adequate resourcing of this vital service.
- 2 That having regard to 1 above, Council recognise the urgent need to formally commence the Surf Club Renewal Program (SCRIP) through consideration of an allocation of \$3 Million in the 2009-10 budget to establish a building fund, with a view to providing recurring funding in subsequent two budget years.
- 3 That staff in partnership with Surf Life Saving Central Coast formally brief Council on the key issues and processes required to commence the SCRIP.
- 4 That both the State and Federal Governments through our respective local members be engaged to assist Council and its residents and ratepayers in delivery of this vital community project.
- 5 That Council revise its 2008-09 budget to provide immediate funding for the project of \$100,000 for planning and design.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

The AMENDMENT was put to the VOTE and declared LOST.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

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

- 1 That Council agree, in principle, to proceed with the previously identified list of high priority works in need of funding as follows;**
 - a \$1.24 Million for items 1 to 10 of the floodlight upgrade priority list as identified by staff. For clarity, No 1 is the Ourimbah soccer oval and up to including No 10 EDSAAC Netball Courts. These items have been previously reported to Council.**
 - b \$890,000 towards installation of sub-soil drainage on sportsgrounds as priority identified in a Council report of January 2005.**
 - c \$500,000 for playground land acquisition in Ourimbah to provide for a playground site. \$1Million to meet the identified high priority playgrounds strategy as identified in previous reports and briefings to Council as early as 2005.**
 - d \$3 Million towards a rebuild/refurbishment program, conditional on an agreed program of works between Council and the surf clubs. Council notes that the surf clubs have presented recently their priority list of club's rebuild/refurbishment, in Wyong Shire.**
 - e \$500,000 towards management and upgrading of Darren Kennedy Oval Toukley (Council report November 2005 and February 2007).**
- 2 That staff, as a result of the above funding, explore where matching or other grants could be sourced eg from State and Federal Governments etc to assist in the delivery/acceleration of the above works. As a result of the recent surf club briefing, Council strongly encourage and also write to the surf club movement, urging them to lobby their respective State and Federal Members of Parliament to assist in further additional funding opportunities.**
- 3 That Council seek to amend the 2008-09 Management Plan to include an expenditure of \$1,330,000 from land sales and developer contributions for those works identified above to be carried out in the current financial year.**
- 4 That the amendment be exhibited for a minimum period of 28 days.**
- 5 That a report be brought back to Council following this exhibition. This report is to include the list of works, timetable and the results of 2 above.**
- 6 That, in formulating the 2009/2010/2011 Management Plans, Council give consideration to the expenditure of \$5,800,000 from land sales and developer contributions for the remainder of the works identified above.**

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

355 Notice of Motion – Pacific Highway Advisory Sign, Wyong Township

F2004/07589

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

- 1 That Council note with disappointment the non release of the Preferred Pacific Highway Route through Wyong as promised by the State Government in June this year.**
- 2 That Council note the concerns of local Wyong residents as to the properties being adversely affected by the proposed Eastern and Western Options.**
- 3 That Council install a sign on the Pacific Highway either side of Wyong township advising the community to telephone the Member for Wyong to ascertain his plans for the upgrade of this part of the Highway.**
- 4 That Council invite the Member for Wyong to brief Council and explain the release of the Route study.**

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

AGAINST: COUNCILLOR ROSE.

356 Notice of Motion – Boycott of Korean Products

F2006/01080

It was MOVED by Councillor EATON and SECONDED by Councillor BEST:

- 1 That Council advise Kores and the South Korean Government via its Australian ambassador that unless it withdraws its application for the Wallarah 2 then Council will advocate its community to embrace a boycott of Korean manufactured and/or produced goods.*
- 2 That Kores and the Ambassador be requested to reply within two months as to their intentions on the Wallarah 2 mine.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON AND VEUGEN.

AGAINST: COUNCILLORS BEST, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

357 Notice of Motion – Shire Wide Escalating Vandalism

F2004/07937

It was MOVED by Councillor BEST and SECONDED by Councillor VEUGEN:

- 1 *That, further to the recent release of the NSW Bureau of Crime Statistics for the Wyong Shire Local Government Area (LGA) indicating an alarming 14.5% increase in malicious damage resulting in elevating Wyong Shire into the top 25% of NSW LGA's for vandalism, and as this antisocial and often intoxicated behaviour is reportedly costing our residents and ratepayers over \$1M in this term of Council alone, Council urgently review its policies, procedures and strategic partnerships with regard to this matter.*
- 2 *That any such review take a pro active whole of community approach to seeking solutions.*
- 3 *That staff brief Councillors on the recently released NSW Bureau of Crime Statistics report and the various options and processes available to formulate Council's policy response.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

QUESTIONS WITHOUT NOTICE ASKED

Q051 – Halekulani Hall

Councillor Veugen

F2004/08083

“Can staff please provide information regarding what steps can be taken to stop young people from gaining access to the hall's roof?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.25 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.38 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W017 Wyong Community Recreation Association

F2008/00352 KY:LS

That the report be received and the information noted.

W018 Contract CPA 137900 – Provision of Security Services

CPA/137900 SLM

That Council accept tender No 6 from Newcastle Security for a period of two years with the option to extend for a further year. The estimated cost of the contract over the two year contract period is \$294,633.90 including GST (\$267,849 excluding GST).

W019 Contract CPA 115476 - Progress Report on the Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill

CPA/115476

- 1 *[Confidential Resolution – see note below].*
- 2 *[Confidential Resolution – see note below].*
- 3 *[Confidential Resolution – see note below].*
- 4 *[Confidential Resolution – see note below].*
- 5 *[Confidential Resolution – see note below].*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.40 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 30 JULY 2008,
COMMENCING AT 5.06 PM**

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

GENERAL MANAGER, ACTING DIRECTOR CORPORATE SERVICES, ACTING DIRECTOR SHIRE PLANNING, ACTING DIRECTOR SHIRE SERVICES, INTERNAL AUDITOR AND TWO ADMINISTRATION ASSISTANTS.

ACTING MANAGER CONTRACTS AND A CONTRACTS ENGINEER.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.06 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND JOHN HARDWICK DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES

358 Disclosures of Interest

F2006/02282 ED:MR

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

That the report and the fact that no disclosure was made be noted.

359 Contracts Report by Internal Audit

F2007/01410 JS

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 5.49 PM AND RETURNED TO THE CHAMBER AT 5.50 PM AND PARTICIPATED IN DISCUSSION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.49 PM AND RETURNED TO THE CHAMBER AT 6.04 PM AND PARTICIPATED IN DISCUSSION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.49 PM AND RETURNED TO THE CHAMBER AT 5.50 PM AND PARTICIPATED IN DISCUSSION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor WELHAM and seconded by Councillor ROSE:

- 1 That the report be received and the information noted.***
- 2 That Council continue to pursue current initiatives to strengthen its project management capabilities.***
- 3 That staff obtain a short list of independent suitably experienced consultants for Council's consideration with a view to appointing a consultant to undertake a review of Council's project management processes to further assist with the strengthening of its capability in achieving its objectives in this vital aspect of its operations.***
- 4 That prior to conducting the review identified in 3 above, staff report to Council a draft consultant's brief identifying all key aspects of the proposed review including the various policies, procedures and overall costs associated with the review.***
- 5 That all major contract variation outcomes be reported as information reports to Council at the completion of the various tenders.***

Minutes of the Extraordinary Meeting of Council held on 30 July 2008 (contd)

- 6** *That reports to Council on major projects highlight the potential risks and consequences in order to facilitate consideration of the nature of those risks and the adequacy of actions in place to mitigate them by both executive management and Councillors.*

- 7** *That the quarterly reports on the Management Plan include a summary report on significant contract/project variations for the quarter.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.24 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

366 **Mayoral Minute - Proposed Waiving of Fees for Beechwood Homes**

F2004/07051

The Minister of Fair Trading is asking Councils to consider assisting home buyers caught by the collapse of Beechwood Homes by implementing measures such as fee reductions and priority processing.

Beechwood Homes group of companies were recently placed in voluntary administration and has had a receiver appointed. Customers of Beechwood Homes with houses under construction will be assisted in having their homes completed by the operation of Home warranty insurance scheme. It is also anticipated that should the receiver be successful in finding a buyer for Beechwood Homes that the new builder will take over the existing contracts and complete construction of the homes.

Approximately 300 Beechwood consumers state wide that have entered into pre-contract agreements with the builder and paid between \$1,500 and \$4,000 to cover administration costs, survey work, and plan preparation etc to lodge with councils may not be covered by home owner's warranty.

A buyer of Beechwood Homes may take on these projects, however some customers may elect to go with other builders for numerous reasons and have new plans prepared. The Office of Fair Trading is seeking assistance from Councils to implement measures such as fee reductions and priorities processing of applications were practical.

Following discussions with the Director of Shire Planning I believe that it is inappropriate and unreasonable to seek fees for a new development application when "builder's information" is not mandatory when submitting a development application. A Section 96 application is considered acceptable in this instance when making minor modifications to development consents including change of details. I recommend that fees be waived for both the modifications and the lodgement of new development applications and construction certificates for houses under contract and construction due to the hardship these customers have already endured.

I formally MOVE:

That Council waive fees for both the modifications and lodgement of new development application and construction certificates for Beechwood customers affected by the collapse of that company.

**367 Variation of Lease for Part of Crown Reserve R55566 at Bay
Road, Toowoomba Bay
(Attachment 1)**

Aerial Photo of Site



WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

367 Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay

F2004/13049 JMT

SUMMARY

Approval is sought to vary the lease of part of Crown Reserve R55566 at Toowoon Bay to Toowoon Bay Surf Lifesaving Club (the Club) to include a different building footprint following demolition of the former surf club building and construction of the new surf club.

RECOMMENDATION

- 1 *That Council agree to the variation of the current lease to Toowoon Bay Surf Lifesaving Club of part of Crown Reserve R55566 at Toowoon Bay to provide for the change to the leased area.***
- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***
- 3 *That Council authorise the Mayor and General Manager to execute the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***

BACKGROUND

Council is the Reserve Trust Manager of the Toowoon Bay Recreation Reserve (R55566) at Toowoon Bay (the land).

Council leases part of the land to Toowoon Bay Surf Lifesaving Club (the Club) for the purpose of conducting surf life saving activities and for a clubhouse for use in connection with such activities. The current lease is for a term of 20 years and expires on 31 December 2011. The leased area comprises the former area of the old surf club which has now been demolished. A new Surf Club building was erected in its place however in a different location to that of the former building as shown in the current lease. The current rent is nominal which is consistent with the leases of all four surf club buildings by Council. The lease provides that all improvements by the Club shall become the property of Council upon termination or renewal of the lease.

Council was appointed Manager of Toowoon Bay Recreation (R55566) Reserve Trust on 28 February 1969. The Reserve Trust has power to lease under the provisions of section 102 of the Crown Lands Act 1989 subject to the consent of the Minister and subject to such conditions, restrictions, reservations and covenants as the Minister thinks desirable.

Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoomba Bay (contd)

The land has an area of approximately 44.90 hectares and is zoned 6(a) Open Space and Recreation.

Previous Report to Council

A Report to the Ordinary Meeting of Council on 25 June 2008 was withdrawn by the Acting Director Corporate Services to allow for additional information to be included.

The Report sought Council approval to the surrender of the existing lease and grant of a new lease to the Club for the different building footprint following demolition of the former surf club building and construction of the new surf club. The Report also sought approval for Council to endorse the Club's Development Application (as owner of the land) to construct a deck adjacent to the new surf club building.

Council staff are conducting a review of the planning controls and known information about the coastal hazards in relation to the land and propose to meet with representatives of the Club to discuss these issues and potential requirements for a development application. Following these discussions, if the Club wishes to proceed with the development application, a report will be submitted for Council's consideration in relation to the endorsement of the Development Application by Council as the owner of the land.

Legal advice has been obtained that the variation to the lease can be implemented by way of a Deed of Variation of Lease in lieu of surrendering the existing lease and granting a new lease. Pending finalisation of this matter, it is proposed that approval to vary the lease should be sought.

Variation of Lease

The Club has sought a variation of the current lease to include a different building footprint following demolition of the former surf club building and construction of the new surf club.

It is proposed that a Deed of Variation of Lease be entered into which will ratify and affirm the current lease and vary the lease area to suit the new building footprint. No other lease terms are to be varied in order that consistency is maintained in respect of Council leases to the other surf Clubs.

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoomba Bay (contd)

The Manager, Customer and Community Services, has no objection to the variation of the lease. The current lease requires the Club to carry out all necessary maintenance in respect of structures presently erected or to be erected.

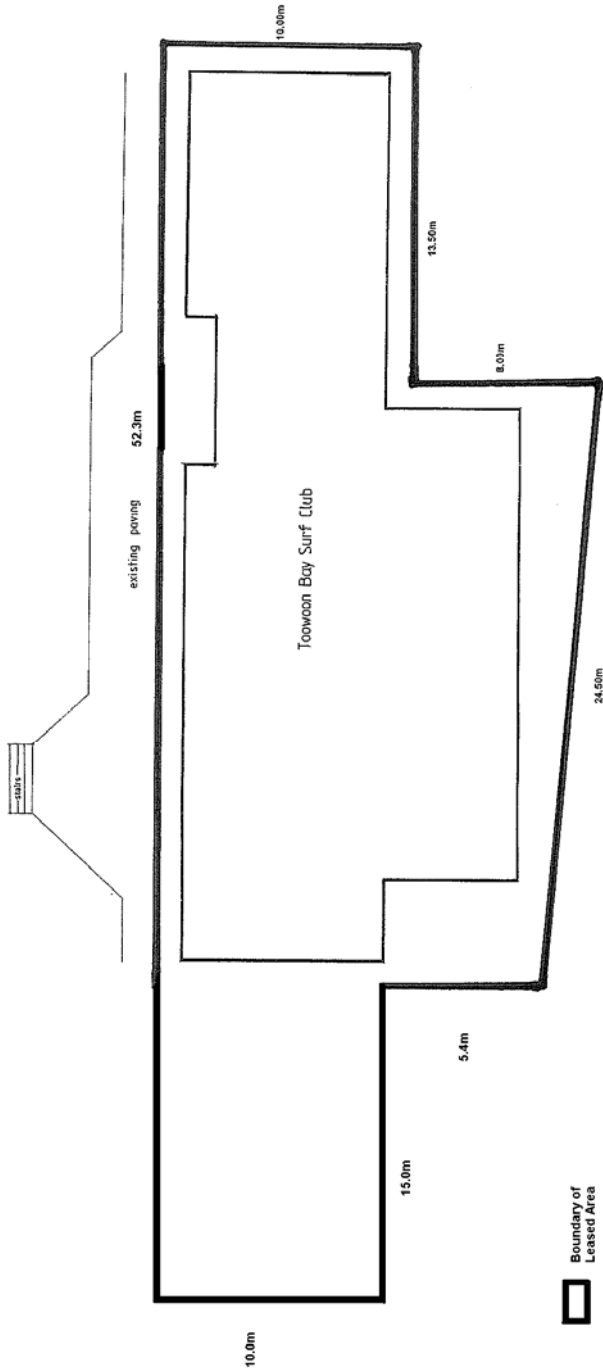
A plan of the proposed lease area is attached.

Attachment 1
Attachment 2

Aerial Photo of Site (1 page)
Plan of Proposed Lease Area (1 page)

Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay (Attachment 2)

Plan of Proposed Lease Area



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368 Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation (Attachment 1)

Plan of proposed acquisition Evans Road / Oleander Street shaded



WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

368 Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation

F2008/01251 SB

SUMMARY

Authority is sought to acquire part of Lot 550 DP 43398 corner Evans Road and Oleander Street, Noraville as public road for the construction of a T-deviation, as well as new kerb and gutter and drainage upgrade.

RECOMMENDATION

- 1** *That Council acquire part of Lot 550 DP 43398 at the corner of Evans Road and Oleander Street, Noraville as public road.*
- 2** *That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owner cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.*

BACKGROUND

Council proposes to construct a T-deviation at the corner of Evans Road and Oleander Road, Noraville. New kerb and gutter and drainage upgrade will be constructed in association with the T-deviation to improve traffic control and traffic management at that location. The work is likely to commence in the 2010-11 financial year and will be scheduled as part of Council's general fund rolling works program.

Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation (contd)

The construction of the T-deviation will affect Lot 550 DP 43398 at the corner of Evans Road and Oleander Street, Noraville and it will be necessary to acquire part of this property as public road. Lot 550 DP 43398 is known as Darren Kennedy Oval and is Crown Reserve 1011729 for Public Recreation and Council is the appointed Trust Manager of the Reserve.

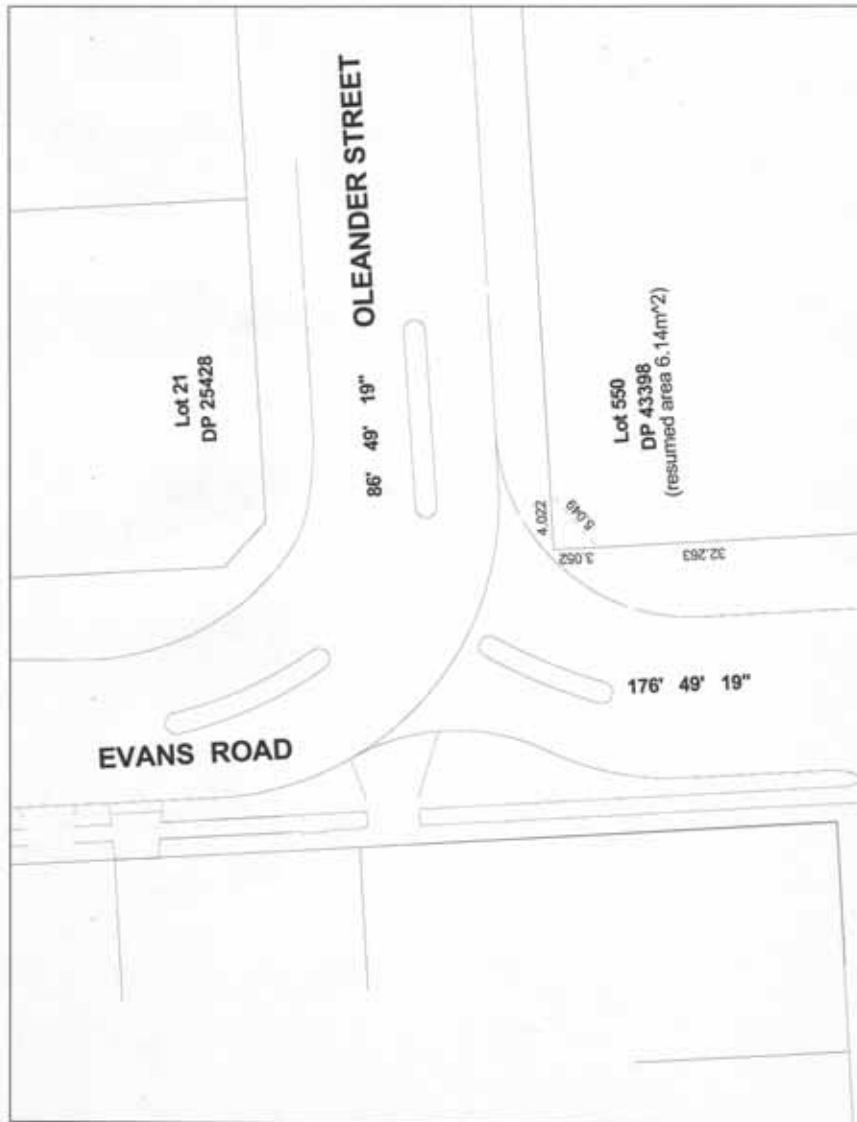
Lot 550 DP 43398 is zoned 5A Special Uses – Sporting Facility, has an area of approximately 6.28 hectares and the road widening has an area of approximately 6.14 square metres.

Council's Manager, Open Space and Recreation, has no objection to the proposal.

- Attachment 1 Plan of proposed acquisition Evans Road / Oleander Street shaded (1 page)***
Attachment 2 Concept Design Evans Road / Oleander Street (1 page)

Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation (Attachment 2)

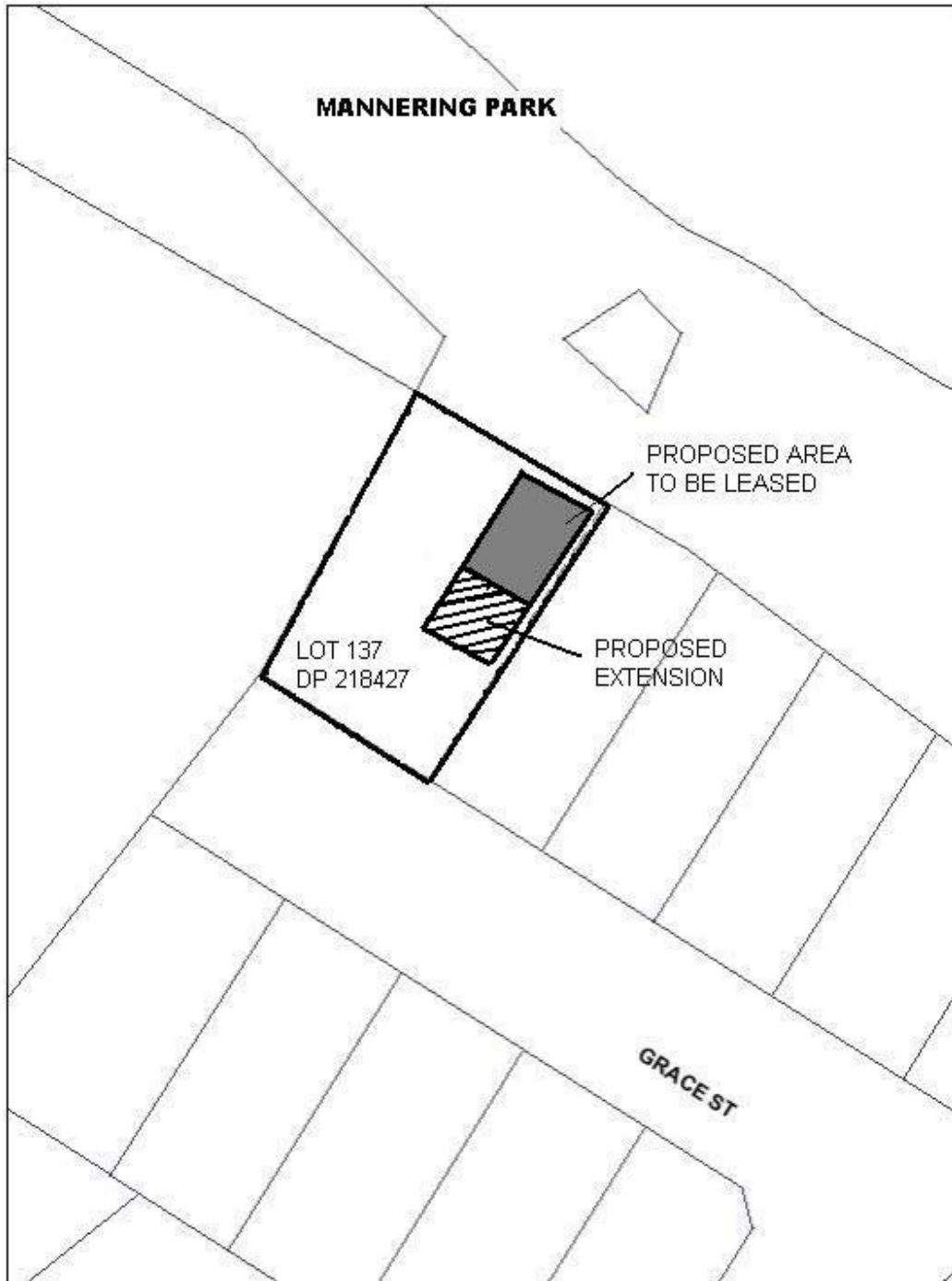
Concept Design Evans Road / Oleander Street



Civilcad v6.8 ID: 50088919 : K:\Carpenters\Design\Data\Evans Rd-IslandsNew.cad - Survey] Scale 1:309
Printed on April 22 2008 11:16 by Name : Company : Wyong Shire Council

369 Proposed Lease of Council Land at Mannering Park - part of Lot 137 DP 218427 (Attachment 1)

Location Plan of Proposed area to be Leased (shaded) and Proposed Extension to Existing Building (hatched)



WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

369 Proposed Lease of Council Land at Mannering Park - part of Lot 137 DP 218427

F2008/01028 SB

SUMMARY

Approval is sought to Lease part of Lot 137 DP 218427 at Grace Street, Mannering Park to Mannering Park Yacht Club at a rental of \$1.00 per annum for a term of five years and for Council as owner to endorse a Development Application for an extension to the existing building on the site.

RECOMMENDATION

- 1 *That Council Lease part of Lot 137 DP 218427 Grace Street, Mannering Park to the Mannering Park Yacht Club for a term of five years, at nominal rent.***
- 2 *That Council as owner of Lot 137 DP 218427 endorse, a Development Application by the Mannering Park Yacht Club for an extension to the Clubs existing building on the site .***
- 3 *That should the development application referred to in Item 2 be approved, the area of the extension proposed in the development application to the Mannering Park Yacht Club be included in the area to be leased to the Club.***
- 4 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***
- 5 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***

BACKGROUND

The Mannering Park Yacht Club has submitted for signing by Council as the owner of land Lot 137 DP 218427 Grace St, Mannering Park a Development Application for inclusion of a boat shed as an extension to an existing sailing club building on the site.

Mannering Park Yacht Club (MPYC) operates small sailing boats from premises it has established on Council land Lot 137 DP 218427 at Grace St Mannering Park. MPYC advises it was formed in April 1969 and its minutes dated 11 July 1969 record permission being granted by Wyong Shire Council for the Club to launch boats from the public reserve at Grace Street, Mannering Park. The same minutes record the NSW Maritime Services Board granting a licence to the Club to conduct sailing races in the general area and that the Mannering Park Progress Association had agreed to operate a kiosk from the site in Grace Street, in conjunction with the Mannering Park Tennis Club.

Proposed Lease of Council Land at Mannering Park - part of Lot 137 DP 218427 (contd)

Council in correspondence dated 1 September 1972 acknowledges the erection of a "Kiosk building" on Lot 137 DP 218427 with Council approval. The existing facility was built by the Club in 1986, however investigations have revealed that no formal tenure has ever been agreed or granted by Council that would protect the parties' interests in respect of the operation and use of the premises.

MPYC has exclusive occupancy of the existing building on the site and launches its boats from a boat ramp on the adjoining Crown foreshore reserve. In this circumstance, to formalise the occupation of the premises on Council land it is considered appropriate for Council to grant a lease to MPYC.

Prior to considering whether Council should sign the Development Application MPYC was requested in the first instance to apply for a lease of the existing building and, if approved, for the area of the extensions.

MPYC has now requested a lease of the existing building and the area of the extensions on the following terms;

- Lease period of 25 or 50 years,
- Nil rent to continue over the Lease period (as is the current arrangement),
- MPYC to insure the building and maintain Public Liability Insurance,
- MPYC to continue to keep the site clean and tidy after use,
- MPYC to continue to allow public access to toilet facilities in the Clubhouse during periods of operation,
- The Lease to remain effective over the period so long as MPYC obtains a yearly Aquatic Licence from the NSW Maritime Authority, to conduct sailing activities in the General area.

MPYC has continued to provide sailing events as a Community sporting activity over the past 39 years and on that basis it is proposed to offer a lease of the premises on the above terms with the exception that as an initial arrangement the lease be for a period of five years. This is also consistent Council's policy of granting five year lease terms to sporting groups on Council land. This will also allow Council to monitor the performance of the lease by MPYC and if appropriate at the end of that term Council may offer a new lease for a longer term.

Lot 137 DP 218427 is zoned 6(a) Open Space and Recreation and classified community land. Plan of Management No. 5 Sportsgrounds Parks and General Community Use applies which authorises the proposed lease.

Council's Roads and Drainage Section has advised that the subject land has a 600mm drainage pipe within 3 metres and adjacent to the western boundary. There is no objection to the proposed lease subject to the Lease not impacting on the drainage function.

13 August 2008
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Director's Report
Corporate Services Department

**Proposed Lease of Council Land at Mannering Park - part of Lot 137
DP 218427 (contd)**

Open Space and Recreation Section has advised that it has no objections to the proposed Lease provided that all maintenance of buildings and grounds are undertaken by the Lease holder.

Council's Development Assessment Unit has advised that it has no objection to the lease, however, issues relating to overshadowing, flora and fauna, views and appearance of the building must be addressed when submitting the development application.

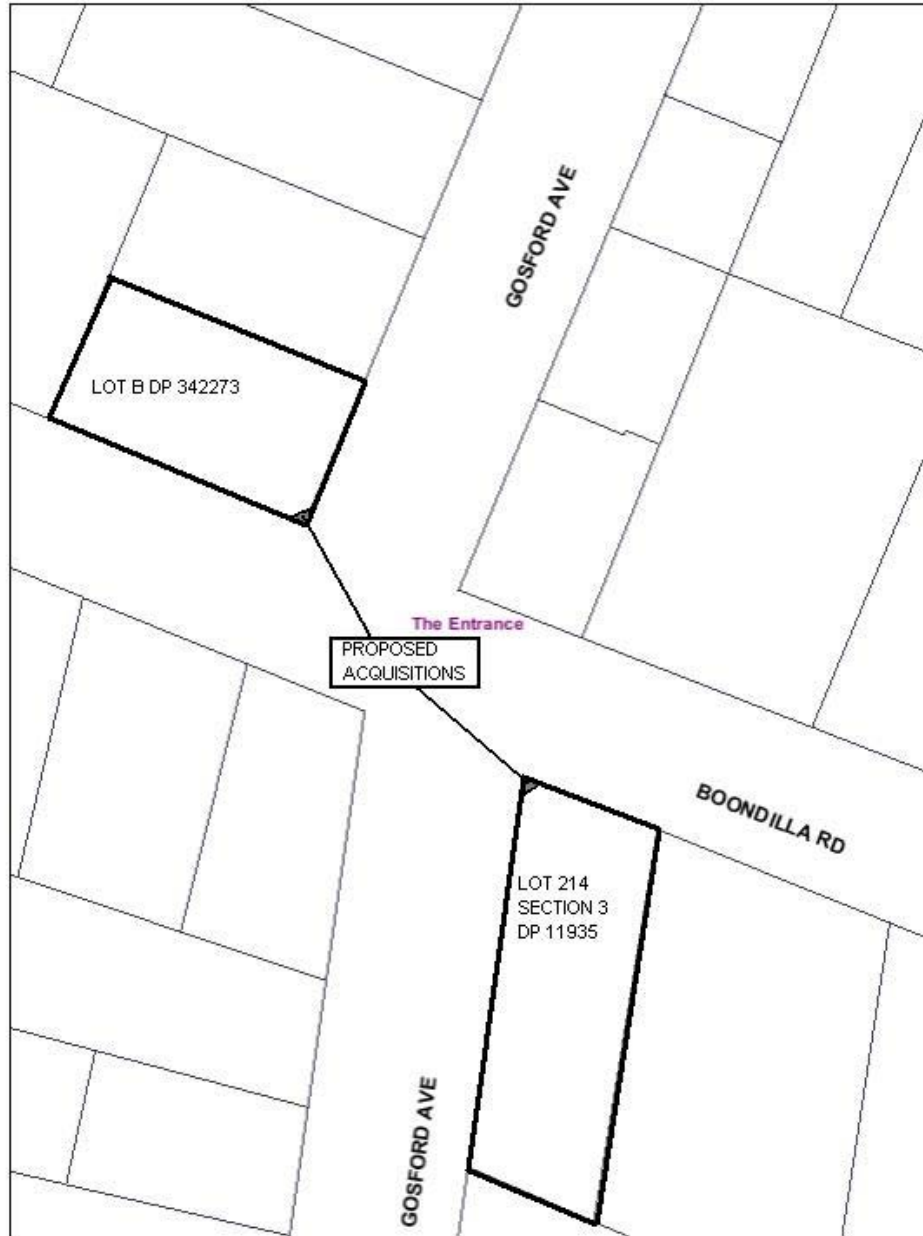
Future Planning has advised that it has no objections to the proposed new Lease.

Attachment 1

**Location Plan of Proposed area to be Leased (shaded) and
Proposed Extension to Existing Building (hatched) (1 page)**

370 Proposed Acquisitions of Private Land Part Lot B DP 342273 and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road and Gosford Avenue, The Entrance for a Roundabout (Attachment 1)

Plan showing proposed acquisitions Boondilla Road / Gosford Avenue shaded



WYONG SHIRE COUNCIL

13 August 2008
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Director's Report
Corporate Services Department

**370 Proposed Acquisitions of Private Land Part Lot B DP 342273
and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road
and Gosford Avenue, The Entrance for a Roundabout**

F2006/00117 F2006/00118 SB

SUMMARY

Authority is sought to acquire part of Lot B DP 342273 and part of Lot 214 Section 3 DP 11935 at the corner of Boondilla Road and Gosford Avenue, The Entrance as public road for the construction of a roundabout.

RECOMMENDATION

- 1 That Council acquire part of Lot B DP 342273 and part of Lot 214 Section 3 DP 11935 at the corner of Boondilla Road and Gosford Avenue, The Entrance as public road.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

BACKGROUND

Council proposes to construct a roundabout at the corner of Boondilla Road and Gosford Avenue, The Entrance to implement traffic calming as depicted in The Entrance Traffic Management Plan. The work is likely to commence in February 2009 and will be funded from Council's Section 94 Funding which forms part of the Rolling Works Program.

Proposed Acquisitions of Private Land Part Lot B DP 342273 and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road and Gosford Avenue, The Entrance for a Roundabout (contd)

The construction of the roundabout will affect part of Lot B DP 342273 and part of Lot 214 Section 3 DP 11935 at the corner of Boondilla Road and Gosford Avenue and it will be necessary to acquire part of those properties as public road.

Lot B DP 342273 has an area of approximately 613.3 square metres and the road widening has an area of approximately 3m x 3m cut-off corner. Lot B DP 342273 is zoned 2C Medium Density Residential.

Lot 214 Section 3 DP 11935 has an area of approximately 714.5 square metres and the road widening has an area of approximately 3m x 3m cut-off corner. Lot 214 Section 3 DP 11935 is zoned 2B Multiple Dwelling Zone.

The owners of the land have been advised of the proposal and negotiations are proceeding for the proposed acquisition.

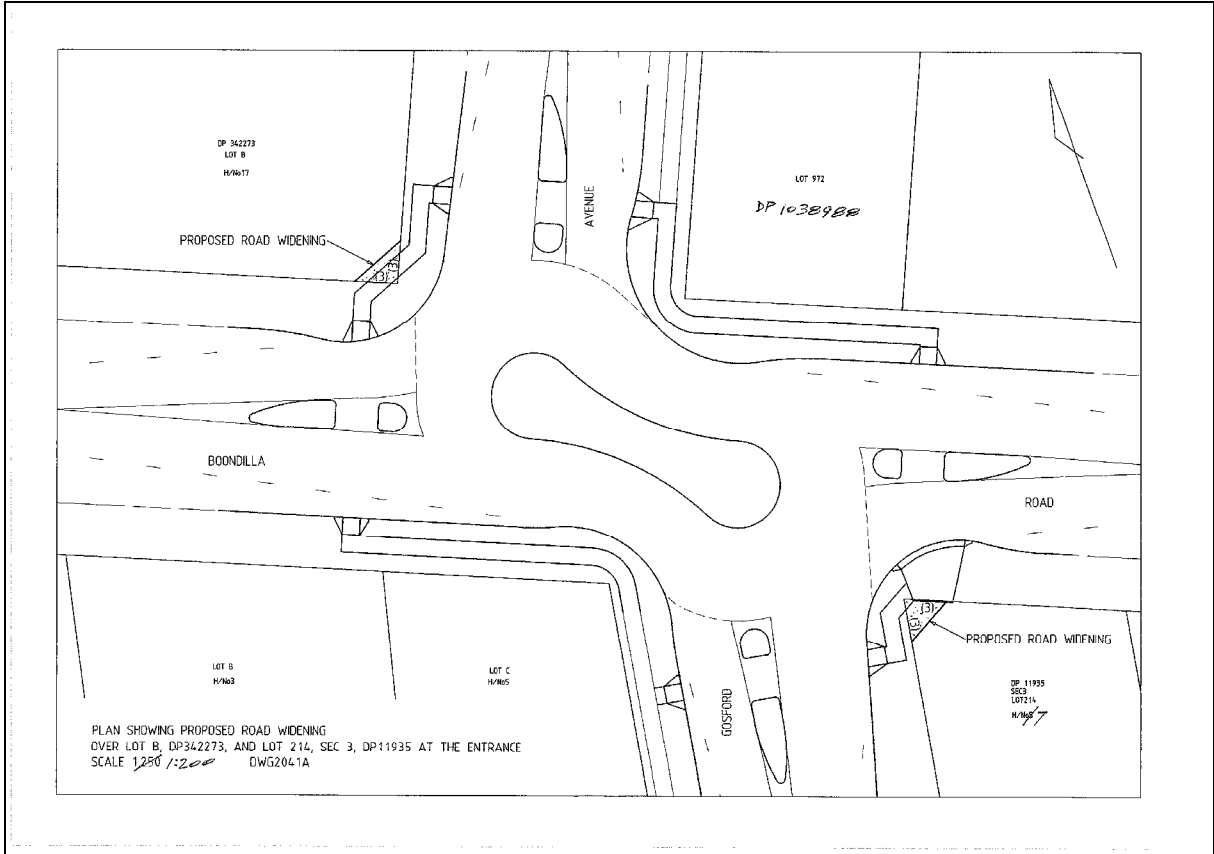
The proposed roundabout at the intersection of Boondilla Road and Gosford Avenue, The Entrance forms part of The Entrance District Traffic Management Plan which was adopted in February 2002. One of the aims of a traffic management plan is to concentrate traffic along major collector routes and to provide traffic controls and calming along these routes. Roundabouts such as the one proposed are proven effective traffic calming devices reducing traffic speed. The spacing between the devices helps to maintain this lower speed environment.

Attachment 1 **Plan of proposed acquisitions Boondilla Road / Gosford Avenue shaded (1 page)**

Attachment 2 **Concept Design Boondilla Road / Gosford Avenue (1 page)**

Proposed Acquisitions of Private Land Part Lot B DP 342273 and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road and Gosford Avenue, The Entrance for a Roundabout (Attachment 2)

Concept Design Boondilla Road / Gosford Avenue



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WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

371 Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works

CPA/130010 LM

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/130010 – Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works.

RECOMMENDATION

- 1 *That Council accept Tender No 5 from Jenbuild Pty Ltd in the total lump sum amount of \$1,562,000.00 including GST (\$1,420,000.00 excluding GST).***

- 2 *That Council approve a contingency amount of \$156,200.00 including GST (\$142,000.00 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

BACKGROUND

Mannering Park Sewage Treatment Plant (STP) is located off Tall Timbers Road, Mannering Park. The existing plant comprises two 6,000 Equivalent Persons (EP) aeration tanks providing a total capacity of 12,000EP. The existing inlet works is in poor condition due to hydrogen sulphide attack from sewage gases and has severely deteriorated.

The existing structure has no rag removal facility consistent with the design standards at its time of construction. However, since that time operational experience has indicated that rag removal is essential to reduce blockages of treatment plant pipework and fouling of equipment. To address these problems the existing inlet works require upgrading to address the operational requirements and to cater for projected future loadings due to population growth.

Designs for the required upgrading works were prepared and tenders sought for the following works:

- * Construction of new reinforced concrete intake channels and associated works, including the lining of the new concrete channels with polyethylene for protection against hydrogen sulphide attack and the provision of wash-down facilities.
- * Supply and installation of two automatic step screens in the inlet works channels to remove rags and objects greater than 3mm in size.
- * Provision of two automatic screw presses, one duty and one standby, to dewater and compact the screenings.
- * Construction of a soil bed filter and suction fan system for odour control.

Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works (contd)

- * Demolition of the existing inlet works, including the disposal of waste materials.

This report reviews tenders received and recommends appointment of a contractor to undertake these essential works.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed on Council's e-Tendering web site, in the Sydney Morning Herald on 15 April 2008 and in the Central Coast Express Advocate on 16 April 2008. The advertised closing date was 22 May 2008.

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

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

Addenda 1 issued on 15 April 2008 - Copy of the Review of Environmental Factors (REF) for information.

Addenda 2 issued on 15 April 2008 – one drawing that was inadvertently omitted from the original drawing set.

Addenda 3 issued on 12 May 2008 - Amended drawings showing changes to pipeline.

Tenders closed through Council's e-Tendering system at 2:00pm on 22 May 2008.

EVALUATION OF TENDERS

The NSW Department of Commerce (Commerce) was responsible for overseeing the evaluation of tenders as part of providing project management services to Council under Contract CPA/94424. Tenders were evaluated by a panel of four, comprising two staff members from Council and two officers from Commerce.

The following threshold criteria were used:

- * Conformance with the specification/brief and other tender requirements.
- * Ability to manage financial risks.

The following weighted criteria were used:

- * The tendered price and price structure.
- * Demonstrated experience and performance on similar projects.
- * Methodology and construction program.
- * Ability to manage risks arising from issues such as quality, safety and environment.

Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works (contd)

The evaluation criteria and their weightings were documented in the Contract Development Plan (CDP) and Tender Evaluation Plan (TEP) and approved by the Director Shire Services prior to tenders being invited. The CDP and TEP are available on file. To assess tenders against the evaluation criteria the panel used information obtained from the tender documents, related correspondence and referees.

The evaluation was conducted according to the following process:

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Detailed weighted evaluation of tenders.
- 4 Sensitivity analysis to variations in non-price criteria.
- 5 Due diligence checks on preferred tenderers.

Assessment of Receipt

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

Tender No.	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Abergeldie Contractors Pty Ltd	\$1,937,440.00	Submitted on time
2	AWMA	\$37,440.00	Submitted on time
3	Gongues Constructions Pty Ltd	\$1,849,000.00	Submitted on time
4	Hannas Civil Engineering Pty Ltd	\$2,300,946.00	Submitted on time
5	Jenbuild Pty Ltd	\$1,376,000.00 (\$1,420,000.00 adjusted)*	Submitted on time
6	QMC Pty Ltd	\$1,936,000.00	Submitted on time

* See Assessment of Conformance below.

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements including specification.

Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works (contd)

Tender No 2 (from AWMA) only priced a small component of one of the items listed in Tender Form 12: Schedule of Prices. Accordingly, the panel considered that the tender submitted by AWMA was non-conforming and it was not considered further.

Tender No 5 (from Jenbuild P/L) was submitted in the lump sum price of \$1,376,000.00 (excluding GST). Jenbuild's tender included optional prices for the inclusion of the following work:

- 1 demolition of the existing inlet pit (\$18,000.00 excluding GST).
- 2 application of liner to whole area of inlet works structure (\$26,000.00 excluding GST).

The panel considered that these works were required under the contract and were satisfied that the cost of this work had been included by other tenderers in their prices.

Jenbuild's lump sum price was adjusted to include these two amounts (\$44,000.00 excluding GST) to give an adjusted lump sum price of \$1,420,000.00 (excluding GST). This adjustment did not substantially alter Jenbuild's tender (giving an increase of 3.2%), and ensured all tenders were able to be considered on a common basis. The inclusion of the additional sum did not change the relativity of tenders.

In addition to this adjustment other minor non-price clarifications were sought from Jenbuild. These were satisfactorily resolved and accepted by the panel.

All tenders with the exception of Tender No. 2 (from AWMA) were assessed as conforming and were progressed to the next stage of evaluation.

Weighted Evaluation

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

Tender No.	Company	Lump Sum (Ex. GST)	Weighted Evaluation Score
5	Jenbuild P/L	\$1,420,000.00 (adjusted)	84
3	Gongues Const. P/L	\$ 1,849,000.00	65
1	Abergeldie Contractors	\$ 1,937,440.00	64
6	QMC P/L	\$ 1,936,000.00	63
4	Hannas Civil P/L	\$ 2,300,946.00	48

Tenders 3, 1, 6 and 4 were all more than 44% greater in price than the pre-tender estimate of \$1,284,000.00 (excluding GST). None of these tenders provided any particular advantage to Council that would justify this additional cost over that offered by Tender No 5 (from Jenbuild P/L).

Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works (contd)

Tender No 5 (from Jenbuild P/L) had the highest weighted evaluation score. Its tendered price was within 11% of Council's pre-tender estimate. This tender was also the lowest priced of all tenders received and was identified as the preferred tender.

Sensitivity Analysis

A sensitivity analysis was conducted on the three highest-scoring tenders to check whether appropriate weightings had been applied to "price" and "non-price" criteria. The weighting given to "price" was therefore halved, and the "non-price" weightings adjusted accordingly. The result did not change Jenbuild's position as the highest rating tender. However, the relative positions of Gongues Const. P/L and Abergeldie Contractors as second and third ranked tenders were reversed.

This result showed that based upon the assessments of all criteria, the tender of Jenbuild P/L still achieved a more favourable total score against the other two tenders even when the advantage of Jenbuild's lower price was heavily discounted. This analysis confirms the position of Jenbuild P/L as the preferred tenderer.

Due Diligence

Tender No 5 (from Jenbuild P/L) was subjected to a financial assessment and a safety/environment system assessment using Commerce checklists 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 Jenbuild Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

The safety and environmental assessment confirmed that Jenbuild has in place fully documented Occupational Health Safety and Rehabilitation and Environmental Management systems that comply with the requirements of the Request for Tender documents. They have successfully applied them on previous projects.

Jenbuild Pty Ltd is a relatively small Newcastle based construction company with a history of satisfactorily completed civil engineering projects of similar monetary value. Referee checks indicate that Jenbuild has successfully completed water and sewerage scheme upgrade works involving earthworks, concrete works, pipe laying and interfacing with mechanical and electrical services.

The panel considered that Jenbuild has the capacity to complete the works required under the Contract.

The amount tendered by Jenbuild Pty Ltd is within 11% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works (contd)

Process Review

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

BUDGET

Funds for the Project are available from the following source:

Capital Works Refurbishment for Sewage Treatment Works.

TIME-FRAME

The program submitted by Jenbuild Pty Ltd demonstrates an ability to deliver works as per the tender stipulated timeframe of 40 weeks from the date of issue of Letter of Acceptance.

LOCAL CONTENT

The tenderer has indicated that all labour resources to be employed on the project will be sourced from within the Central Coast.

CONCLUSION

Tender No 5 from Jenbuild Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. This tender represents the best value-for-money for Council. It is recommended that Tender No 5 from Jenbuild Pty Ltd be accepted in the lump sum amount of \$1,420,000.00.00 (excluding GST). This includes the lump sum price of \$1,376,000.00 (excluding GST) plus the optional additional items totalling \$44,000.00 (excluding GST).

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

372 Constitutional Recognition of Local Government

F2006/01711 ED

SUMMARY

The Local Government and Shires Association of NSW is seeking Council's view of constitutional recognition of Local Government.

RECOMMENDATION

That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report.

BACKGROUND

The Australian Local Government Association (ALGA) has commenced a campaign on behalf of all councils across Australia to ensure constitutional recognition of local government and that the right model for constitutional recognition is put to the people at a referendum, in conjunction with the 2010 federal election.

The Local Government and Shires Association of NSW is working with the ALGA to resolve a national position at the Local Government Constitutional Summit to be held in Canberra in December 2008. This national position will be put to the Australian Government as the joint position of all Australian local governments.

Five objectives highlighted by the ALGA to assist communities which could be supported / achieved through constitutional recognition of local government are listed below. The ALGA has sought Council's rating of those objectives and the suggested rating as assessed by staff for each is also listed below.

No	Objective	Rating
1	Simplified / streamlined Federal funding (direct Commonwealth funding rather than through states)	High
2	Providing a guarantee of funding to some minimum level	High
3	Symbolic recognition of local government	Medium
4	Protection of the system of local government (require the States to maintain a system of local government)	Medium
5	Protection for councils against arbitrary dismissal / amalgamation (require certain minimum principles or processes to be met)	High

Constitutional Recognition of Local Government (contd)

Correspondence has been received from Mr Paul Bell AM, President of the Australian Local Government Association confirming that there will be Constitutional Summit to be held in Melbourne in December 2008 to consider the options and processes for constitutional recognition of local government.

Attachment 1 is correspondence received from the Australian Local Government Association.

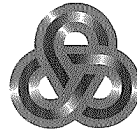
Attachment 1 Correspondence from the Australian Local Government Association (1 page)

13 August 2008
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Corporate Services Department

Constitutional Recognition of Local Government (Attachment 1)

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



22 May 2008

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Yates

At last year's National General Assembly you may recall that I proposed the 2008 National General Assembly be devoted to the issue of constitutional recognition of local government.

I am writing to you to confirm that the Australian Local Government Association (ALGA) is convening Constitutional Summit - a special National General Assembly in December 2008 to consider the options and processes for constitutional recognition of local government, a long held goal of local government and the subject of two previous referendums.

The Summit will be held at the Melbourne Convention and Exhibition Centre from 8 - 11 December and we anticipate a strong turn out for this important event which will ensure that local government finishes the year on a high note.

Between now and December, ALGA and the state and territory local government associations are undertaking a consultation and engagement process with Councils to clarify the level of support for various outcomes and styles of constitutional recognition. To support this process, there is a range of resource materials at www.alga.asn.au/constitutionalrecognition.

Debate at this year's event will be focused on important questions of detail and process relating to constitutional recognition of local government. As such, ALGA will not be accepting general Notices of Motion.

In 2009, the National General Assembly of Local Government will be convened on 19 - 22 July in Canberra and Notices of Motion for this Assembly will be welcomed. ALGA will issue a formal call for Notices of Motion in early February 2009. To ensure you stay up to date with national events and the process for submitting Notices, you may find it useful to subscribe to ALGA News at www.alga.asn.au/subscribe.

I look forward to seeing you at the Constitutional Summit in Melbourne in December 2008.

Paul Bell AM
President

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

373 Payment of Property Protection Premium

F2008/00918 MM

SUMMARY

Renewal of Council's Property Protection policy.

RECOMMENDATION

That Council approve the payment of \$529,800.45 made up of \$481,636.77 premium and \$48,163.68 GST for the renewal of Council's Property Protection insurance policy with Statewide Mutual for the period 30 June 2008 – 30 June 2009.

BACKGROUND

Council's broker, Jardine Lloyd Thompson, has arranged renewal of Council's Property Protection insurance policy with Statewide Mutual for the period 30 June 2008 to 30 June 2009. The premium applicable for this insurance renewal is \$489,635.56 less \$7,998.79 credit adjustment, which is an increase of 3.28% on last year's premium. The reason for the increase is due to Council's claims experience and increase in market conditions. The credit adjustment of \$7,998.79 is calculated based on the claims figures at 31 May 2008 and takes into account Council's claims history for each Fund Year.

Regarding alternative quotations for Council's Property Protection, Jardine Lloyd Thompson have advised that as Council is a member of the Statewide Mutual program, policies such as Property Protection and others, are placed via Statewide Mutual. The premiums charged by Statewide Mutual are very competitive compared with the current Australian insurance market, in addition the coverage is far broader and are tailored to Council's requirements.

Other Councils who are part of Statewide Mutual for this type of insurance include:

- Gosford Council
- Lake Macquarie Council
- Newcastle Council

The limits required by Council for Property Protection Insurance are currently unachievable within the local (Australian) market. In order for Jardine Lloyd Thompson to seek alternative terms for this risk, it would firstly need Council to exit the Statewide Mutual and proceed to seek alternatives terms through the London market. This exercise would take a minimum of six months notice after exiting the Fund and would be subject to the costing involved in placing the business through the London market.

Based on this timeframe and the uncertainty of whether a reduced renewal cost would be achieved, it is proposed that Council accept the offer from Statewide Mutual.

Information Reports

The following information reports are to be dealt with by the exception method.

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WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**374 Update on Tuggerah Lakes Estuary Management Plan, the
Kores Coal Mine and Overhead Powerlines at Tumbi Umbi**

F2006/01080, F2004/00475, F2004/07086, F2007/00876 SG

SUMMARY

Report on correspondence received from the Federal Member for Dobell enclosing correspondence received from the Minister for the Environment, Heritage and the Arts regarding requests from Council concerning the Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND**Tuggerah Lakes Estuary Management Plan**

On 18 July 2007 the then Federal Government announced committing \$20 million to fund the implementation of the Tuggerah Lakes Estuary Management Plan.

An update on the Plan was then reported to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee on 2 August 2007 as an information report. Further updates on the plan were reported to that same Committee on a monthly basis after that initial report.

A Media Release from Council issued on 11 December 2007 stated that the plan had been formally recognised by the NSW Government and was included in the NSW Government Gazette on 7 December 2007.

Kores Coal Mine – Wallarah 2

Council at its meeting held on 26 September 2007 considered Report No 399 - Notice of Motion – Potential Impacts of Coal Mining and resolved in part, as follows:

Update on Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi (contd)

“RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That having regard to the State Government Strategic Inquiry into the Potential Impacts of Coal Mining in Wyong Shire, that Council:

- 7 Council write to both the Federal Government and Federal Opposition calling on them to formally state their positions in relation to the proposed Kores Coal Mine and what proposed actions they would take on coming to office in the new Government.”*

The issue was also reported to Council's meeting of 12 March 2008 as Report No 103 - Wallarah 2 Coal Mine. The report enclosed correspondence sent by David Harris MP to the Minister for Planning on behalf of his constituents in relation to the proposed Wallarah 2 Coal Mine.

It was resolved at that meeting that the report be report be received and information noted.

Overhead Power Lines at Tumbi Umbi

Council at its meeting held on 9 April 2008 considered Report No 150A - Motion of Urgency - Proposal by EnergyAustralia to install high voltage overhead power lines and resolved as follows:

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

- 1 That Council inform EnergyAustralia that it does not consent as landowner and / or occupier to the installation of aerial cabling and poles for high voltage transmission lines along Tumbi Road and that EnergyAustralia is trespassing by any use of the road verges for its electricity works.*
- 2 That Council inform EnergyAustralia that it should acquire the land or an interest in land in accordance with Clause 44 of the Electricity Supply Act and it requires EnergyAustralia to cease trespass on its land pending acquisition of such an interest.*
- 3 That all Central Coast Members of Parliament be advised of this action.*
- 4 That Gosford City Council be urgently advised of part 1 to 3 of this motion.”*

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Update on Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi (contd)

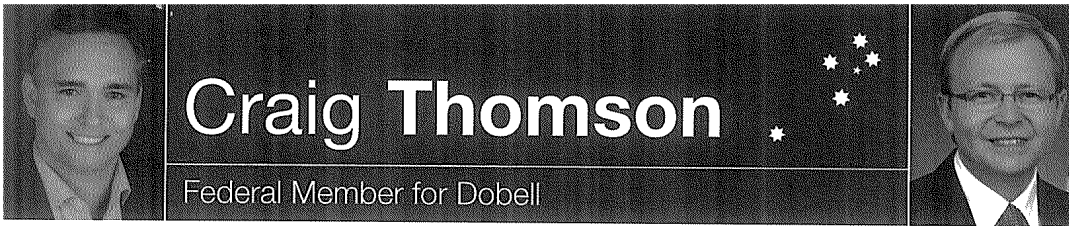
Correspondence has been received from the Federal Member for Dobell, Craig Thomson MP enclosing a response from the Hon Peter Garrett AM MP, Minister for the Environment, Heritage and the Arts concerning the Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi and is attached to this report.

Attachment 1 Correspondence from Federal Member for Dobell enclosing response from the Minister for the Environment, Heritage and the Arts (3 pages)

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Update on Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumby Umbi (Attachment 1)



Mr K Yates,
General Manager,
Wyong Shire Council,
PO Box 20,
Wyong NSW 2259

Dear Mr Yates,

Please find enclosed a copy of correspondence I have received from the Hon Peter Garrett, MP, Minister for Environment, Heritage and the Arts concerning Tuggerah Lakes, The Kores Coal Mine and Overhead power lines along Tumby Road.

Although the correspondence was in response to correspondence received from a number of constituents, I hope that you may find the information contained in the Ministers correspondence of some assistance.

If there is anything further I can assist with please contact my office.

Yours sincerely,

Craig Thomson
Member for Dobell

Thursday, 26 June 2008

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Update on Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi (Attachment 1) (contd)



The Hon Peter Garrett AM MP

Minister for the Environment, Heritage and the Arts

Mr Craig Thomson MP
Member for Dobell
PO Box 5253
CHITTAWAY BAY NSW 2261

RECEIVED
17/6/08
16 JUN 2008

Dear Mr Thomson *Craig*

Thank you for your letter of 22 April 2008 concerning issues in the Dobell electorate including Tuggerah Lakes, the Kores Coal Mine and Overhead Power Lines.

The Australian Government is conscious of the need to protect our coastal environments and, as you would be aware, is committed to assisting the Wyong City Council improve the management of the Tuggerah Lakes coastal zone and estuary by implementing the Tuggerah Lakes Estuary Management Plan over the next five years. I appreciated meeting with you and visiting the area on Friday, 23 May 2008, when I launched the \$100 million Caring for our Country Community Coastcare Package.

In response to your question relating to the Kores Mine, the proposed Wallarah 2 underground coal mine project, near Wyong in New South Wales, was determined to be a controlled action under the Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 21 December 2007. It was decided that the action was likely to have potentially significant effects on listed threatened species and communities protected under the EPBC Act. The proponent, the Wyong Areas Coal Joint Venture, is a joint venture of five corporations, the principal of which is Kores Australia Pty Ltd, an Australian subsidiary of the Korea Resources Corporation. The project is now being assessed under the terms of the EPBC Bilateral Agreement between the Australian and New South Wales governments.

The assessment will include a public consultation phase in which any third parties can comment on the proposed action and its impacts. The availability of assessment documentation for public comment will be advertised in the press and on my Department's website. The proposed action cannot proceed until the assessment process has been completed and I have, in my capacity as Minister for the Environment, Heritage and the Arts, decided whether or not to grant approval. Any approval may be subject to legally enforceable conditions for the protection of the matters of national environmental significance.

In response to your concerns relating to the location of overhead powerlines down Tumbi Road, issues such as these, relating to urban amenity, are primarily the responsibility of state and local government. The Australian Government's responsibilities in relation to proposals, such as the high voltage power line development at Wamberal, focus on the protection of certain matters of national environmental significance (NES) under the EPBC Act.

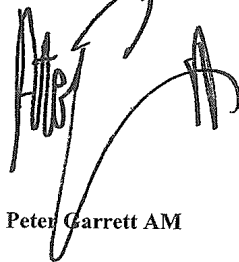
Update on Tuggerah Lakes Estuary Management Plan, the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi (Attachment 1) (contd)

Matters of NES include world and national heritage properties, wetlands of international importance, nationally threatened species and ecological communities, migratory species protected under international agreements, nuclear action and Commonwealth marine areas. In relation to environmental considerations, the Australian Government's involvement in any development proposal is confined to these specific matters. Only development proposals that are likely to have a significant impact on matters of NES must be assessed under the EPBC Act and may require approval under the EPBC Act before they can proceed.

I am advised that my Department has not received a referral for this proposed action, but has examined the proposal with regard to likely impacts upon matters of NES and on the basis of currently available information has concluded that significant impacts appear unlikely to occur.

I trust the enclosed information is of assistance in responding to your constituents' concerns.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Garrett', with a large, sweeping flourish extending from the end of the signature.

Peter Garrett AM

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

375 Schedules of Bank Balances and Investments – June 2008

F2004/06604 SJG

SUMMARY

The attached Schedule of Bank Balances and Investments as at 30 June 2008 is submitted for information.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

Under the Local Government (General) Regulation 2005 the Minister for Local Government will be announcing more restrictive investing powers for councils. This comes as a result of the Cole Inquiry into Local Government Investments. A revised investment policy is under preparation by Council staff and will be presented to Council once the final contents of the Minister's Order are known.

The Schedule of Bank Balances and Investment Accounts shows that Council had total cash and investment funds of \$115,410,599 as at 30 June 2008. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's investment policy.

During the month of June the gross return including interest earned, capital movements on Council's investments, and bank interest was \$396,931. Financial year to date earnings were \$4,869,309.

For comparison the report for May disclosed year to date gross interest earnings of \$4,472,378.

The year to date Investment management fees as at 30 June were \$111,626 excluding GST which compares to an annual budget of \$117,000. This includes \$49,992 excluding GST paid for Investment advice for the year and \$61,634 excluding GST for custodial and asset trading facilities. Council does not pay management fees to the managers of its managed funds. Their administration costs are reflected in a marginally reduced return on investment.

Schedules Of Bank Balances And Investments – June 2008 (contd)

The following table provides a summary by fund of the above information:

	Investment Balances		Interest		
	Opening Balance July 1 2007	Closing Balance June 30 2008	Original Budget	Revised Budget Dec Review	Gross Interest YTD
	General	71,992,818	74,315,291	2,248,100	2,248,100
Water	15,185,232	15,546,141	1,644,000	644,000	918,173
Sewer	21,699,934	25,549,167	803,000	803,000	1,093,080
Total	108,877,984	115,410,599	4,695,100	3,695,100	4,869,309

Investment income for all funds has exceeded the revised budget due to higher than forecast cash/investment holdings throughout the year. However, interest returns have been difficult to predict due to the ongoing credit market volatility and no budget variation was proposed.

Performance Monitoring

Council's investment portfolio is monitored and assessed based on the following criteria:

i Management of Bank Balance

Bank balances are reviewed daily to ensure the amount invested is maximised.

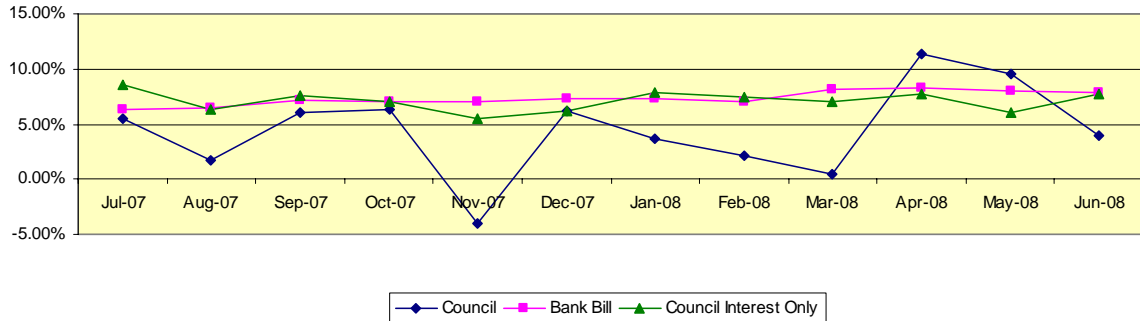
ii Portfolio and Monthly performance against the UBSA Bank Bill Index

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index.

The weighted average return (interest and capital movements) for the portfolio of Council's managed funds (net of fees) during June 2008 was 3.99% which was unfavourable to the benchmark of the UBSA Bank Bill Index of 7.93%. The interest earning component for June was 7.72%.

Schedules Of Bank Balances And Investments – June 2008 (contd)

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

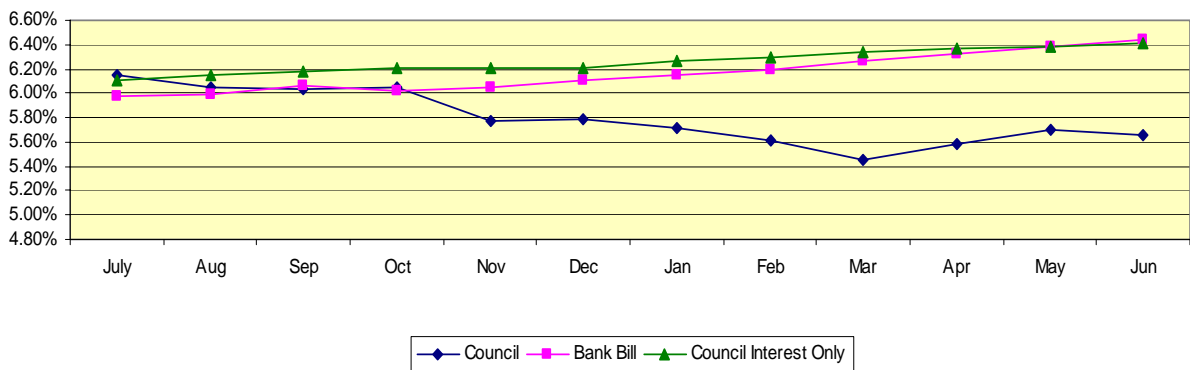


Council: Council Total Return (Interest & Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

iii. Three Year Average Returns – Actual vs Benchmark

Council's rolling three year average returns were 5.66% compared to the rolling three year average UBSA Bank Bill Index of 6.44%. Council's rolling three year average interest earning component on the other hand was 6.42%.

**Rolling Three Year Average based on
Monthly Annualised Returns (Interest & Capital) July 2005 to June 2008
Portfolio Performance Comparison to UBSA Bank Bill Index**



Council: Council Total Return (Interest & Capital) – Average for Three Years
Bank Bill: UBSA Bank Bill Reference Rate – Average for Three Years
Council Interest Only: Council Interest Earnings – Average for Three Years

Schedules Of Bank Balances And Investments – June 2008 (contd)

iv. Additional Commentary – Dissection of Interest for the Financial Year to Date

The returns on Council's investments are made up of two components:

- Interest
- Capital Gains and Losses

For the year to date all of Council's investments have earned interest at slightly below the market benchmarks.

However, it was a difficult period for investors generally and for six of Council's investments there was also a reduction in the underlying value of investment units within these funds of between 0.60% and 6.88%.

For these investment funds the under performance resulting from falling valuations must not be seen as a permanent loss. The investments represent a pool of interest earning securities which are managed to maximise overall portfolio performance.

Council's advisors note that, for these funds, the performance outlook over the expected holding period of the investment remains strong.

To assist in the analysis of Council's investment performance Council's Schedule of Investments now includes an additional dissection of Interest Only as distinct from Capital Movements. It is noted that this is appropriate on the assumption that Council is holding these managed funds investments over a medium term investment horizon. Council reports will continue to show this dissection as long as it is relevant to Council's consideration of investment performance.

Schedules Of Bank Balances And Investments – June 2008 (contd)

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

**SCHEDULE OF INVESTMENTS AS AT
June 30 2008**

FUND MANAGER	TYPE	PORTFOLIO	GROSS INCOME FOR MONTH	ANNUALISED RETURNS			ADDITIONAL DISSECTION	
				MONTH	FYTD*	MAT**	Interest Only Component FYTD***	Capital Movements Component FYTD
Local Gov't Financial Services	Cash Plus	1,237,323.85	6,463.83	6.60%	5.56%	5.56%	5.56%	0.00%
LGFS Fixed Out-Performance Cash Fund (AA-f)	Cash Plus	20,705,427.57	137,225.45	8.45%	8.09%	n/a	8.09%	0.00%
BT Institutional Managed Cash (AAA)	Cash	11,336,305.43	70,861.01	7.92%	7.18%	7.20%	7.18%	0.00%
ANZ High Yield Cash Account (AA)	Cash	10,180,246.81	53,374.40	7.55%	n/a	n/a		
Aberdeen Cash Plus Fund (A)	Cash Plus	11,382,181.35	(30,207.89)	-3.17%	2.05%	2.05%	6.65%	-4.60%
ING Enhanced (A)	Cash Plus	9,266,510.70	19,823.32	2.64%	3.23%	3.24%	6.62%	-3.39%
Perennial Cash Enhanced Fund (AA)	Cash Plus	2,448,825.68	6,636.15	3.36%	4.51%	4.53%	7.11%	-2.60%
Macquarie Income Cash Plus (A)	Enhanced Income	22,955,915.36	114,577.96	6.31%	4.48%	4.49%	8.32%	-3.84%
T-Corp (WorkCover NSW)	Cash Plus	8,885,000.00	58,202.70	7.97%	7.10%	7.10%	7.10%	0.00%
BlackRock Diversified Credit Fund (A)	Enhanced Income	14,821,711.89	(52,734.88)	-4.23%	-2.11%	-2.12%	4.77%	-6.88%
QIC Cash Enhanced (AA)	Cash Plus	2,191,150.49	6,946.01	3.94%	5.48%	5.50%	6.08%	-0.60%
TOTAL		115,410,599.13	391,168.06	3.99%	4.16%	4.16%	6.48%	
Add Bank Account & Other Interest			5,762.51					
ALL INTEREST			396,930.57					
UBSA INDEX				7.93%	7.32%	7.34%	7.32%	

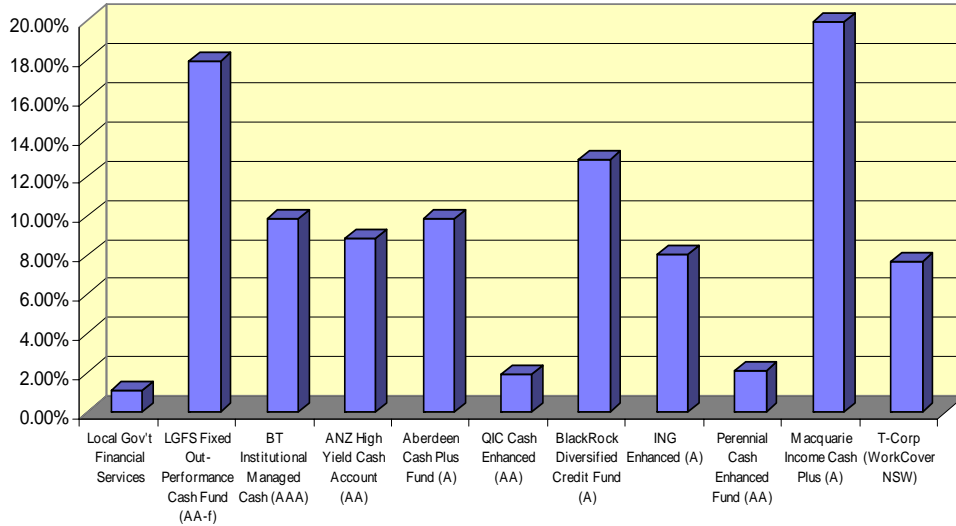
* - FYTD= Financial Year to Date

** - MAT = Moving Annual Total

*** - Annualised

Schedules Of Bank Balances And Investments – June 2008 (contd)**Allocation of Investment Funds**

Council's portfolio during June was allocated to the following assets:

**INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 30 June 2008 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Acting Director Corporate Services

Attachment 1

Schedule of Bank Balances and Investments 30 June 2008 (1 page)

Schedule Of Bank Balances And Investments – June 2008 (Attachment 1)

INTERIM SUMMARY

June 30 2008

<u>General</u>	\$
Unrestricted	19,916,946.02
Restricted - Internally	18,209,054.00
Restricted - Externally	36,189,291.00
Total General	74,315,291.02
<u>Water</u>	
Unrestricted	294,940.92
Restricted - Internally	333,200.00
Restricted - Externally	14,918,000.00
Total Water	15,546,140.92
<u>Sewer</u>	
Unrestricted	6,751,366.19
Restricted - Internally	554,700.00
Restricted - Externally	18,243,101.00
Total Sewer	25,549,167.19
TOTAL INVESTMENTS	115,410,599.13
BANK BALANCE PER BANK STATEMENT	783,953.32
TRUST ACCOUNT PER BANK STATEMENT	1,026,417.32

*Note: Restricted Balances are subject to finalisation of the 2007/08 Financial Year End.

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

376 Finalisation of Contracts

F2005/03113 GJP

SUMMARY

Reporting on details of contracts in excess of \$150,000 finalised in the reporting period May 2008 to June 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The two finalised contracts for the reporting period were of a Service type, specifically the ten year contracts for the collection and disposal of Waste & Recyclable Material and Green Waste.

Service contracts are based upon schedule of rates for the various items / services to be supplied under the contract. Both contracts were awarded upon the Schedule of Rates tendered by the respective contractors.

Both contracts had actual completion dates of 1 February 2008, however, contract closure matters were not finalised until this reporting period.

No Supply, Construction or Consultancy type contracts form part of the report for the period.

Enclosure

Significant Contracts Finalised in the Period May 2008 to June 2008

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

377 Corridor for Future Rail Track Upgrades

F2004/06709 RCB:RE

SUMMARY

Reporting on the response received from RailCorp in regard to Council's questions relating to railway corridor widths and associated issues.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 9 April 2008, Council resolved as follows:

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

That Council request Cityrail (or appropriate State Government Rail Authority) to confirm it no longer requires a wider corridor through places like Ourimbah and what this decision means for future track upgrades and improved services such as the fast train".

Council sent a letter to RailCorp on 18 April 2008 requesting the following information:

- Is the existing railway corridor adequate for any future upgrading works through Warnervale, Tuggerah and Ourimbah?
- If widening is required, what additional width is required?
- Does the above take into account the very fast train and any additional tracks that may be required for freight etc?

Council received a response from RailCorp dated 1 July 2008 (Attachment 1). The response from RailCorp states that it is continually monitoring the demand for rail capacity on the Main Northern Line, including the section through Wyong Shire, in order to identify future bottlenecks and ascertain the need for amplification of the railway line. Further, as locations for future amplification have not yet been determined and the width of the existing corridor can vary depending upon the location, RailCorp currently is unable to confirm whether amplification works will require a widening of the existing corridor.

Attachment 1

Letter from RailCorp (1 page)

13 August 2008
To the Ordinary Meeting of Council

Corridor for Future Rail Track Upgrades (Attachment 1)



RailCorp

Network Development Division, Product Development
PO Box K349 Haymarket NSW 1238
Level 2, 18 Lee Street Chippendale NSW 2008
Tel: 02 8202 3334 Fax: 8202 2930
www.railcorp.info

1 July 2008

Our Ref: D2008/42739

Your Ref: F2004/06709 D01129815

R C Burch
Senior Transportation Engineer
Wyang Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Burch,

Re: RAIL CORRIDOR THROUGH WYONG SHIRE

I apologise for our delay in response to your letter of 18 April 2008 regarding the above matter and provide the following information.

RailCorp is continually monitoring the demand for rail capacity on the Main Northern Line, including the section through Wyong Shire Council, in order to identify future bottlenecks and ascertain the need for amplification of the railway line.

For amplification works, RailCorp anticipates that the existing corridor will be retained and used to the maximum extent. However, as locations for future amplification have not yet been determined and the width of the existing corridor can vary depending upon the location, RailCorp currently is unable to confirm whether amplification works will require a widening of the existing corridor.

In regards to Very Fast Train upgrades, several preliminary studies regarding the operation of fast trains on the Central Coast have indicated low benefit-cost ratios for a wide range of options including tunnels and realignments. These options also raised significant geo-technical and environmental issues. Therefore, these options would need to be the subject of further investigation.

RailCorp is currently focusing its efforts on improving the performance of the existing rail system through the Rail Clearways program and the acquisition of additional trains, such as the OSCARs for Central Coast services.

Yours sincerely,


GARY MCGREGOR
General Manager
Network Development

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

378 Impact on Retail Parking in Wyong

F2004/06676 RCB

SUMMARY

Report on the Wyong Township Carparking Study carried out by the Shire Planning Department.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At the Ordinary Meeting held on 11 June 2008, Council resolved as follows;

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

- 1 That further to the likely impacts of the Roads and Traffic Authority's Pacific Highway upgrade through Wyong and the current critical shortage of carparking in and around the town centre, staff provide a full report on Council's 5 December 2007 confidential briefing that scoped carparking options and initiatives for the precinct.*
- 2 That such a report be shared with the community in open Council."*

HISTORY

In 2007, Council's Shire Planning Department carried out a parking study of the Wyong Township to assess the adequacy of existing parking and to determine the likely future parking requirements. A confidential briefing was held with Councillors on 5 December 2007 to discuss the study. The following is part of what was reported at the briefing. The location of possible carpark sites has not been included in this report for commercial reasons, but will be included in the draft DCP for the Wyong Township when it is exhibited.

THE STUDY

Surveys were carried out identifying the extent of existing on-site parking for individual developments and the extent of on-street parking available within and adjacent to the proposed commercial, mixed use and business areas.

Impact on Retail Parking in Wyong (contd)

The number of parking spaces required, generally in accordance with Council's carparking DCP, for the existing developments was also determined.

The Study divided Wyong Township into a number of development areas which were then analysed in terms of those located:

- West of the railway line and north of Alison Road;
- West of the railway line and south of Allison Road; and
- East of the railway line.

Attachment 1 shows the respective development areas.

The Study identified the following:

WEST OF THE RAILWAY LINE**Existing Situation**

The results of the surveys together with the existing demand for the area west of the railway line are shown in Table 1 below.

Table 1 – Existing Parking West of the Railway Line

Area	Off-Street Parking Required	Off-Street Parking Provided	Shortfall	On-street Parking Available	Surplus
Nth of Alison Road	1,139	803	336	508	172
Sth of Alison Road	357	322	35	119	84

The major shortfall in off-street parking in the area north of Alison Road is as a consequence of the Court House and Council's Civic Centre.

It can be noted that when on-street parking is taken into account, adequate parking is available within both areas.

Impact on Retail Parking in Wyong (contd)

With Future Development

Further analysis was carried out to assess parking needs at 2031 for developments proposed in the planning strategy for the area. The assessment was based on future residential developments providing 100% of their own parking requirements on-site and retail/commercial/special use developments providing 90% of their parking requirements on-site. Table 2 below, shows the anticipated future parking demand. i.e. 10% of future carparking demand, with the exception of the Performing Arts Centre where the anticipated shortfall (149 spaces) in parking has been included in the future off-street parking required. This is based on the Performing Arts Centre remaining in the Church Street location. This will need to be amended if Council formally adopts to locate the performing arts centre in a different location. The parking demand shown in Table 2 is in addition to the 2007 parking requirements and does not include the additional shortfall currently proposed for the new Police Station (estimated to be in the order of 150-200 spaces).

Table 2 - Future Parking West of Railway Line

Area	Off-Street Parking Required	Off-Street Parking Provided	Shortfall	On-street Parking Available	2007 Surplus	2031 Surplus
Nth of Alison Road	2,431	2,188	243	508	172	-71
Sth of Alison Road	1,309	1,141	168	119	84	-84

It can be noted from the table that there is insufficient parking available on-street to cater for the future parking demand shortfall. There is a need for a carpark in both areas, north and south of Alison Road. Both these carparks need to provide approximately 250 and 200 parking spaces respectively. Carparks of this magnitude will cater for the anticipated shortfall in parking spaces required on-site for the future developments. With these carparks, there will be little change to the current on-street parking demand. Any reduction to the parking spaces proposed for the carparks will lead to motorists having difficulty in finding a parking space on-street or having to park longer distances away from their destination. It will also increase the potential of illegal parking in front of driveways, etc.

The size of the respective carparks may vary depending on:

- The future location of the Performing Arts Centre;
- Parking provided within the proposed Police Station; and
- Parking that may be lost on the Highway if the RTA introduces clearways or significant parking restrictions.

Impact on Retail Parking in Wyong (contd)

As the RTA has been unable to give a definitive answer as to what is likely to occur along the Pacific Highway, changes to the existing parking on the Pacific Highway has not been included in the analysis, however, any lost parking spaces along the Pacific Highway could be replaced in the respective proposed carpark. There are a total of approximately 60 parking spaces on the Pacific Highway.

Suitable sites for public carparks, while limited, have been identified for both areas. The sites could be developed as mixed use to include the carpark and hence reduce overall cost. However, further investigations are required on these possible sites to determine the costs associated with multi-storey mixed use developments. The possible sites north of Alison Road also need to be assessed for flooding.

The possible sites, in each of the areas, will be publicly released as part of the proposed draft LEP and DCP for the Wyong Town Centre.

Council has recently purchased several properties on the western side of Margaret Street, just south of Anzac Road using developer contributions funds. These properties have the potential to be developed as a mixed use development, including a public carpark. The properties form one of the possible sites for a future carpark north of Alison Road and the location is considered to be strategically significant to cater for the future development of that area. This site is particularly important taking into account that the Memorial Hall site may yet be reconsidered for the Performing Arts Centre due to the fact that the development of the River Road site may be cost prohibitive.

SECTIONS EAST OF THE RAILWAY LINE

There is currently a significant shortfall of on-site parking for the Baker Park Sporting Complex (netball courts and oval). There is a demand of approximately 535 spaces with only 185 being provided on-site (includes carpark adjacent to swimming pool). The shortfall of approximately 352 spaces is catered for on-street. On-street carparking can be better catered for by making Ithome Street "one-way" in a southerly direction (to permit angle parking) and formalising the angle parking on the western side of Pollock Avenue, adjacent to Baker Park. These can be incorporated in the proposed draft Master Plan for Baker Park.

Table 3 below shows the parking requirements for the proposed developments on the eastern side of the railway line at 2031. The on-street parking values shown are on the basis of the changes mentioned above being carried out. As with the parking requirements on the western side of the railway line, the calculations are based on future residential developments providing 100% of their own parking requirements on-site.

Impact on Retail Parking in Wyong (contd)

Table 3 - East of the Railway Line

Off-Street Parking Required	Off-Street Parking Provided	Shortfall	On-street Parking Available	2031 Surplus
1,772	1,420	352	1,120	768

If Council is prepared to accept the continuation and extent of the existing on-street parking, there is no justification in providing a public carpark east of the railway line.

No allowance has been made in the above calculations regarding requirements for the swimming pool. It is anticipated that the reduced use of Baker Park during summer (from soccer to cricket) would more than compensate for the demand from the swimming pool.

CONCLUSION

It has been identified that there is adequate on-street parking available to cater for the current parking requirements for the Wyong Township. Two public carparks are required on the western side of the railway line, one north and one south of Alison Road to cater for future development requirements. The size of these carparks will need to be in the order of 250 and 200 spaces respectively. These sizes may need to be varied to take into account:

- The future location of the Performing Arts Centre;
- Parking provided within the proposed Police Station; and
- Parking that may be lost on the Highway if the RTA introduces clearways or significant parking restrictions.

As there are limited sites where public parking stations can be provided in Wyong at a reasonable cost, it is essential that each and every development provide all of its own parking on-site, particularly for residential developments. Where this is not possible for retail / commercial / special use developments, the developer will be required to pay developer contributions to meet the shortfall of carparking. This must be limited to a maximum of 10% of the developments parking requirements and will require tight control by Council. With funds received from these contributions, Council could construct appropriate public carparks to make up the deficiencies.

If residential developments east of the railway line provide 100% of their parking on-street, there is no justification for a similar development contribution scheme for a public carpark, east of the railway line.

Impact on Retail Parking in Wyong (contd)

Further investigations are required on possible suitable carpark sites, particularly north of Alison Road, to assess flooding impacts and costs associated with multi-storey mixed use developments.

Sites suitable for "Public Carparks" are to be identified in the Draft DCP for Wyong Township when it is exhibited.

Enclosure

Map of Respective Development Areas

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

379 In Case of Emergency (ICE) initiative

F2004/07516 ED

SUMMARY

Responses received regarding representations made concerning the In Case of Emergency (ICE) initiative on the Central Coast.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 23 April 2008 Council resolved as follows:

"RESOLVED unanimously on the motion of Councillor PAVIER and seconded by Councillor STEVENS:

That Council write to the Minister for Police and Local Members of Parliament requesting that formal consideration be given to the promotion of this initiative."

Responses have now been received from, the Acting Minister for the Central Coast, the Hon Tony Kelly, MLC and the Minister for Police, the Hon David Campbell, which was forwarded via Marie Andrews MP, Member for Gosford. These responses are now attached.

- | | |
|---------------------|--|
| Attachment 1 | <i>Response from the Acting Minister for the Central Coast, the Hon Tony Kell, MLC (1 page)</i> |
| Attachment 2 | <i>Response from the Minister for Police, the Hon David Campbell (1 page)</i> |

In Case of Emergency (ICE) initiative (Attachment 1)



**Minister for Lands
Minister for Rural Affairs
Minister for Regional Development
Acting Minister for the Central Coast**

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

- 2 JUL 2008

Dear Mr Yates

Thank you for your recent correspondence regarding the promotion of the In Case of Emergency (ICE) initiative on the Central Coast.

The ICE initiative has had some exposure on the Central Coast through local media outlets however Councils may also like to adopt their own strategies to help promote ICE such as including information on rate notices or through public notices in Libraries and community centres.

As the Police are responsible for contacting the Next of Kin in NSW it would be most appropriate that the Minister for Police provide you with a response on this matter. I note that you have written to the Hon. David Campbell, Minister for Police and I trust he will provide you with a response.

Yours sincerely

A handwritten signature in black ink that reads "Tony Kelly".

**Tony Kelly MLC
Minister for Lands
Minister for Rural Affairs
Minister for Regional Development
Acting Minister for the Central Coast**

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

In Case of Emergency (ICE) initiative (Attachment 2)



David Campbell
Minister for Police
Minister for the Illawarra

18 JUL 2008

RML 99025 / F0801913

Ms M T Andrews MP
Member for Gosford
WOY WOY NSW 2256

Dear Ms ~~Andrews~~ *Annie*,

15 JUL 2008

Thank you for your letter dated 14 May 2008 on behalf of Mr Kerry Yates, General Manager of Wyong Shire Council regarding In Case of Emergency (ICE) procedures that may assist the NSW Police Force in notifying emergency contact persons.

Wyong Shire Council's resolution requesting formal consideration be given to the promotion of ICE has been brought to the attention of the Commissioner of Police. I have asked him to consider the merits of the ICE program and the appropriateness of it being used and promoted by the NSW Police Force.

As you can appreciate the ICE program needs to be evaluated against current police practices before a determination can be made whether to promote the program.

Please convey my thanks to the Wyong Shire Council for bringing this program to my attention.

Yours sincerely,

David Campbell
Minister for Police
Minister for the Illawarra

All correspondence via:
GPO Box 5341,
Sydney NSW 2001
david@campbell.ministers.nsw.gov.au

Ground Floor, 84 Green Street,
Wollongong NSW 2500
Ph: +61 2 4229 5744
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Level 35, Governor Macquarie Tower
1 Finner Place, Sydney NSW 2000
Ph: +61 2 9228 3777
Fax: +61 2 9228 3722

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**380 Recent and Extraordinary Price Increases and Effect on
Council's Budget and Works Program**

F2004/06579 KG

SUMMARY

Report on recent construction price increases and the effect on Council's Budget Works Program.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 11 June 2008 Council resolved as follows:

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

That Council report on recent significant and projected extraordinary price increases in steel, concrete, oil and other raw materials and the effect of these increases on Council's budget and works program."

The latest Australian Bureau of Statistics Producer Price Indexes Data (Report 6427.0) shows the price index for the output of the general construction industry increased by 6.4% through the year to June quarter 2008. The Roads and Bridge Construction Class Index (Australian/New Zealand Standard Industrial Classification No. 4121), which is one component of the General Construction Industry Index increased by 6.8% during the same period. The inputs into these indexes are considered indicative of the range of expenditures associated with Council's operational activities.

The ABS report states "the common influence on price increases across the construction industry and regions this quarter was increasing material prices, such as concrete and steel. Diesel and bitumen prices also contributed to the movement of the road and bridge construction price index."

While the Australian Bureau of Statistics does not provide projection data, it is considered that price indexes across the construction industry will continue into the 2008/2009 financial year at a similar rate.

This increased cost of about 6.5% is reflected in the cost of Councils operating, construction and maintenance activities delivered by day labour.

Recent and Extraordinary Price Increases and Effect on Council's Budget and Works Program (contd)

However, a significant component of Council's works program is undertaken under contract, where tendered prices have significantly exceeded this 6.5% increase from project estimates. While the cost of raw materials has an affect on the tender process, the major impact is the current imbalance between supply and demand for contractors available to undertake the type of works Council tenders. As such, tender prices received have often exceeded pre-tender estimates due to a mark up in profit margins and greater allowances for risk due to uncertainties for the contractors in obtaining suitable sub-contractors.

In its 2008/09 Management Plan, Council has increased ordinary rates by 3.2% in line with the limit of the State Government's rate pegging legislation. At the same time, expenditure budgets were increased by 3.5% (based on CPI forecasts) for costs other than salaries and wages, which were increased by 3.95%. However, Council budgets for efficiency gains of 1% across most of its operational programs so in effect a 2.5% increase applies to programs including secondary roads rehabilitation, secondary roads maintenance, bridges, community buildings, public libraries, public toilets and lakes restoration. These efficiency gains are not applied to items such as salaries, loans repayments and fixed contract programs.

This means that in real terms, less funding is available for works in 2008/09 than was available in 2007/08. Such adjustments are considered in the preparation of the annual works program with actual costs monitored and works programs progressively adjusted throughout the year via the monthly review process to align with budget provisions.

Price changes in raw materials are just one of the variables that organisations, like Council, must plan for and have in place systems to monitor and adjust for throughout the year.

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**381 Changes to Developer Contributions and Housing
 Affordability in New South Wales**

F2004/00552 SW

SUMMARY

Response received regarding changes to developer contributions and housing affordability in New South Wales.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 March 2008 Council resolved in part as follows:

“RESOLVED on the motion of Councillor WELHAM and seconded by Councillor STEVENS:

- 4 That this matter be raised with the Federal Minister for Local Government, Anthony Albanese, highlighting that Council believes there should be a role for the Federal Government in funding infrastructure in new release areas to assist in making housing costs affordable.*

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

AGAINST: COUNCILLORS BEST AND EATON.”

A response has now been received from the Minister for Housing, the Hon Tanya Plibersek MP, and that response is attached.

Attachment 1 Response from the Minister for Housing, the Hon Tanya Plibersek MP (2 pages)

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Changes to Developer Contributions and Housing Affordability in New South Wales (Attachment 1)



The Hon Tanya Plibersek MP
Minister for Housing
Minister for the Status of Women

MC08-013126

Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Yates

Thank you for your letter of 28 March 2008 to the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP, about changes to developer contributions and housing affordability. The Minister has asked me to respond to you on his behalf as this is in my area of responsibility. I apologise for the delay in replying.

The Australian Government is investing \$512 million in a Housing Affordability Fund to lower the cost of building new homes. This new initiative, and will address two significant barriers to increase the supply of affordable housing:

- The 'holding' costs incurred by developers as a result of long planning and approval times, such as interest paid to banks while waiting on development decisions by councils.
- Infrastructure costs, such as the laying of water pipes, sewerage, transport, and the creation of parks.

Money will be targeted to areas with high demand for new housing, and can be used for both green-field and in-fill developments.

From 1 July 2008, the fund will be available for distribution, with an initial \$30 million to be used to roll out electronic development assessment systems and online tracking services to reduce red tape and streamline planning approval processes.

Parliament House
CANBERRA ACT 2600

Telephone 02 6277 7780
Facsimile 02 6273 7096
Website www.fahcsla.gov.au

Changes to Developer Contributions and Housing Affordability in New South Wales (Attachment 1) (contd)

2

From August, further applications will be sought. Grants, primarily to local governments, will be made through a competitive selection process. Applications will be assessed against transparent, needs-based selection criteria, and applicants will have to demonstrate how cost savings will be passed on to new home buyers.

The Government is committed to working closely with all levels of government, particularly local councils, to reform infrastructure and planning requirements, to make sure that savings are passed on to home buyers.

The Government released a Consultation Paper on the operation of the Fund recently, which is available for viewing at www.fahcsia.gov.au. The paper seeks comment from industry and other stakeholders by 17 July. I would be interested in hearing your views.

Once again, thank you for writing.

Yours sincerely



Tanya Plibersek

3.7.08

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

382 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit
Q034 – Cost to the Ratepayer of Operating the Conduct Committee (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Best	28 May 2008	General Manager's Unit
Q041 – Notices of Motion raised by Councillor Best and Councillor Eaton (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Veugen	25 June 2008	Corporate Services
Q044 – Lighthouse Whale Rally (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Veugen	9 July 2008	Corporate Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q045 – Staff Performance (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Best	9 July 2008	Shire Services
Q046 – Conduct Committee Attendance (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Stevens	9 July 2008	General Manager's Unit
Q047 – Conduct Committee Costs (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Stevens	9 July 2008	General Manager's Unit
Q048 – Notices of Motion Raised by Councillor Best and Councillor Eaton (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Graham	9 July 2008	Corporate Services
Q049 – Commercial Operations at Fountainsdale (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Eaton	9 July 2008	Shire Planning
Q050 – Halekulani Hall (A response will be submitted to Council at the 27 August 2008 Ordinary Meeting)	Councillor Veugen	23 July 2008	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p><i>Report required on climate change impacts.</i></p>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
<p>470 – Ferry Service between Wyong and The Entrance</p> <p><i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i></p>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008	<p>A report will be subject to future briefing session for the new Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>257– Proposal to Reconstitute the NSW Coast Council Program</p> <p><i>That Council call on the State Government to reconstitute the NSW Coastal Council to assist:</i></p> <p>1 <i>NSW coastal councils to deal with climate change and sea level rise(s) effects.</i></p> <p>2 <i>Coastal councils in updating coastal planning regulations.</i></p>	Corporate Services	11 June 2008	Awaiting response from the Department of Environment and Climate Change (DECC).
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	A letter has been issued to Mr G Payne, Director General, Department of Local Government (DLG).

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008	Meeting was held 30 July 2008.
<p>294 – Funding of Public Radiation / Oncology Service for the Central Coast</p> <p><i>That Council write to the Member for Dobell, Mr Craig Thomson.</i></p> <p><i>That Council seek the support of Gosford City Council.</i></p> <p><i>That Council write to all Local State Government Members of parliament.</i></p>	Corporate Services	25 June 2008	A report will be submitted to Council when responses have been received.
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	Shire Services	25 June 2008	A report will be submitted to Council following discussions with the Wyong Tennis Club Administrator.
<p>297 – Education Program into Toddler Drowning</p> <p><i>That Council review effectiveness of its current swimming pool audit program.</i></p> <p><i>That staff report to Council on the benefits of redeployment of Council's professional lifeguards from off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education.</i></p>	Shire Planning	25 June 2008	A report will be submitted to the new Council.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>298 – Long Jetty Café</p> <p><i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i></p>	Shire Planning	25 June 2008	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<p>319 – Proposal to Name Lot 1 DP 942380 and Lot 1 DP 663618 Corner of Church and Margaret Streets Wyong as Arthur Mollett Reserve</p> <p><i>That Council place on exhibition its proposal for Lot 1 DP 942380 and Lot 1 DP 663618 to be named the Arthur Mollett Reserve and recommend to the Geographical Names Board should no significant objections be received.</i></p>	Shire Services	9 July 2008	Submission placed on public exhibition.
<p>320 – Submission to Auditor General on Electricity Privatisation Enquiry</p> <p><i>That Council urgently make a submission. That Council liaise with the relevant union (ETU) in compiling its submission. That the submission be published on Council's website.</i></p>	Shire Services	9 July 2008	Submission made and placed on website. Advertisement in local paper 30 July 2008.
<p>323 – Traffic Counts Being Conducted on Woodbury Park Mardi</p> <p><i>That staff report to Council on the traffic counts presently being conducted on Woodbury Park Drive, Mardi, the history of this matter as reported from the Wyong Shire Traffic Committee and what measures/options are available to minimise speed/accidents.</i></p>	Shire Services	9 July 2008	A report is being prepared for the 27 August 2008 meeting.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>325 – Supposed Fast Tracking of Warnervale</p> <p><i>That concerns raised by the Lakes Grammar (The Anglican School) regarding the intersection of Albert Warner Drive and Sparks Road, Warnervale be referred to the Wyong Shire Traffic Committee.</i></p>	Shire Services	9 July 2008	Item was included on the Traffic Committee Agenda scheduled for 6 August 2008.
<p>353 - Notice of Motion – Maintenance of Stormwater Treatment Devices.</p> <p><i>That staff report on the maintenance of stormwater treatment devices and cover aspects of budgets, responsibilities, asset maintenance, design construction and performance.</i></p>	Shire Services	23 July 2008	A report will be submitted to the new Council.
<p>354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.</p> <p><i>That Council agree, in principle, to proceed with the funding for identified projects.</i></p> <p><i>That staff seek to source grants for State or Federal Governments etc and request surf clubs to lobby for additional funding.</i></p> <p><i>That the Management Plan be amended and exhibited and a report brought back to Council following exhibition.</i></p> <p><i>That Management Plan consider expenditure of \$5,800,000 from Land Sales and developer contributions for remainder of identified works .</i></p>	Shire Services	23 July 2008	A report will be submitted to the new Council.
<p>355 Notice of Motion – Pacific Highway Advisory Sign, Wyong Township.</p> <p><i>That Council install a sign on the Pacific Highway to urge the community to phone the Member for Wyong for an update on plans to upgrade this part of the Highway.</i></p> <p><i>That Council invite the Member for Wyong to brief Council and explain the release of the Route study.</i></p>	Shire Planning	23 July 2008	A briefing has been proposed for 27 August 2008.

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice

Q040 - Fishway on the Wyong River at the Old Dairy Site

Asked by Councillor Veugen at the Ordinary Meeting held on 25 June 2008.
F2007/00279

“Can Council provide information confirming that the fishway on the Wyong River at the Old Dairy Site requires modifications to bring it up to latest standards / designs?”

A review of the existing fishway commissioned by Council as part of Water Plan 2050 works identified a range of modifications required to improve fish passage past the Lower Wyong Weir. This review confirmed an earlier assessment by the Department of Primary Industries (Fisheries) that the existing fishway required an upgrade to improve fish passage during low flows.

The existing fishway generally provides fish passage for mature fish during medium to high flows, however it is deficient during low flows when small fish are migrating upstream.

The modifications proposed include:-

- Extending the toe of the existing rock ramp fishway to remove a step in the existing structure.
- Placement of large rocks in the existing rock ramp fishway to increase the roughness of the ramp and improve its performance during high flows.
- Installation of a vertical slot fishway (approximately 1m wide) adjacent to the rock ramp fishway to provide for small fish migration during low flows.

In addition to fishway modifications it is also proposed that an accurate flow measurement device be installed on the weir to improve flow measurement of Wyong River and provide data input for controlling the operation of the new Lower Wyong River pump station.

This work is scheduled to be undertaken as part of the range of works associated with WaterPlan 2050 and the Mardi to Mangrove Link Project. Modifications should be completed by mid 2011.

Answers to Questions Without Notice (contd)

Q042 - Representations to Housing NSW regarding KBT Project

Asked by Councillor Stewart at the Ordinary Meeting held on 25 June 2008
F2004/09609

“Can Council make arrangements with Housing NSW to urgently make their presentation to Council regarding the Tumby / Bateau Bay / Killarney Vale (known as KBT Project) which addresses the public housing in the Pacific Del Mar and surrounding areas?”

A Councillor briefing has been arranged with the representatives from Housing NSW regarding the KBT project for 13 August 2008 following a meeting with Council staff on the 12 August 2008.

13 August 2008
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice (contd)

Q043 - Warnervale Town Centre

Asked by Councillor Eaton at the Ordinary Meeting held on 25 June 2008
F2004/00535-04

“Given that its now two years since Minister Sartor fast tracked Warnervale, can I be advised what celebrations are planned to commemorate this historic and momentous decision?”

On 27 June 2006, the proposal to rezone land for the future Warnervale Town Centre was called in by the Minister for Planning for consideration as a Part 3A project.

No celebrations are planned to mark the two year anniversary of this event.

Answers to Questions Without Notice (contd)

Q050 – Number of Development ApplicationsAsked by Councillor Eaton at the Ordinary Meeting held on 9 July 2008
F2004/12148

“Could Council confirm that the development applications for June 2008 are the lowest ever received?”

Investigations have revealed that there were months during 2003, 2005, 2006, 2007 and 2008 (as shown below) where applications received were less than the June 2008 figure.

Month	Year	DA's Received
January	2008	126
April	2008	98
June	2008	145
January	2007	109
April	2006	144
January	2005	130
January	2003	118

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

383 Notice of Motion - Central Coast Regional Strategy - Toukley

F2004/07926 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 August 2008 he will move the following Motion:

"That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and also canvas opportunity to fast track the long awaited Toukley Strategy."

13 August 2008
To the Ordinary Meeting of Council

384 **Notice of Motion - Central Coast Regional Strategy**

F2006/00843 BJP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 August 2008 he will move the following Motion:

- "1 *That Council seek from the Department of Planning further explanation of important issues contained within the document "Central Coast Regional Strategy" (CCRS), such as those contained below as they apply to Wyong Shire:*
- a further information on Enterprise Corridors as outlined in Page 31 of the Central Coast Regional Strategy.*
 - b if this corridor or zone could be applied to Long Jetty, then could existing houses be mixed use and well as residential on the main road?*
 - c Where in the document is the ability for zones to be created where people can employ more than a few people but yet have a business from home?*
 - d Will the SEPP 65 be expanded to include medium density such as town houses and villas, and will this process slow down the time frame for actual determinations of applications? P22*
 - e Is the department serious when they say P23 " The department of Planning is to continue to assist Wyong Council in the planning of Warnervale town centre and the Wyong Employment Zone" when they will not even honour their verbal commitment to give our planning staff some of the modelling basis, by which they arrive at their final outcomes on some issues?*
 - f Is the department considering that Wyong Council will have zonings that are zones for low cost housing and could they explain 4.13 on page 23, in that regards with " affordable housing strategies".*
- 2 *That staff and councillors also include other questions and queries for the Department to answer.*
- 3 *That a report on the above be provided to council when appropriate."*

WYONG SHIRE COUNCIL

13 August 2008
To the Ordinary Meeting of Council

385 Notice of Motion - Clearing of Wetland Areas at Wadalba

F2005/00562 BJP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 August 2008 he will move the following Motion:

- "1 *That given recent clearing of wetland vegetation in the Wadalba area which has raised significant concern of the local community, staff provide:*
 - a *a brief history of the agreement between developers and Council with the deemed concurrence of Department of Environment and Conservation - DEC (now Dept. of Environment and Climate Change) aimed at 'streamlining' the Species Impact Statement / environmental approvals process.*
 - b *details of studies / research / enquiries undertaken by Council / DEC to validate / verify that any consultant's reports on which the 'deemed concurrence' of the Director General – DEC was based were adequate and comprehensive of all environmental / cultural matters – especially in respect of flora.*
 - c *history of and reasons for Council apparently extending a number of Development Applications beyond their usual period.*
- 2 *That in respect of the Wadalba Wildlife Corridor Management Plan (Conacher Travers Sept 2006), could staff outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to:*
 - a *fulfil its responsibilities for a periodic review of the management plan.*
 - b *ensure all other parties have properly fulfilled their responsibilities.*
- 3 *That this report be brought back to Council within two weeks due to public concern over this matter."*

13 August 2008
To the Ordinary Meeting of Council

386 Notice of Motion - Mardi Mangrove Pipeline Risk Analysis

F2007/01128 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 13 August 2008 he will move the following Motion:

"That Council provide a worse case sensitivity analysis of the cost of construction of this pipeline and of how such a cost could be funded."