
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, 22 AUGUST 2007,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

22 August 2007

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WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

General Manager's Report

339 Disclosures of Interest

F2006/02282 MW:SW

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

22 August 2007
To the Ordinary Meeting of Council

General Manager's Report

340 Proposed Inspections

F2006/02282 MW:SW

SUMMARY

Inspections proposed to be held on 22 August 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
22 August 2007	Tumbi Creek Dredging	Shire Services Director
22 August 2007	Bus Shelter, Long Jetty	Shire Services Director
22 August 2007	The Entrance Channel	Shire Services Director
22 August 2007	Kanwal Preschool	Shire Services Director
22 August 2007	Wyong Rugby League Club	Shire Services Director
22 August 2007	e-lane and RFID reader, Buttonderry Tip	Shire Services Director
22 August 2007	Guardian Road, Watanobbi Mixed Use Development	Shire Planning Director

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 22 August 2007 be received and the information noted.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

General Manager's Report

341 Proposed Briefings

F2006/02282 MW:SW

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

Date	Briefing	Description	Time	Presented by
5 September 2007	Workshop	Various Issues	12.00 noon – 6.00pm	General Manager

342 Address by Invited Speakers

F2006/02282 MW:SW

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 each item to be dealt with following the speaker's address.*

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

General Manager's Report

343 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 MW:SW

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 be dealt with in Confidential Session:***

 W013 – Contract CPA/116095 – Management of Toukley Aquatic Centre, Wyong Olympic Pool and The Entrance Ocean Baths
- 2 ***That the reason for dealing with the Report No W013 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.***
- 3 ***That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

22 August 2007
To the Ordinary Meeting of Council

General Manager's Report

344 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 8 August 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 8 August 2007 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, 8 AUGUST 2007,
COMMENCING AT 5.00 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, ACTING DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT, MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR R L GRAHAM, WELCOMED STUDENTS FROM COUNCIL'S SISTER CITY, TANABE, JAPAN WHO ARE CURRENTLY VISITING WYONG SHIRE AND COUNCILLOR W WELHAM MADE A PRESENTATION ON BEHALF OF COUNCIL.

THE MAYOR DECLARED THE MEETING OPEN AT 5.00 PM AND FR STEVE PULLEN DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR N ROSE AS HE HAD TO ATTEND A MEETING OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY.

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

That the apology be accepted and leave of absence from the meeting be granted.

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

320 Disclosures of Interest

F2006/02282 ED:MR

328 PROPOSED DRAFT LEP AMENDMENT IN RESPECT OF LEP BUNDLE 2

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR FOR A RUTLEYS ROAD LANDOWNER AND DIRECTOR OF THAT LANDOWNER COMPANY, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.52 PM.

328 PROPOSED DRAFT LEP AMENDMENT IN RESPECT OF LEP BUNDLE 2

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS EMPLOYER IS AN OWNER OF LAND IN RUTLEYS ROAD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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 IT DOESN'T IMPACT ON MY DECISION MAKING PROCESS."

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

That the report be received and advice of disclosures noted.

321 Proposed Inspections

F2006/02282 ED:MR

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

That the report on inspections to be conducted on Wednesday, 22 August 2007 be received and the information noted.

322 Proposed Briefings

F2006/02282 ED:MR

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

323 Address by Invited Speakers

F2006/02282 ED:MR

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

That the report on Invited Speakers be received and the information noted.

324 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

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

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

W012 – Contract CPA/116095 Management of Toukley Aquatic Centre, Wyong Olympic Pool and The Entrance Ocean Baths

2 That the reason for dealing with the Report No W012 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.

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

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

AGAINST: COUNCILLORS BEST, EATON, VEUGEN AND WELHAM.

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

325 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 25 July 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

326 Notice of Motion – National Natural Disaster Funding

F2007/00900 MR

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

- 1 That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.***
- 2 That the Local Government Association via its annual conference be invited to support this initiative***
- 3 That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.***

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

327 Notice of Motion – Chain Valley Bay Hall

F2006/02022 MR

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

- 1 *That Council fund the full cost of the security fencing around the Community Hall and the playground at a cost of \$12,000 as requested by the Hall Committee.*
- 2 *That a briefing of Council on the roles, responsibilities and operation of Section 355 Committees managing Council facilities be organised.*
- 3 *That this briefing be held in association with the briefing on leasing of Council facilities.*

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

- 1 *That consideration of this Notice of Motion be deferred to enable a briefing of Council on the roles, responsibilities and operation of Section 355 Committees managing Council facilities.*
- 2 *That this briefing be held in association with the briefing on leasing of Council facilities.*

FOR: COUNCILLORS FORSTER, GRAHAM, STEVENS AND WELHAM.

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

The AMENDMENT was put to the VOTE and declared LOST.

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

- 1 ***That Council fund the full costs of the security fencing around the Community Hall and the playground at a cost of \$12,000 as requested by the Hall Committee.***
- 2 ***That a briefing of Council on the roles, responsibilities and operation of Section 355 Committees managing Council facilities be organised.***
- 3 ***That this briefing be held in association with the briefing on leasing of Council facilities.***

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

AGAINST: COUNCILLORS FORSTER, GRAHAM AND STEVENS.

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

328 Proposed Draft LEP Amendment in Respect of LEP Bundle 2

F2007/00207, F2007/00208, RZ/1/2007, F2007/00599, F2007/00600, F2007/00677 PB:PB

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR FOR A RUTLEYS ROAD LANDOWNER AND DIRECTOR OF THAT LANDOWNER COMPANY, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.52 PM.

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS EMPLOYER IS AN OWNER OF LAND IN RUTLEYS ROAD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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 IT DOESN'T IMPACT ON MY DECISION MAKING PROCESS."

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

- 1 That in accordance with Section 54 of the Environmental Planning and Assessment Act 1979, Council prepare a draft Local Environmental Plan to:**
 - a Rezone Lot 4 DP 659489, Rankens Court, Wyong from 5(a) (Special Uses – Carparking Zone) to 3(a) (Business Centre Zone) to ensure consistent zonings across the proposed Performing Arts Centre site.**
 - b Rezone Lots 1-4 Section 7 DP 3136, Margaret Street, Wyong from 5(a) (Special Uses – Community Purposes Zone) to 3(a) (Business Centre Zone) to facilitate the appropriate disposal of the Memorial Hall on a commercial sale basis following transition to the proposed new Performing Arts Centre.**
 - c Amend Schedule 1 of Wyong Local Environmental Plan 1991 to:**
 - i List the Bulk Store Building located on Lot 11 DP 1091396, Ruttleys Road, Mannering Park as a Heritage Item of Local Significance.**
 - ii List The Entrance Ocean Baths located on Lot 366 DP 755263 as a Heritage Item of State Significance.**
 - iii Upgrade the classification of the Norah Head Lightstation Precinct and St Barnabas Church, Yarramalong from Heritage Items of Regional Significance to Heritage Items of State Significance.**
- 2 That Council confirm its support for the listing of the former Wyong Dairy Co-operative as a Heritage Item of Local Significance in accordance with Council's resolution of 8 November 2006.**

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

- 3 ***That the Director-General of the Department of Planning be advised of the decision as soon as practicable.***
- 4 ***That the draft Local Environmental Plan be referred to the appropriate authorities for comment.***
- 5 ***That the Director-General of the Department of Planning be requested to issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act, 1979 to permit the public exhibition of the draft local environmental plan.***
- 6 ***That prior to the draft Local Environmental Plan being placed on exhibition:***
 - a ***A Conservation Management Plan (CMP) be prepared at the applicant's cost by an appropriately qualified consultant and to Council's satisfaction in accordance with the Burra Charter in respect of the Bulk Store Building located on Lot 11 DP 1091396, Ruttleys Road, Mannering Park.***
 - b ***The Natural Heritage values of Lot 11 DP 1091396, Ruttleys Road, Mannering Park be surveyed and assessed by the applicant as part of the CMP in accordance with the manual Protecting Heritage Places (Australian Heritage Commission, 2000).***
 - c ***That the applicant be given the opportunity to make submissions to the persons preparing the CMP regarding adaptive re-use on the site at the applicant's cost.***
 - d ***A hazard and risk assessment be undertaken across the site to identify potential hazards and recommending measures to ensure ongoing safety of the occupiers and visitors to the site.***
- 7 ***That upon receipt of the Section 65 Certificate from the Department of Planning, the draft Local Environmental Plan be advertised.***
- 8 ***That should no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.***
- 9 ***That on commencement of the Shire-wide Heritage Review, all items currently listed as 'Heritage Items of Regional Significance' be reassessed to determine their appropriate classification, as Heritage Items of Local or State Significance.***
- 10 ***That Council's Section 149 Certificates be noted.***

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

329 Contract CPA/120026 – Glenning Valley Bush Regeneration Contract

CPA/120026 DW

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

That Council accept tenders from the following companies for the listed work sites:

- 1 Engedi Environment Management**
At the tendered hourly rates for sites: 2, 6, 7, 8, 9 & 10
Extended Schedule of Rates Amount = \$207,592.00 (incl. GST)
- 2 Bushland and Rainforest Regeneration Cooperative (BARRC)**
At the tendered hourly rates for sites: 1, 3, 4, & 5
Extended Schedule of Rates Amount = \$133,056 (incl. GST)

330 Contract CPA/125834 – Provision of Effluent and Sludge Removal and Disposal Services

CPA/125834 ML: EBL

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

That Council accept tender No. 1 from Thiess Services Pty Ltd for a period of five years commencing on 7 September 2007. The estimated annual expenditure against this contract is \$194,719.00 including GST (\$177,017.00, excluding GST) however actual expenditure may vary significantly with fluctuations in demand.

331 Lease of Cottage – 21 Margaret Street, Lot 4 Section 7 DP 3136, Wyong to the Child Abuse Prevention Service

F2004/09428 SB

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

- 1 *That Council lease Lot 4 Section 7 DP 3136, 21 Margaret Street, Wyong, to the Child Abuse Prevention Service Central Coast Inc for a term of three years from 1 September 2007 at nominal rental of \$10 per annum.***
- 2 *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and the Child Abuse Prevention Service Central Coast Inc.***

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and the Child Abuse Prevention Service Central Coast Inc.*

332 **Proposed Acquisition of Private Land - Part of Lot 2 DP 227442 at Corner of Rutleys Road and Vales Road, Mannering Park for Road Widening Purposes**

F2006/02268 SB

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

- 1** *That Council acquire part of Lot 2 DP 227442 at the corner of Rutleys Road and Vales Road, Mannering Park as public road.*
- 2** *That in the event the existing agreement with Delta Electricity for the acquisition not proceed, Council proceed to compulsorily acquire the land in 1 above and authorise the payment of compensation for the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *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 if required.*
- 4** *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 any applications to the Department of Local Government.*

333 **Proposed Councillors' Community Improvement Grants**

F2007/00729 MW

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

That an amount of \$3,490 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

Information Reports

The information reports were dealt with by the exception method. No reports were called for debate.

335 Schedule of Bank Balances and Investments – June 2007

F2004/06604 HS

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

That the report be received and the information noted.

336 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

337 Reconvening of Developer Forum

F2004/12148 GSM

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

That the report be received and the information noted.

338 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

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 8 August 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED**Q073 – Condition of Yates Road, Ourimbah****Councillor Eaton**

F2004/00618

“Could Council report on the road condition of Yates Road, Ourimbah and any planned roadworks?”

Q074 – Mobile Phone Service on trains between Newcastle and Sydney**Councillor Eaton**

F2004/00108

“Could Council request State Rail/City Rail to advise of its plans (if any) to ensure adequate mobile phone service on the train trip between Newcastle and Sydney?”

Q075 – The Entrance Community Centre**Councillor Stewart**

F2006/02126

“Could Council staff please report back to Council with a list of users at The Entrance Community Centre along with an update on the operations of the Centre?”

Q076 – Thank you to the General Manager for Outstanding Efforts During Recent Storm Event**Councillor Best**

F2004/05339

“Mr Mayor, in the aftermath of the June long weekend storms, Council conducted a number of fitting staff thank you functions in appreciation of their outstanding efforts. I have attended a number of these events where the General Manager has recognised and thanked those responsible. Mr Mayor, on behalf of Council I feel it only appropriate that the elected arm of this Council formally thank its General Manager, Mr Yates, for his and his Department’s leadership during this most significant event. Any such formal recognition should become an attachment to the General Manager’s performance file.”

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

Q077 – Position of Welcome Sign at Doyalson**Councillor Best**

DA/261/2007

“Mr General Manager, much debate in this Chamber has revolved around equity issues regarding the resources apportioned to the north and south of our Shire. As a longstanding Councillor of the forgotten north, could I appeal to staff and Council to not exacerbate this perception by placing our “welcome” signs some 5kms inside the Shire at Doyalson after the northern suburbs of Summerland Point / Gwandalan / Lakes Munmorah / Chain Valley Bay and Kingfisher Shores have been passed by.”

Q078 – Reintroduction of Information Report dealing with Staffing Vacancies**Councillor Welham**

F2004/00345

“Could the General Manager reintroduce the Information Report on a bi-monthly basis dealing with staffing vacancies?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 6.03PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 6.05PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W012 Contract CPA/116095 – Management of Toukley Aquatic Centre,
Wyong Olympic Pool and The Entrance Ocean Baths**

CPA/116095 ML

- 1 That in accordance with Clause 178(1) of the Local Government (General) Regulation 2005, Council neither accept any tender for Contract CPA/116095 nor immediately invite fresh tenders for the following reasons:***

Minutes of the Ordinary Meeting of Council held on 8 August 2007 (contd)

- a The two conforming tenders received considerably exceed the available budget for managing pools and the third tender from the YMCA was strictly non-conforming;*
 - b One of the conforming tenders did not have a satisfactory financial assessment;*
 - c Inviting fresh tenders will add significantly to the time required to appoint a pool management contractor, and without more comprehensive financial information provided to tenderers is unlikely to result in tenders being received that offer greater advantages than that offered by the non-conforming tender of the YMCA;*
 - d Only a small level of interest was expressed as shown by the number of tenders received based on the information provided in the tender documents.*
- 2** *That in accordance with Clause 178(3) of the Local Government (General) Regulation 2005, Council enter into negotiations with the YMCA with a view to entering into a contract in relation to the management of pools for the following reasons:*
- a The proposal of the YMCA to run Council's pools for 18 months for a fixed management fee with Council covering net costs, will allow Council to invite fresh tenders with comprehensive financial information and represents a unique opportunity to ascertain the real costs of running Council's pools;*
 - b The benefit to Council of this approach is that it is expected that additional and more realistic tenders will be obtained from inviting fresh tenders with more comprehensive financial information.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.06 PM.

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CHAIRPERSON

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WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

**345 Notice of Motion – Second Freeway Link Between the Hunter
and Sydney**

F2005/03087 DJE/SG

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 22 August 2007 he will move the following Motion:

“That Council reiterate in principle its support for a second freeway link between the Hunter and Sydney.”

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

346 Notice of Motion – Renaming of Chain Valley Reserve

F2004/06023 NTR/SG

Councillor N T Rose has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 22 August 2007 he will move the following Motion:

“That should no significant objections be received following community consultation, Council recommend to the Geographical Names Board that the reserve west of the Chain Valley Bay Reserve to the boat jetty be named the Joshua Porter Reserve.”

COUNCILLOR ROSE’S NOTE

Joshua Porter was the SAS trooper killed in the Blackhawk crash off Fiji. He and his family lived/live in Chain Valley Bay.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

347 Notice of Motion – Speed Zones

F2004/06023 NTR/SG

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 22 August 2007 he will move the following Motion:

- “1 That due to growing community concern and confusion over the proliferation of speed zones across the shire, Council as a matter of urgency request the Wyong Shire Traffic Committee to review its speed zone implementation policy with a view to streamlining speed zones where possible.*
- 2 That as Wyong Shire has a high incidence of speeding infringements, Council recognise were possible speed zone uniformity may assist genuine and responsible motorists while free up valuable policing resources.”*

COUNCILLOR BEST’S NOTE

This issue has been raised on behalf of local Warnervale residents who have identified on one road alone five speed zones* in just 4.5kms.

* This motion does **not** reflect or refer to school zones.

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WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**348 Contract CPA/122702 – Hunter Councils Inc. Period Contract
for the Manufacture, Supply and Delivery of Domestic Water
Meters**

CPA/122702 JM

SUMMARY

Evaluation and selection of Hunter Councils Inc. tenders for Contract CPA/122702 – manufacture, supply and delivery of Domestic Water Meters.

RECOMMENDATION

- 1 *That subject to all participating Councils of Hunter Councils Inc. agreeing to participate, Council agree to the contract between Hunter Councils Inc and Elster Metering Pty Ltd for the manufacture, supply and delivery of domestic water meters for the two year period commencing from the date of acceptance until 30 June 2009.***
- 2 *That Council authorises the General Manager to agree to an option to extend the contract for a further 12 month period based on satisfactory performance and price.***
- 3 *That Council notes the annual estimated expenditure against this contract is \$142,282 including GST (\$129,348 excluding GST) however, the tendered rates are subject to quarterly rise and fall adjustments based on the London Metal Exchange average monthly rate of copper.***
- 4 *That Council notes the contract provides for the supply of water meters to Council on a non-exclusive basis.***

BACKGROUND

Council purchases approximately 3,700 water meters annually for use on domestic water services. Meters are purchased in 20mm, 25mm, 40mm and 50mm sizes.

The tender was conducted by Hunter Councils Inc. on behalf of member organisations. Wyong Shire Council is an associate member for the purposes of participating in joint tendering and contracting arrangements. Hunter Councils Inc. receive a management fee from the appointed Contractor of 1.5% of the total spend under the Contract. Provision for the management fee is included in tendered rates.

Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters

Six member Councils of Hunter Councils Inc. participated in the tender, with the major participants, based upon usage, being Wyong Shire Council and Gosford City Council. Other participants in the tender were four Hunter Valley based Councils. The aggregated volume achieved through the joint tendering process provides Wyong Shire Council with the opportunity to achieve costs savings and added benefits that may not have been otherwise achievable under a Council specific tender.

Wyong Shire Council was represented by a Senior Engineer at both the tender development and tender evaluation phases.

The tender was called on a preferred supplier basis. All participating Councils must individually agree to accept the tender recommendation in order for rates to become effective.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 17 April 2007 and the Newcastle Herald on 21 April 2007. The advertised closing date was 15 May 2007.

The invitation documents called for a Schedule of rates tender, based on a detailed specification.

Tenders closed at Hunter Councils Inc. at 10:00am on 15 May 2007.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members incorporating representatives from Wyong Shire Council, Dungog Shire Council and Hunter Councils Inc. using the following threshold and weighted criteria:

- * Conformance with specification and requirements of the tender documents;
- * Ability of Tenderer to supply and deliver required materials as and when required by the Principal;
- * Occupational Health and Safety compliance, practices and documented procedures;
- * Tenderer's Quality Control and Assurance process including where applicable, accreditation to recognised Australian Standards, warranty and guarantees offered;

Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters (contd)

- * The Tender price, integrity of its structure and pricing of individual schedule rates;
- * Tenderer's current commitments;
- * Referees;

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director Corporate Services prior to tenders being invited.

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Detailed price evaluation of tenders.
- 4 Weighted evaluation of conforming tenderers.
- 5 Due diligence checks on preferred tenderers.

Assessment of Receipt

The following tenders were received.

Tender	Aggregated tendered price based on estimated per annum usage of 20mm Water Meters without couplings (Ex. GST)	Status
1 Elster Metering Pty Ltd.	\$129,348	Submitted on time
2 Actaris	\$131,144	Submitted on time
3 Reliance Worldwide	\$132,941	Submitted on time

All tenders were progressed to an assessment of conformance.

Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters (contd)**Assessment of Conformance - Threshold Criteria**

Criteria = Conformance with the specification and requirements of the tender documents;

All tenderers demonstrated they could supply items in accordance with specifications and fully completed all tender documents.

Criteria = Ability of Tenderer to supply and deliver required materials as and when required by the Principal;

All Tenderers indicated they could supply items within a time frame acceptable to Councils.

Criteria = Ability to manage financial, operational and safety risk;

All tenderers demonstrated they could manage financial, operational and safety risk associated with this contract.

Weighted Evaluation

Tenders were scored against each of the following weighted evaluation criteria (including price and non-price elements), with the following result.

- * Price 20mm Water Meters
- * Price couplings to suit 20mm Water Meters
- * Referees
- * Current Commitments (Delivery capacity)
- * Occupational Health and Safety requirements
- * Quality Assurance requirements

Tender	Aggregated tendered price based on estimated per annum usage of 20mm Water Meters without couplings (Ex. GST)	Weighted Evaluation Score
1 Elster Metering Pty Ltd	\$129,348	96
2 Reliance Worldwide	\$132,941	95
3 Actaris	\$131,144	94

Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters (contd)

The tender from Elster Metering Pty Ltd is the highest scoring tender. Evaluation panel members agree that, on balance, this tender represents the best value-for-money for Council.

The quoted pricing detailed in the weighted evaluation is calculated by multiplying the estimated per annum usage of the 20 mm Domestic Water Meter by the tendered price. In total, pricing was obtained for 42 individual items. However, the 20 mm dual check valve Domestic Water Meter without couplings represents 98% of Wyong Shire Councils total expenditure. Accordingly, this item was used to determine the tender score on the basis of price.

Usage of 20 mm dual check valve Domestic Water Meters has increased considerably over the last 24 months due to the increased number of water tank installations occurring across the shire. Each new domestic water tank installation requires a dual check valve water meter to be installed for back flow prevention. Stores per annum usage has increased from 2,200 units to 3,593 units over the last 2 years.

Elster Metering Pty Ltd is Councils incumbent contractor. Tendered rates indicate a 9% price increase in relation to Councils previous contract. Elster Metering Pty Ltd have advised price rises are due to significant increases associated with world copper prices over the last 18 months. The per tonne rate of copper has increased from \$4,700 US per tonne in January 2006 to \$7,288 per tonne in June 2007. Copper constitutes 60% of the raw material make up of Domestic Water Meters.

Elster Metering Pty Ltd with the lowest price tender for both the 20mm and 25mm meters scored the highest weighted evaluation score. Of the non-monetary selection criterion, Elster Metering Pty Ltd scored the highest or equal highest in (5) five of the (6) six remaining elements.

For information purposes, a price comparison of a sample of main usage items in the price schedule, confirms that the recommended tenderer is generally providing good value to Council across the range of products covered by the tender.

Due Diligence

Reference checks were obtained from Pine River Shire Council, Sydney Water Corporation and North East Water Corporation on tender No. 1 Elster Metering. Information was asked to be provided on the delivery performance and quality of items supplied. All referees indicated that Elster Metering Pty Ltd were very responsive and delivered quality products.

Elster Metering Pty Ltd is the incumbent contractor to Council under Hunter Councils Inc. Tender T50506 Supply of Domestic Water Meters. Contact with key warehousing staff has indicated they are fully satisfied with the responsiveness and all round service provided by Elster Metering Pty Ltd.

Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters (contd)

In addition to due diligence checks conducted on Elster Metering, Wyong Shire Council officers have made inquiries at both Sydney Water and Hunter Water authorities to determine if further joint tendering initiatives could be explored outside the Hunter Councils Inc. consortium. Both indicated they were currently under contract and were not able to commit to a joint tender at this stage.

Given that there may be further cost saving opportunities available to Council if other joint tendering initiatives become apparent, Council officers requested confirmation that acceptance of the Hunter Councils Inc. tender is conditional in that it is not exclusive. The documents to form part of the contract expressly provide for supply to be on a "non-exclusive" basis. This will allow Council to pursue other sourcing opportunities in the event they become available.

Hunter Water is currently undertaking a strategic review on water metering technologies and have expressed an interest in working with Council. Over the next 6 to 12 months the possibility of partnering with potential manufacturers to develop more sophisticated metering options will be explored. Council has an intention to join with Hunter Water in this activity and where an opportunity exists join in with any subsequent market approach on this basis.

Process Review

This evaluation process and recommendations have been endorsed by the Acting Manager – Contract Systems.

TIME-FRAME

The contract will commence on the date of acceptance and will run for a period up to June 30, 2009. Hunter Councils Inc. has an option to extend the contract for a further 12 month period but will be dependant on all Councils agreeing that the performance of Elster Metering Pty Ltd warrants a contract extension.

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated value of the arrangement is \$388,044 ex GST over three years (\$129,348 Ex GST per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the arrangement. The total amount ordered under this arrangement could therefore vary significantly if demand patterns alter for this product/service.

**Contract CPA/122702 – Hunter Councils Inc. Period Contract for the
Manufacture, Supply and Delivery of Domestic Water Meters (contd)**

LOCAL CONTENT

Elster Metering Pty Ltd are a Melbourne based company and have distribution centres in Sydney, Brisbane & Perth. All companies that tendered are based outside the Central Coast region, as a consequence there will be no impact on local employment opportunities.

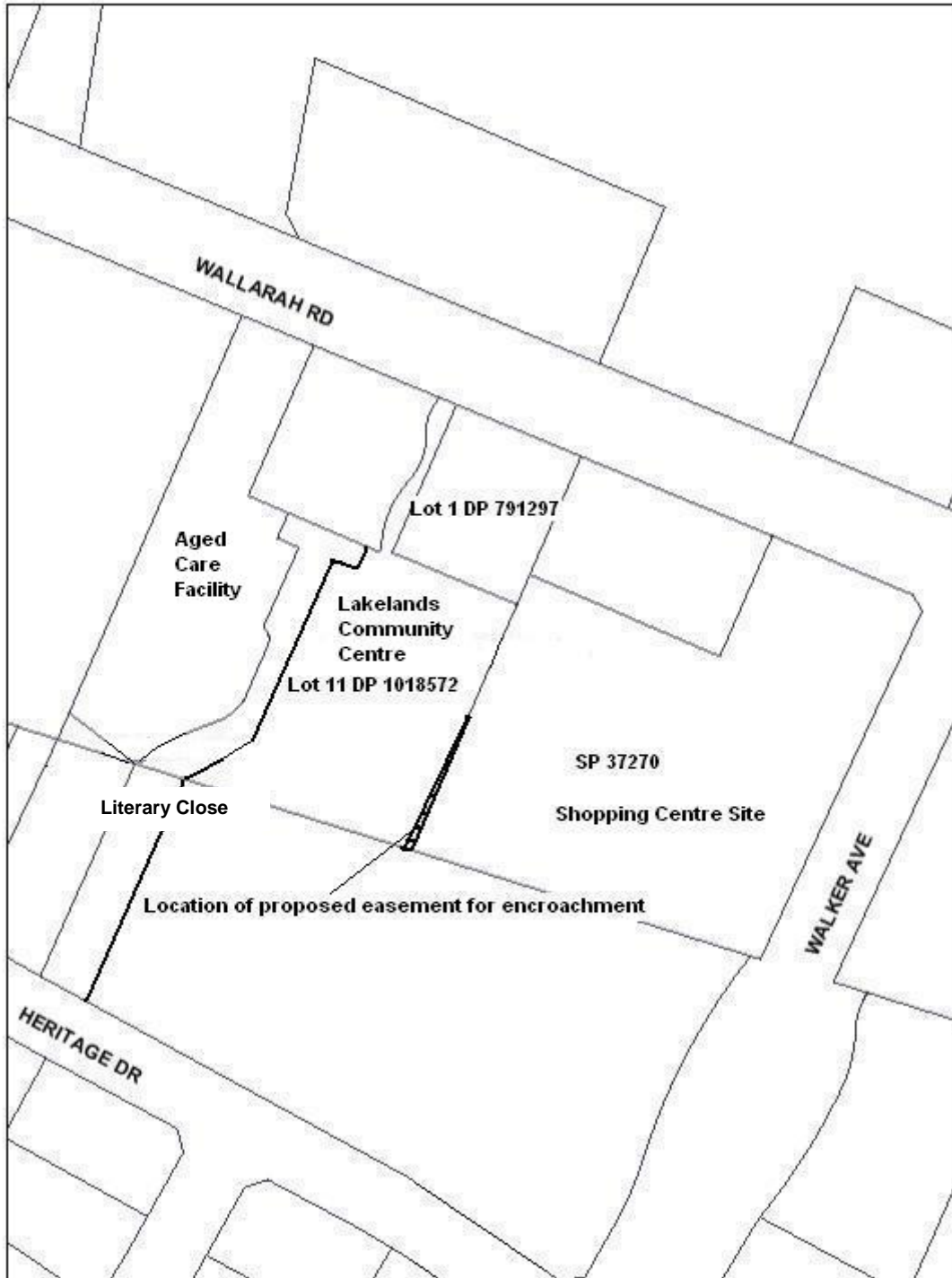
CONCLUSION

Tender No. 1 from Elster Metering Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council.

Wyong Shire Council, along with all participating member councils of Hunter Councils Inc. must individually resolve whether or not to agree to the recommended tenderer. Hunter Councils Inc. will collate the decisions of all participating members and, in return, will enter into a deed of agreement to supply Domestic Water Meters with Elster Metering Pty Ltd.

349 Easement for Encroaching Structure on Council Land at Kanwal (Attachment 1)

Plan showing proposed easement on Council's land.



WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

349 Easement for Encroaching Structure on Council Land at Kanwal

F2007/01079 PF

SUMMARY

Council has been requested to grant an easement over its land Lot 11 DP 1018572 Literary Close Kanwal for a minor encroachment by structures on adjoining land.

RECOMMENDATION

- 1** *That Council grant an Easement to Permit Encroaching Structure to Remain with variable width up to 1 metre wide on Lot 11 DP 1018572 Literary Close Kanwal as described in this report.*
- 2** *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan and Section 88B Instrument that will create the easement referred to in Item 1.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the plan and Section 88B Instrument that will create the easement referred to in Item 1.*

BACKGROUND

Everitt and Everitt, Surveyors have been instructed by the owners of Strata Plan 37270 Wallarah Road, Kanwal to prepare a plan of consolidation of land to form the Common Property in that Strata Plan which will include Lot 1 DP 791297 which is intended to be purchased by the Owners of the Strata Plan to accommodate staff parking.

Consolidation and Redefinition is a requirement by the Department of Lands for the purchase of additional common property by the owners of a Strata Plan. The common property must be held under the one title.

Strata Plan 37270 is the site of the community shopping centre at the corner of Walker Road and Wallarah Road and adjoins Council land Lot 11 DP 1018572 Literary Close, Kanwal which is the site of the Kanwal Community Centre. In carrying out the survey and the boundary definition, the surveyor has calculated that the boundary between SP 37270 and Lot 11 DP 1018572 is in a different position in comparison to the plan that defines the common property in SP 37270.

Easement for Encroaching Structure on Council Land at Kanwal (contd)

The survey has revealed a minor encroachment of buildings erected on SP 37270 onto Council's land Lot 11 DP 1018572. The encroachment of structures is to 50 millimetres only.

The encroaching building is a lot held under the Strata Schemes (Freehold Development) Act 1973. The owners of SP 37270 have requested that in order to rectify the encroachment and protect its interest in respect of the encroaching structure have requested that Council grant an Easement to Permit Encroaching Structure to Remain over Council's land. All costs associated with the grant of the easement will be borne by the applicant.

The proposed easement is variable width up to one metre wide at its widest to allow access to the encroaching external wall of the encroaching building for minimal maintenance or inspection.

The minimal size of the proposal will not impact upon Council's use of Lot 11 DP 1018572. It is not proposed to pursue compensation for the easement as it is not considered there will be any diminution in the value of Council's property.

Council's land is zoned 5(a) Special Uses Community Purposes and is classified as Operational land. Therefore there is no real impediment to the grant of the easement.

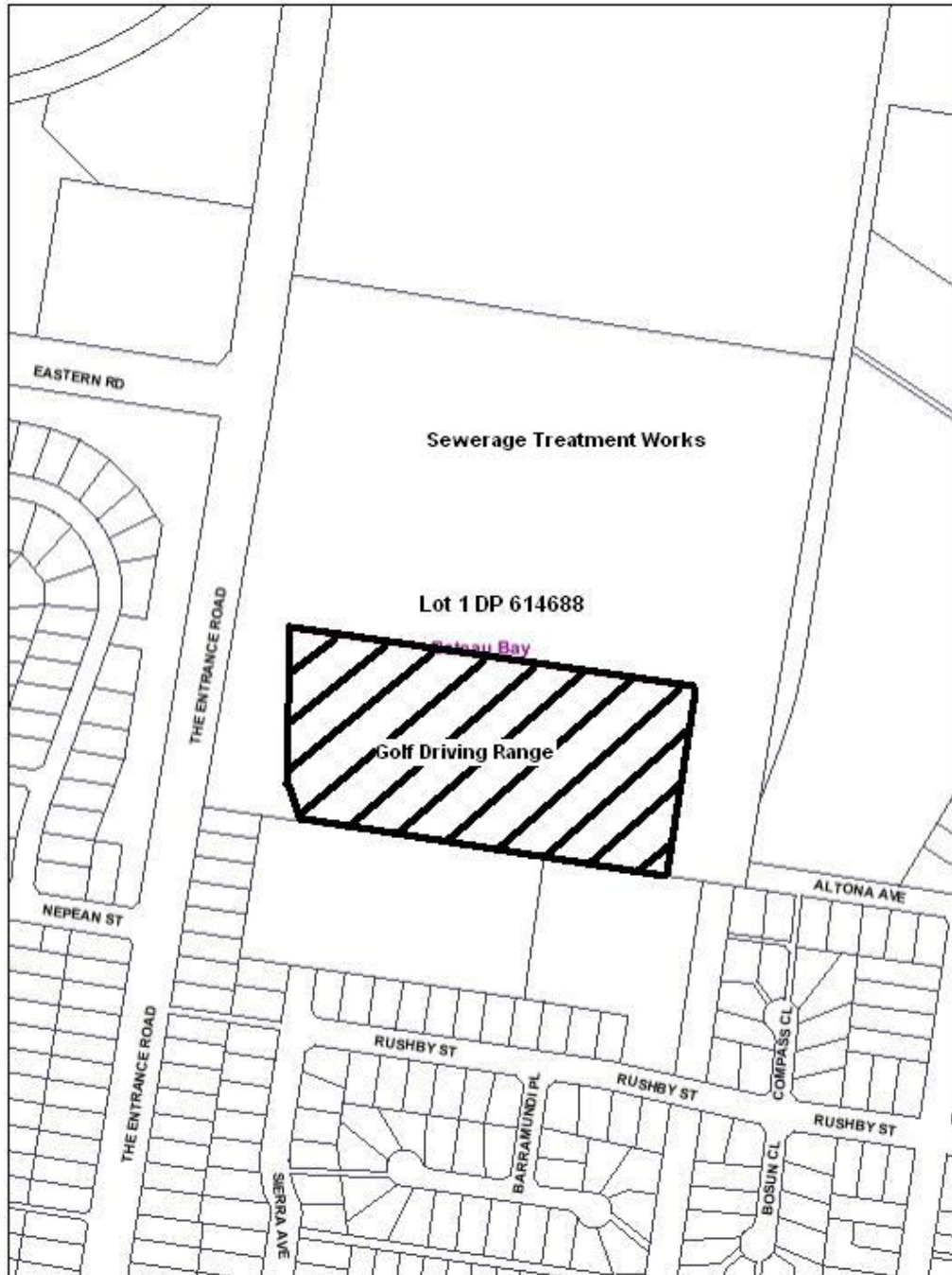
Attachment 1

Plan showing proposed easement on Council's land (1 page)

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**350 Assignment of Lease for Golf Driving Range at Bateau Bay
(Attachment 1)**

Location Plan (Leased Area Hatched)



WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

350 Assignment of Lease for Golf Driving Range at Bateau Bay

CPA/94523 JMT

SUMMARY

Approval is sought to allow the assignment of the lease of Council land being part of Lot 1 DP 614688 at The Entrance Road, Bateau Bay.

RECOMMENDATION

- 1** *That Council approve the assignment of the lease of part Lot 1 DP 614688 at The Entrance Road, Bateau Bay from A and C Stolz to S Cubis.*
- 2** *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Deed of Assignment between the Wyong Shire Council, A and C Stolz and S Cubis.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Assignment between the Wyong Shire Council, A and C Stolz and S Cubis.*

BACKGROUND

Council leases part of Lot 1 DP 614688 at The Entrance Road, Bateau Bay (Golf Driving Range) to A and C Stolz for the operation of a golf driving range.

The Lease to A and C Stolz (Stolz) was approved by Council on 14 June 2006 for a term of five years expiring on 10 August 2011. The current rent is \$45,785.39 per annum inclusive of GST and the lease provides for annual rent reviews based on increases in the Consumer Price Index. The lease can be assigned or transferred with Council's consent. Consent cannot be unreasonably withheld.

Mr Andre Stolz has advised that he is proposing to sell the lease of the Golf Driving Range as he intends to go to America next year to play golf. The proposed assignee, Scott Cubis of Wamberal, has formally requested assignment of the lease to him. A review based on the key criteria that applied to the original decision appointing Mr Andrew Stolz has been undertaken and confirms that Council should endorse the assignment of the lease. In particular Mr Cubis has detailed his experience in the following areas:

- * Presently head professional at Terrigal Golf Club and teaching professional at Kincumber Driving Range for the past seven years.

Assignment of Lease for Golf Driving Range at Bateau Bay (contd)

- * Previous experience – assistant professional at Tuggerah Lakes Golf Club, proprietor of Tuggerah Driving Range and professional at Gosford Golf Club and employed by a former lessee of the Bateau Bay Golf Driving Range as an assistant professional.
- * 15 years' experience working as a golf professional on the Central Coast.
- * Experience in conducting junior clinics with schools and charity golf days.

Mr Cubis has also provided a Business Plan and Cash Flow Projection for the operation of the Golf Driving Range, details of which are:

- * Hours of operation – Winter 8 am to 5 pm; Summer 8 am to 6 pm.
- * Mr Cubis plans to work at the Golf Driving Range 30 to 40 hours per week and to employ another golf professional as his assistant for a minimum of 40 hours per week.
- * Maximise ball and equipment sales by running school clinics, special clinics for children, ladies and men and private lessons. Private lessons will be \$40 per half hour.
- * Ball sales will be: small bucket \$6.50, medium \$9.00 and large \$16.00.
- * Local School clinics \$4.00 per child at the Golf Driving Range and \$3.00 at the School.

Based on experience of this business over past operations, the proposal by Cubis represents a realistic business case for the operation of the Golf Driving Range.

Stolz and Cubis will be required to execute a Deed of Assignment which will preserve the covenants of the lease. Mr Cubis has confirmed his agreement to enter into the Deed of Assignment and acknowledged that temporary buildings only are allowed on the land and that Council gives no guarantee that the lease will be renewed when it expires on 10 August 2011.

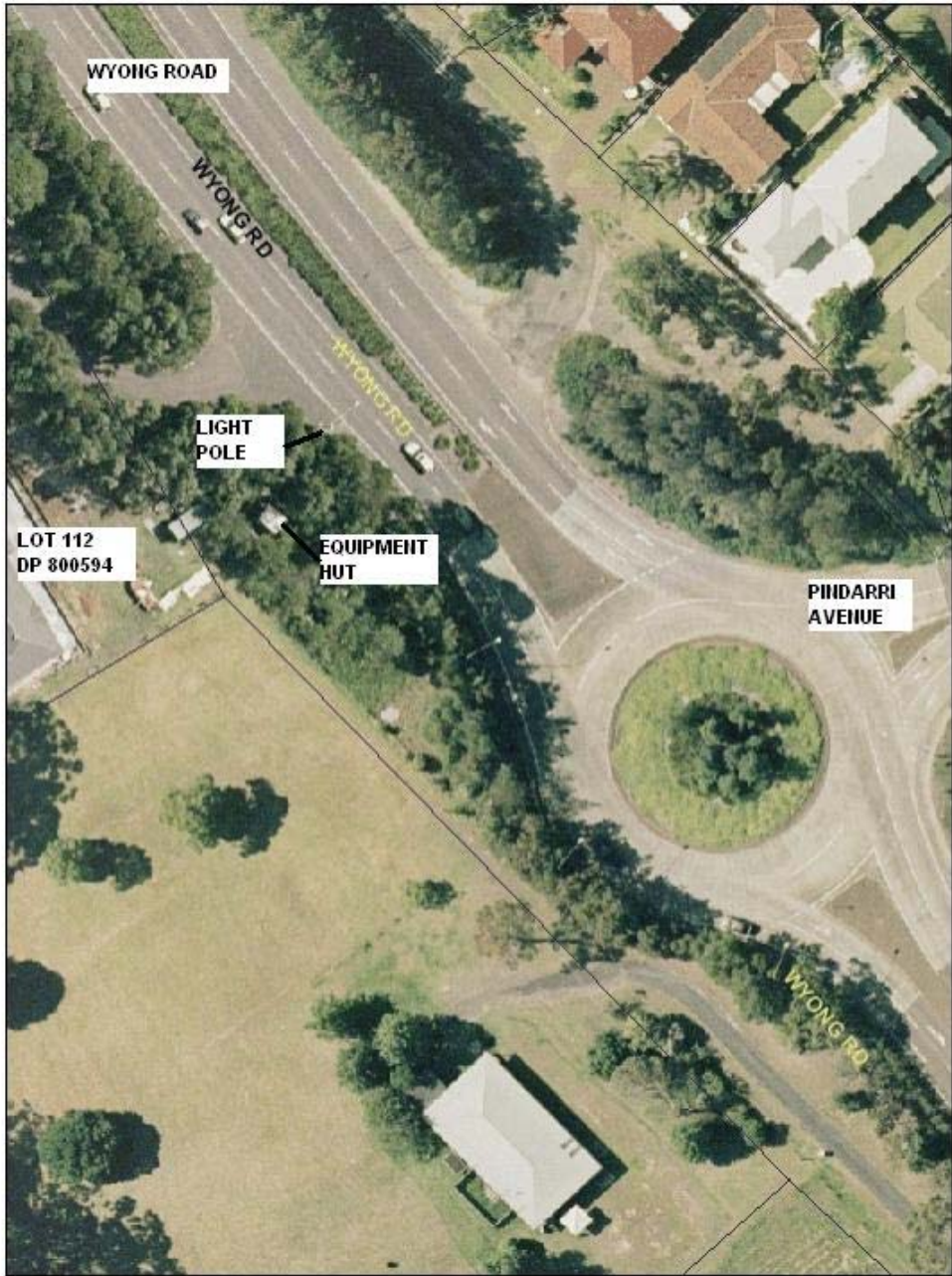
Attachment 1

Location plan (leased area hatched) (1 page)

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351 Proposed Licence to Optus for Road Reserve at Wyong Road, Berkeley Vale (Attachment 1)

Location Plan



WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**351 Proposed Licence to Optus for Road Reserve at Wyong Road,
Berkeley Vale**

F2004/12288 JMT

SUMMARY

Optus Mobile Pty Limited (Optus) has requested a Licence in respect of part of the road reserve located at the roundabout at the corner of Wyong Road and Pindarri Avenue, Berkeley Vale adjacent to Lot 112 DP 800594, occupied by the equipment hut which services telecommunications equipment on the adjacent light pole.

RECOMMENDATION

- 1** *That Council grant a Licence to Optus Mobile Pty Limited for the location of its mobile telecommunications equipment hut on part of the road reserve located on the corner of Wyong Road and Pindarri Avenue, Berkeley Vale adjacent to Lot 112 DP 800594.*
- 2** *That the Licence referred to in Item 1 commence on 1 November 2001 for an annual fee of \$17,325 with annual increases of 5 per cent.*
- 3** *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.*
- 4** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.*

BACKGROUND

On 1 November 2001, Optus exercised its powers under The Telecommunications Act 1997 (the Act) to install, maintain and operate a mobile telephone base station and associated equipment on the road reserve located at the roundabout at the corner of Wyong Road and Pindarri Avenue, Berkeley Vale.

Under Schedule 3 of the Act, the Minister for Communications may determine that a specified facility is a Low Impact Facility, the installation of which is then exempt from State and Territory Laws. As this installation was classified as a Low Impact Facility, Optus was not required to notify or gain approval from Council to install the facility.

**Proposed Licence to Optus for Road Reserve at Wyong Road, Berkeley Vale
(contd)**

The Low Impact Facility is located on the western side of Wyong Road, at the top of the embankment, approximately 100 metres north west of the Wyong Road and Pindarri Avenue roundabout, Berkeley Vale, shown on the location plan as the light pole.

The construction of the facility involved replacing the light pole with a similar sized pole and turret mounting three panel antennas and one radio communications dish to the replacement pole in consultation with Energy Australia.

The construction also involved installation of an equipment shelter which is located at the bottom of the embankment approximately 12 metres from the light pole and connected to the Optus antennas on the pole via underground cables. Access to the site is from Wyong Road.

Council's Manager Roads and Drainage has no objection to the occupation by Optus of part of the public road. The Roads and Traffic Authority approved the Optus installation and authorised Council to enter into a lease with Optus in respect to the equipment shelter.

The licence agreement does not have an end date built into it. All maintenance responsibilities under the agreement rest with Optus.

The Licence will incorporate Council's standard lease terms negotiated with Optus and commences from 1 November 2001. The Licence may be terminated by either party in the event that Optus ceases to occupy the site, Council ceases to own or have an interest in the site or Council requires the site for road.

The base rent for 2001 is \$17,325 and is subject to annual increases of 5%. Rent for the site has been paid by Optus in accordance with the following table and the rent is the same as other similar facilities in the Shire. The current rent is \$23,217 plus GST.

Year	Rent (\$)
2001	17,325.00
2002	18,191.25
2003	19,100.81
2004	20,055.85
2005	21,058.64
2006	22,111.57
2007	23,217.15
Total	\$141,060.27

**Proposed Licence to Optus for Road Reserve at Wyong Road, Berkeley Vale
(contd)**

Delays to the formalisation of the access arrangements for this site were the result of negotiations with Optus for all its telecommunication sites proceeding on a site by site basis. Once standard lease conditions were agreed, leases were completed and executed individually, one site at a time and only after completion of the previous lease. Optus has now agreed to enter into a Licence with Council in relation to this facility. There are no other outstanding mobile telecommunication site leases.

Attachment 1

Location Plan (1 page)

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WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

352 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

SUMMARY

Councillors proposed the following allocation of funds for expenditure from Councillors' Community Improvement Grants.

RECOMMENDATION

That an amount of \$1,400 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

Funds are available and expenditure is permissible under Section 24 and 356(1) of the Local Government Act, 1993.

Attachment 1

***Proposed Councillors' Community Improvement Grants
2007/2008 (1 page)***

Proposed Councillors' Community Improvement Grants (Attachment 1)**Proposed Councillors' Community Improvement Grants 2007/2008**

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 08/08/2007		2,650	1,200	0	1,750	50	1,045	245	4,400	1,250	1,950	14,540
Available allocation as at 08/08/07		4,850	6,300	7,500	5,750	7,450	6,455	7,255	3,100	6,250	5,550	60,460
22 August 2007												
Chain Valley Bay Community Hall	Assist with fundraising for 50 new chairs	50										50
Lifeline Central Coast	Assist with the training of telephone counsellors and associated costs								250			250
Potory Minbee Aboriginal Elders Assoc	Assist to provide airfares for guest speaker of association at Clean Up The Kimberley 2007 campaign in Broome WA									200		200
The Entrance Men's Shed	Assist with initial establishment costs of group						300		250			550
The Lakes Singers	Assist with choir performances at nursing homes		200						150			350
Total Proposed Allocations for 22/08/2007		50	200	0	0	0	300	0	650	200	0	1,400
Total Accumulated Allocations as at 22/08/2007		2,700	1,400	0	1,750	50	1,345	245	5,050	1,450	1,950	15,940

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

353 Amendment to Trade Waste Charges for Mars Food Australia

F2004/00167 KRG:VW

SUMMARY

This report recommends an amendment to the Trade Waste charging arrangements applying to Mars Food Australia (formally Masterfoods) as adopted by Council at the Ordinary Meeting of 13 September 2006.

RECOMMENDATION

- 1** *That the trade waste charges application to Mars Food Australia for the period 1 July 2006 to 30 June 2007 be extended to 30 September 2007.*
- 2** *That the Director Shire Services be authorised to approve a further extension of these charges for up to 3 months beyond 30 September 2007 should further wet weather delay the construction of the Trade Waste Facility at Mars Food Australia.*

BACKGROUND

At the Ordinary Meeting of 13 September 2006, Council adopted a three year phase-in of the Trade Waste charges applying to Mars Food Australia arising from implementation of a new Trade Waste policy based on the New South Wales Government Department of Energy, Utilities and Sustainability (DEUS) Model Policy.

The resolution from the Ordinary Meeting of 13 September 2006 was as follows:

“That the financial impact on Masterfoods of charges associated with the new trade waste policy be moderated by the following phasing arrangement:

Year 1 after Implementation (1 September 2006 – 30 June 2007)

Masterfoods shall pay a total charge equivalent to that which would have been applicable under the previous policy plus 15% of the increase in charges that would be payable under the new policy.

Year 2 after Implementation (1 July 2007 – 30 June 2008)

Masterfoods shall pay a total charge equivalent to that which would have been applicable under the previous policy plus 40% of the increase in charges that would be payable under the new policy.

Year 3 after Implementation (1 July 2007 – ongoing)

Masterfoods shall pay charges as applicable under the new policy.”

Amendment to Trade Waste Charges for Mars Food Australia (contd)

The phased charging arrangements were adopted by Council in recognition of the financial impact to Mars Food Australia where trade waste charges in 2006/2007 under the new trade waste policy were estimated at \$1,344,000. This represented a 550% increase over charges that would apply under Council's old trade waste policy.

This situation arose as under the DEUS Model Policy there exist punitive charges for those traders discharging higher strength wastes regardless of whether the higher strength waste was permitted under their licence agreement. Mars Food Australia was the only trade waste discharger in Wyong Shire in this category.

The phased charging arrangements for Mars Food Australia also took into account the initiative by Mars Food Australia in constructing an upgraded trade waste treatment plant to produce a significantly higher quality trade waste discharge to Council's sewerage system. Once this facility is operational the trade waste discharged by Mars Food Australia will be of a quality that it will not attract the punitive charge component of the new trade waste charging policy.

The construction of the new trade waste treatment plant at Mars Food Australia was originally due for completion by 1 July 2007. A component of the plant is the in ground aeration tanks incorporating earth banks with clay capping lined with a rubber membrane. Prior to the recent June storm construction was at a stage where the clay capping was in place. During the storm event the clay capping was destroyed causing extensive delays in completing the project.

Mars Food Australia at a meeting with Council staff on 3 July 2007 and in a letter dated 3 July 2007 have advised that the storm damage has delayed completion of the project by at least three months and have requested that the charges applicable from 1 July 2006 to 30 June 2007 be extended three months until 30 September, 2007.

Mars Food Australia, in the letter, also foreshadowed a possible additional extension of this arrangement for up to three months should continued wet weather cause further delays to the construction programme.

Staff have inspected the site of the trade waste treatment plant and confirmed that considerable damage had occurred as a result of the June storms. The request by Mars Food Australia, for the three month extension to 30 September 2007, is considered reasonable.

It is therefore recommended that due to the storm damage causing a delay in the commissioning of the trade waste treatment plant that the pricing arrangement applicable to Mars Food Australia for the period 1 July 2006 to 30 June 2007 be extended to 30 September 2007 at which time the next stage of charging will apply up to 30 June 2008 in accordance with the originally adopted charge phasing arrangement.

It is also recommended that Council delegate to the Director Shire Services authority to approve a further extension of up to three months for this charging arrangement should further wet weather delay the construction of the new trade waste treatment plant at Mars Food Australia.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

354 The Entrance Channel

F2004/06257 IR

SUMMARY

Reporting on response to Urgency Motion considered at Ordinary Meeting of Council on 25 July 2007 regarding The Entrance Channel.

RECOMMENDATION

- 1 That Council install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.**
- 2 That Council undertake ongoing risk assessments of The Entrance Channel until the commencement of the summer swimming season.**
- 3 That Council provide a Lifeguard at The Entrance Channel prior to the commencement of the summer swimming season should the ongoing risk assessments indicate that supervision of the Channel is required.**

BACKGROUND

At the Ordinary Meeting of Council held on 25 July 2007 consideration was given to a Motion of Urgency regarding The Entrance Channel.

At that meeting, Council resolved as follows:

“That with respect to the recent major multiple storm events and the resultant blow out of The Entrance Channel to some now 400m in width, Council as a matter of urgency receive a report from staff regarding any actions or intervention that may be considered by Council to protect public safety in and around the channel while also seeking to limit Council’s risk profile of this escalating danger.”

The following information in this report addresses the issues raised in this Urgency Motion. Figures 1 to 4 in the Attachments show photographs of the Channel and existing and proposed signage details.

Over the last 40 years the entrance to Tuggerah Lake has been opened to a width of greater than 200m on a number of occasions as a result of flood and/or storm events. This occurred in 1966, 1974, 1978, 1991 and 1992. Following the June 2007 flood event the Entrance Channel opened to a width of approximately 200m. This opening was then increased by heavy seas in June and July. The channel is now approximately 350m wide at high tide (refer Enclosure – Figure 1) and 150m wide at low tide.

The Entrance Channel (contd)

As part of the risk assessment undertaken in 1993 for the ongoing dredging programme, signage was installed around the northern and southern shores of The Entrance Estuary advising the community that the area was constantly changing and that swimming was not advised (refer Enclosure - Figures 1 and 2). The recent storm damage has resulted in damage to one of these signs on the northern side of the channel. This sign will be reinstated this month.

In 2005 a beach safety and advisory signage system was developed in accordance with the aims of Council's Beach Operational and Strategic Management Plan 2005/2010. This signage serves to advise the community on the risks associated with swimming in the marine environment and meets Australian Standard 2416-2002 for beach and water safety signage (refer Enclosure - Figure 3). The first stage of this signage programme has been installed at Shelly Beach and Toowoan Bay and this will be followed by signage installation at The Entrance Beach and The Entrance Channel in September 2007. The remainder of the signs in the signage programme will be rolled out during 2007/2008, prioritised on the basis of highest risk areas being completed first.

Procedures for Lifeguards Working at The Entrance Channel in 2007/2008

The procedures for Lifeguards working at The Entrance Channel are being revised to accommodate the recent Council decision to locate two Lifeguards at six of its ocean beaches during the shoulder season. This expansion of the Lifeguard Service will result in two Lifeguards being deployed at all times during the swimming season.

At The Entrance Beach the new procedure will involve deployment of one Lifeguard in the Entrance Surf Club and one at the observation tower located at the northern end of The Entrance Beach. The Lifeguard located in the observation tower will be able to view both Channel and beach conditions and intervene as required. Under the terms of the existing bather supervision protocol a Lifeguard is deployed at the Entrance Channel only during school holiday periods or when there is an excessive crowd present. On weekends volunteer lifesavers patrol the Channel area by means of quad bike and IRB however there is no permanent lifesaver stationed there.

Impacts of Larger Channel Width

The recent storm event will have a number of environmental, economic and social impacts including:

- * Significant loss of the sand in the estuary, resulting in the removal of shoals used for wading, swimming, prawning and fishing.
- * Creation of new sand shoals in the middle of the widened channel that may be unstable.
- * A significantly wider and deeper channel that may discourage people entering the water as compared to the usual narrow and shallow condition.

The Entrance Channel (contd)

- * Increased tidal flows from a wider and deeper channel that could lead to more marine life entering and leaving the estuary including prawns and larger fish. This could reduce the opportunities for swimming in the area.
- * Now that flood levels have subsided the reduction in average lake levels and tidal range has resulted in exposure of more mud flats around the edge of the lake, causing increased odour problems, seagrass die-back and poor water circulation.

Future Channel Width

Whilst winter months on the Central Coast typically result in larger swells and beach erosion conditions, summer months result in the reversing of this coastal process and sand accumulates on coastal foreshores. There is already evidence that the Channel area is accumulating sand and it is expected that by the end of the summer of 2007/2008 the Entrance Channel will have returned to conditions near to that experienced before the June 2007 Long Weekend. Council would then resume its channel dredging and beach nourishment programme based on regular monitoring of the area.

Hazard Identification and Analysis

An assessment has been undertaken of the risks associated with the changed conditions at The Entrance Channel. A photograph of the Channel in late July 2007 is shown (refer Enclosure – Figure 4). It was found that while the Channel configuration had changed, it was considered that there was a low risk to public safety at this time compared to the Channel in its more normal condition for the following reasons:

- * there would be a relatively small number of swimmers likely to be using the Channel over the winter months due to the colder water temperatures and generally cooler weather conditions.
- * the number of people fishing along the edge of the Channel over the winter months was greatly decreased from the warmer summer months, and the condition of the Channel was unlikely to result in greater risk in their activities.
- * the number of people generally using the edges of the estuary over the winter months was also decreased compared to the warmer summer months.
- * the time for the runout of Lake water between the top of the tide down to the bottom of the tide is usually the period when people risk being carried out to sea. During daylight hours this period of higher risk will typically be only 4-5 hours. This is a small proportion of the total time people may be at risk from using the Channel.
- * the Channel is visibly closing again, and is expected to continue on this trend resulting in a progressive improvement in the risk profile.

The Entrance Channel (contd)

- signage is already in place warning the public of the dangers of entering the Channel due to fast flows and collapsing banks.

From this analysis it is considered that there is an overall low risk to public safety at present, and the positioning of a Lifeguard at the Channel is not required at this stage. Annual dredging of the Entrance Channel results in significant variations to channel flow, width and depth before natural sand deposition processes gradually close the estuary mouth. Notwithstanding this the Channel will be subject to ongoing monitoring until the commencement of the summer swimming season in October 2007. Visual assessments and checks will be made that the risks have not increased due to storm activity or other unexpected events.

There is however a need to ensure that the next stage of Council's advisory signage installation is completed before the commencement of the September 2007 school holidays. This has been shown as the recommendation for action from this report.

Enclosure

The Entrance Channel - Figures 1 to 4

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Board Report

**355 Gosford and Wyong Councils' Water Authority Board Meeting
– 15 August 2007**

F2004/06808

SUMMARY

Minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 15 August 2007.

RECOMMENDATION

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 15 August 2007 be received and the recommendations contained therein, adopted.

A meeting of Gosford and Wyong Councils' Water Authority Board was held on 15 August 2007. The minutes of that meeting are enclosed.

Enclosure***Minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 15 August 2007***

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

356 **Community Benefit Grants Panel - 24 July 2007**

F2004/06570 JV

SUMMARY

Council's Community Benefit Grants Panel met on 24 July 2007 to consider applications for funding under the Community Benefit Grants program. A copy of the minutes is attached.

RECOMMENDATION

That the reports and recommendations of the Community Benefit Grants Panel be received and the recommendations contained therein be adopted.

Attachment 1

Minutes of the Community Benefit Grants Panel meeting held on 24 July 2007 (5 pages)

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

Community Benefit Grants Panel - 24 July 2007 (Attachment 1)

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE COMMUNITY BENEFIT GRANTS PANEL
HELD IN FUTURE PLANNING CONFERENCE ROOM, LEVEL 3
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY 24 JULY 2007
COMMENCING AT 4.37 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), R C STEVENS AND R E STEWART.

IN ATTENDANCE

COMMUNITY DEVELOPMENT MANAGER, COMMUNITY DEVELOPMENT POLICY OFFICER AND AN ADMINISTRATION OFFICER.

APOLOGIES

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR R L GRAHAM.

Community Benefit Grants Panel - 24 July 2007 (Attachment 1) (contd)

Minutes of the Community Benefit Grants Panel held on 24 July 2007 (contd)

CBG07 Disclosure of Pecuniary Interest

F2004/06507 ED

CBG09 Applications for Trimester 1 2007/2008

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THAT PART OF THE REPORT RELATING TO THE WYONG FAMILY HISTORY GROUP INCORPORATED FOR THE REASON THAT HIS FATHER IS A MEMBER OF THE GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE MEETING ROOM AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO INFLUENCE IN THE RUNNING OR DECISION MAKING PROCESSES OF THIS ORGANISATION."

PANEL RECOMMENDATION

That the report be received and advice of disclosure noted.

CBG08 Minutes of Ordinary Meeting 11 April 2007 – Allocation of Funding

F2004/06570 ED

PANEL RECOMMENDATION

That the report be received and the information noted.

Community Benefit Grants Panel - 24 July 2007 (Attachment 1) (contd)

Minutes of the Community Benefit Grants Panel held on 24 July 2007 (contd)

CBG09 Applications for Trimester 1 2007/2008

F2005/01881 MD

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THAT PART OF THE REPORT RELATING TO THE WYONG FAMILY HISTORY GROUP INCORPORATED FOR THE REASON THAT HIS FATHER IS A MEMBER OF THE GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE MEETING ROOM AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO INFLUENCE IN THE RUNNING OR DECISION MAKING PROCESSES OF THIS ORGANISATION."

PANEL RECOMMENDATION

That a report be referred to Council's Ordinary Meeting of 22 August 2007 recommending the following:

- 1 That \$66,186 be allocated from the 2007/2008 Community Financial Support Program to the following applications under Trimester 1 of the 2007/2008 Community Benefit Grants program:***

Community Benefit Grants Panel - 24 July 2007 (Attachment 1) (contd)**Minutes of the Community Benefit Grants Panel held on 24 July 2007 (contd)**

<i>Recipient</i>	<i>Purpose</i>	<i>Recommended Funding (\$)</i>
<i>Australian Volunteer Coast Guard</i>	<i>Rebate of Council rates</i>	<i>2,000</i>
<i>Bateau Bay Police and Community Youth Club</i>	<i>Teroopu Tamiriki (Children's Group)</i>	<i>2,500</i>
<i>Berkeley Vale Neighbourhood Centre</i>	<i>Community Information Banner</i>	<i>760</i>
<i>Central Coast Kids Day Out</i>	<i>Lifelong learning is for everyone to create a healthy community</i>	<i>2,100</i>
<i>Girl Guide Association of Australia Toukley</i>	<i>Kitchen Update</i>	<i>4,596</i>
<i>Greater Toukley Vision Inc</i>	<i>11th Annual Gathering of the Clans</i>	<i>5,000</i>
<i>Life Without Barriers</i>	<i>Breaking Thru Barriers Camp</i>	<i>12,240</i>
<i>Long Jetty and District Senior Citizens Club</i>	<i>Upgrade of Computer Training Room</i>	<i>2,690</i>
<i>Long Jetty Hospital Auxiliary</i>	<i>Equipment</i>	<i>1,000</i>
<i>NSW Active Retirees and Mentors Inc</i>	<i>After School What Next</i>	<i>2,000</i>
<i>The Entrance Town Centre Management</i>	<i>New Year's Eve Celebrations</i>	<i>10,000</i>
<i>The Entrance Town Centre Management</i>	<i>Central Coast Music Festival</i>	<i>10,000</i>
<i>The Entrance Town Centre Management</i>	<i>Carols by Candlelight</i>	<i>4,000</i>
<i>Warnervale Family and Community Centre</i>	<i>Warnervale and Districts Annual Fair</i>	<i>2,500</i>
<i>Wyong Family History Group Incorporated</i>	<i>Air-conditioning</i>	<i>2,100</i>
<i>Wyongah Progress Association</i>	<i>Rates Assistance</i>	<i>1,824</i>

Community Benefit Grants Panel - 24 July 2007 (Attachment 1) (contd)**Minutes of the Community Benefit Grants Panel held on 24 July 2007 (contd)**

- 2 *That the remaining applications from Trimester 1 2007/2008 be determined as indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs or invited to resubmit amended applications for consideration under a future Community Benefit Grants Trimester:*

Name	Description of Proposal	Amount (\$)	Panel Recommendation
Bateau Bay Anglican Church Opportunity Shop	Refurbishment of Community Opportunity Shop	1,000	Reject - Insufficient information provided
Central Dance Company (Australia)	18th Birthday Celebration	4,500	Reject - not appropriate within this funding program
Cynthia Street Neighbourhood Centre Inc	Nibbles – A Look at Future Possibilities	20,450	Reject - not appropriate within this funding program
Links to Health – North Wyong Primary Health Care Network	Health Professional's Online Database	245,398.40	Reject – beyond scope of program
Lions Club of Gwandalan Inc	Gwandalan Spring Festival 2007	6,000	Reject – funding being received from other sources
Northlakes Community Services	Helping Hands	14,765.54	Defer – some items not appropriate within this funding program
The Salvation Army	Reconnect Holiday Program	1,760	Reject - insufficient information provided
Tuggerah Lakes Learning Community Schools of NSW DET	Tuggerah Lakes Learning Community CrocFest 2007	6,000	Reject - not appropriate within this funding program
Working Age Group Stroke (WAGS)	Provide services to WAGS and Scallywags	15,000	Defer – previous application withdrawn as funded under CDSE last year
Wyong Neighbourhood Centre Inc	Youth Arts Project – Story Board	19,073.45	Reject – Neighbourhood Centre position to oversee project now not funded

There being no further business the panel meeting concluded at 6.43 pm

357 Wyong Shire Governance Committee – 8 August 2007

F2004/07245 MW

SUMMARY

Minutes of the Governance Committee Meeting held on 8 August 2007.

RECOMMENDATION

That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.

A meeting of Council's Wyong Shire Governance Committee was held on 8 August 2007 at 9.00am. The minutes of that meeting are attached.

The new independent members of the Governance Committee were welcomed. Mr David Holmes is an ex partner of Ernst & Young, one of the Big 4 chartered accountancy firms and Mr Bruce Turner is the Chief Audit Executive at the Australian Taxation Office. The addition of independent and highly skilled professionals to the Committee further strengthens the governance processes of Council.

During the meeting the following issues were discussed in more detail:

AUC13 – Governance Committee Proposed Agenda

- * The agenda was believed to be a solid starting point, consistent with professional standards and will be adopted for a 12 month trial period.
- * The Governance Committee Meeting proposed for 3 October 2007 for consideration of the draft annual financial statements has been changed to 10 October 2007.

AUC14 - Internal Auditor's Report**Internal Audit Plan**

The 2007/2008 Internal Audit Plan has been developed using a risk based approach. Audit activity will give priority to several 'hot' areas. The plan also allows for audit participation in the implementation of the Management Self Assessment process, which is aimed to be rolled out within the next 12 to 18 months. It was suggested that the Internal Auditor liaise with other organisations which have implemented the Self Assessment process. It was noted by the Committee and acknowledged by management that the plan is very tight. Several "audit" activities including IT audit, probity advice and investigations will be outsourced to allow the audit staff to focus on the planned items.

Wyong Shire Governance Committee – 8 August 2007 (contd)

IT audit of payroll

- * The IT audit of the Councils' Online human resources and payroll applications covered a range of areas and key findings such as security related issues are being addressed with Capgemini.

OH&S Audit

- * The OH&S audit identified a number of areas that require focussed attention. The issue of the image of WorkCover was raised - they are trying improve their image of one that encourages safety for safety reasons as opposed to fear of prosecution.
- * The audit highlighted several factors impacting on the overall productivity of Council's operations arising from an ageing workforce and the capacity of certain supervisory and managerial staff to effectively manage change in the workforce.

Integrated Planning Framework

- * It was noted that the absence of a Shirewide Strategic Plan is inhibiting the ability of Council to fully implement an integrated planning framework. It was agreed that this matter would be raised in discussions to be held later this month between the General Manager and all Councillors to determine if there was a way forward during the term of the current Council. While components of previous draft plans have been implemented and are adopted in the Management Plan, there are still significant gaps impacting key financial, planning, environmental, asset management and economic development decisions. It was noted that integrated planning is likely to become mandatory for the next Council and that several other large councils had successfully adopted a fully integrated planning framework.

AUC15 – 2006/2007 Management Plan – June 2007 Quarter Review

- * The Interim Financial Statements were discussed with the major variations explained. The Interim results are in no way final but are a preliminary report, notably finalisation of the Employee Leave Entitlements movements in provisions, and the allocation of overheads between funds have not yet been processed.
- * Key variations were discussed by Principal Activity.
- * Questions were raised in regards to budget variations since the March review and whether these were predictable or due to new factors in the last quarter. It was acknowledged that improvements could be made to be more predictive, and the Manager Financial Services advised that a new budget variation process is being implemented for 2007/2008 with a view to resolving this.

Wyong Shire Governance Committee – 8 August 2007 (contd)

- * The Manager Financial Services also advised that Council's performance management was being enhanced in 2007/2008 with the implementation of PowerBudget and a greater emphasis on the dissection and phasing of budgets. Another key focus is Service Levels as opposed to just monetary budgets and that all budgets were being matched to service levels.
- * Council's External Auditor suggested that budget variations could be presented on the basis of:
 - Variation due to Budget Error
 - Variation due to Poor Management
 - Variation outside of Managements Control
- * The Carry-Over Request Reports were discussed.
- * The Disaster Costs were discussed and funding, with the General Manager pointing out that the current report allows for almost 100% funding of the disaster costs but that Council is still negotiating with the Department of Commerce on the funding of the business activities, ie Waste, Sewer and Water. If these costs are not funded they would become a cost to the residents of Wyong Shire Council.
- * Discussions were held on the report formats and the need to develop specific reports to address Councillor issues and areas of interest / concern eg Childcare, Tourist Parks, Councillor Support.
- * Councillor Stewart requested regular financial reports on the Holiday Parks on an individual park basis.
- * Council's External Auditor raised issue of Investments and that some Local Government entities were exposed through Collateral Debt Obligations (CDO's) to the US Sub-Prime Mortgage Market. The Manager Financial Services advised that Wyong Council was not in CDO's and had no current exposure, but had exited a Managed Fund in early July due to some exposure in that fund but without capital loss to Council.
- * Council's External Auditor also raised an Australian Tax Office interpretation decision provision regarding Councillor Allowances being paid thru payroll with Pay As You Go (PAYG) deductions, however the Director Corporate Services advised Council had already investigated and obtained advice prohibiting this treatment. The Director Corporate Services will follow up with Council's External Auditor and report back.

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1)

WYONG SHIRE COUNCIL

MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE
HELD IN WILFRED BARRETT AND TIM FARRELL ROOMS,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 8 AUGUST 2007
COMMENCING AT 9.05 AM

INDEX

PRESENT

Councillors N T Rose (Chairperson), R C Stevens and R E Stewart, Mr David Holmes and Mr Bruce Turner.

APOLOGIES

Councillor R L Graham.

IN ATTENDANCE

General Manager, Internal Auditor, Acting Director Shire Services, Director Corporate Services, Director Shire Planning, Manager Corporate Planning, Mr Dennis Banicevic (Council's External Auditor, arrived 9.15 am), Assistant Internal Auditor, Manager Financial Services, Senior Management Accountant and an Administration Officer.

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1) (contd)

AUC11 Disclosures of Interest

F2004/06507 MW:SW

RECOMMENDATION

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

AUC14 INTERNAL AUDITOR'S REPORT

DAVID HOLMES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST FOR THE REASON THAT HE HAS A SMALL SHAREHOLDING IN CAPGEMINI.

DAVID HOLMES STATED:

"I CHOOSE TO REMAIN IN THE COMMITTEE AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

AUC15 2006/2007 MANAGEMENT PLAN – JUNE 2007 QUARTER REVIEW

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY AND THAT ORGANISATION WAS MENTIONED IN THE REPORT.

COUNCILLOR ROSE STATED:

"I CHOOSE TO REMAIN IN THE COMMITTEE AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

GOVERNANCE COMMITTEE RECOMMENDATION

That the report be received and advice of disclosures noted.

22 August 2007
To the Ordinary Meeting of Council

Board Report

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1) (contd)

AUC12 Minutes of Wyong Shire Governance Committee – 9 May 2007

F2004/07245 MW:SW

SUMMARY

The minutes for the Governance Committee held on 9 May 2007, were adopted by Council at its Ordinary Meeting held on 23 May 2007.

GOVERNANCE COMMITTEE RECOMMENDATION

That the report be received and the information noted.

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1) (contd)

AUC13 Governance Committee Proposed Agenda

F2004/07245 JS

SUMMARY

Proposed agenda for Governance Committee meetings.

GOVERNANCE COMMITTEE RECOMMENDATION

That the Committee adopt the suggested agenda for future Governance Committee meetings.

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1) (contd)

AUC14 Internal Auditor's Report

F2004/07245 JS

SUMMARY

Report on the activities of the Internal Audit Department.

RECOMMENDATION

- 1 *That the report be received and the information noted.*
- 2 *That the Committee concurs with the 2007/2008 Internal Audit Plan.*

GOVERNANCE COMMITTEE RECOMMENDATION

- 1 *That the report be received and the information noted.*
- 2 *That the Committee concurs with the 2007/2008 Internal Audit Plan.*
- 3 *That the General Manager discuss the importance of the Strategic Plan at the meeting with the Councillors at the end of the month.*

Wyong Shire Governance Committee – 8 August 2007 (Attachment 1) (contd)

AUC15 2006/2007 Management Plan – June 2007 Quarter Review

F2004/07006

SUMMARY

Quarterly report on progress against Council's 2006/2007 Management Plan.

GOVERNANCE COMMITTEE RECOMMENDATION

- 1 *That Council receive and note the report.***
- 2 *That Council adopt the 2006/2007 Carry-Over Requests.***
- 3 *That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9. Division 3; Clause 203) that Council's financial position is satisfactory.***

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11:20 AM.

Information Reports

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

Prospects for Community Hall in Chittaway Road Chittaway Bay (Attachment 1)

Aerial Photo



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jpbrown

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Dec 2, 2005

Wyong Shire Council ABN 47 054 813 728 DX
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MAP EXTRACT
Scale 1:1693

Note: Data is not survey accurate.
Scale is representation only.

These cadastre is part of the Digital Cadastre Database supplied by Department of Lands, NSW. Any person whose legal rights may be affected, or whose to put on any contract of interest as shown on this plan should verify such information by consulting Department of Lands, NSW before so acting.

K. YAMM
General Manager

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

358 **Prospects for Community Hall in Chittaway Road, Chittaway Bay**

F2006/00917 PF

SUMMARY

Report outlining the procedure involved in reclassifying and rezoning land on which the Chittaway Community Hall is located.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council at its meeting held on 9 May 2007 resolved that Council take no action to secure the fulltime letting of the Community Hall in Chittaway Road and continue with the existing weekly hire arrangements to the Hellenic Community of the Central Coast.

Council further resolved that a report be brought back outlining the procedure to reclassify the land on which the hall is located from community land to operational land and to rezone the land. Council also sought an estimate of the value of the land.

In order for the land upon which the hall is located to be reclassified a local environmental plan (LEP) would be required. The reclassification of the land can be included as part of this process.

This process is briefly described as follows. Council must resolve that a draft LEP be prepared to rezone land and to reclassify land from "Community Land" to "Operational Land". The Department of Planning is then advised of the decision within 28 days and is requested to issue a "Written Authorisation to Use Delegations" pursuant to Section 65 and if possible under Section 69 of the Environmental Planning and Assessment Act 1979. Upon receipt of these delegations the draft LEP is referred to appropriate authorities for comment and advertised for 28 days and Council's Section 149 Certificates are noted. If no significant objections are received as a result of the exhibition, the Minister for Planning is requested to create the LEP. Upon gazettal of the LEP Council can sell the land to the applicant in accordance with the Act for market value as determined by a qualified valuer.

In addition to the LEP process the reclassification from "Community Land" to "Operational Land" requires the holding of a public hearing.

Prospects for Community Hall in Chittaway Road, Chittaway Bay (contd)

The LEP required here would constitute a "spot rezoning" and is unlikely to be supported by the NSW Department of Planning. The Department would likely require that the LEP be included as part of Council's comprehensive LEP review. Rezoning of land zoned 6(a) Open Space and classified "Community Land" is unlikely to meet the requirements of the Department of Planning LEP Review Panel for "spot rezonings", particularly if not supported by the local community. Given that the compulsory public hearing requirement for the reclassification will lengthen the rezoning process, it is anticipated that if approved, the LEP/reclassification would take approximately 18 months to complete.

If reclassification of the land is achieved, in order that Council may be in a position to dispose of that part of the land upon which the hall is located, if that is the intention, it will be necessary to subdivide Lot 79 DP 705573. Subdivision will incorporate survey and plan preparation, development application and consent, obtaining a subdivision certificate and registration of the plan of subdivision at Land and Property Information.

If the land were to be rezoned, then a Special Uses zone can be applied to preserve current usage. If a rezoning and reclassification process were to be pursued it can be expected that if approved it will take between 12 to 18 months to complete.

That part of Lot 79 DP 705573 that comprises the site of the Community Hall has an area of approximately 590 square metres and, based on the evidence of recent sales of similarly unimproved residential land in this locale, the value of the land component only is estimated to be in the order of \$190,000.

Given that Council has a stable existing tenant who is satisfied with the current amount of rental payable under the existing standard weekly hire agreement, and that it is unlikely a rezoning and reclassification would be approved, it is recommended that no further action be pursued on the matter.

Attachment 1***Aerial Photo (1 page)***

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

359 Scientific Whaling

F2004/10946 ED

SUMMARY

Reporting on response received from the Federal Member for Dobell, Mr K Ticehurst, concerning the presentation of a petition to the Japanese Ambassador.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 13 June 2007, Council resolved:

- “1 That in light of Japan’s continued efforts to escalate its “scientific whaling” cull of the endangered and majestic humpback, minke and fin whales in Australia’s Antarctic marine sanctuary, Council on behalf of our community re-affirm our total opposition to these outrageous and environmentally irresponsible actions.
- 2 That Council request feedback from the Member for Dobell, Mr Ken Ticehurst, on his presentation of the petitions to the Japanese Ambassador.”

The attached response has been received from Mr Ticehurst.

Attachment 1 Letter from the Member for Dobell, Mr K Ticehurst (2 pages)

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Scientific Whaling (Attachment 1)

EMBASSY OF JAPAN

112 EMPIRE CIRCUIT
YARRALUMLA, A.C.T. 2600

TEL: (02) 6273 3244
FAX: (02) 6273 1848

25 May, 2007

Dear Mr Ticehurst

I have received your letter enclosing petitions from your Electorate showing the Australian public's concern with regard to Japan's *Whale Research Program*. I will certainly forward this to Ministry of Foreign Affairs and the Fisheries Agency in Tokyo.

Taking the opportunity afforded by your letter, I would like to clarify Japan's position on the conservation of the cetacean species.

With a view to the sustainable use of resources, based on scientific grounds, Japan actively works to conserve whale species whose numbers have dropped significantly to place them in danger of extinction. It has been scientifically and internationally accepted that several of the over 80 species of whale have made a sufficient recovery in population. We strive to use in a sustainable manner only whale species that have an abundant population. Japan's whaling program does not intend to harm either the population of Fin nor Humpback.

While we differ on our positions regarding the preservation of whales, a spirit of mutual respect could be exercised, building on our foundation of wide-ranging friendly relations.

I earnestly hope that the good relations we have will continue to grow and strengthen.

Yours sincerely,



Hideaki Ueda

Mr Ken Ticehurst MP
Parliament House
CANBERRA ACT 2600

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Scientific Whaling (Attachment 1) (contd)



KEN TICEHURST MP
Federal Member for Dobell



Monday, 16 July 2007

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

Dear Mr Yates *Ken*

Thank you for your recent letter regarding Japan's "scientific whaling" programme.

On Tuesday, 22 May I personally presented the Japanese Ambassador, Mr Hideaki Ueda, petitions which demonstrated our local concern over Japan's Whale Research Programme.

In his response to these petitions, the Japanese Ambassador acknowledged that our positions regarding the preservation of whales differ.

I have enclosed a copy of his response for your perusal.

I would like to call on you to once again use your ties with Wyong Shire's Japanese Sister City, to call on Japan to reconsider their present stance on "scientific whaling".

Sincerely,

Ken Ticehurst MP
Federal Member for Dobell



Working for the Central Coast

KT:ah
Suite 12, 14 Pioneer Drive Tuggerah NSW 2259
PO Box 5253, Chittaway Bay 2261
Phone: (02) 4351 8060 Fax: (02) 4351 8061
Email: Ken.Ticehurst.MP@aph.gov.au

360 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

Water supply and sewerage works in progress and completed for July 2007.

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has re-commenced on the replacement of the water trunk main along Brooke Avenue at Bateau Bay. Work was delayed due to the June long weekend storms.

The work consists of the replacement of approximately 230 metres of 375mm diameter AC water trunk main, 4 hydrants and 1 stop valve with 375mm mPVC class PN16 pipe.

The work, estimated to cost \$165,000, is being carried out by Water and Sewerage day labour staff and is due for completion in late August 2007. The work is being funded from the Water and Sewerage rolling works programme.

Water Storage

As at the 13 August 2007 the storage in Mangrove Creek Dam was 17.6% while the total system storage was 22.5%. Mardi Dam was at 99.3% and Mooney Dam 100%.

Water Usage and rainfall data is detailed at Attachment 1.

SEWERAGE

Ongoing sewer main and manhole replacement and adjustment works have been occurring as part of the Roads and Traffic Authority works of upgrading the Pacific Highway at Ourimbah and Tuggerah.

Council's maintenance program of replacing sections of sewer mains and repairing manholes and junctions that are causing operational problems due to root infestation and storm water infiltration is ongoing in the areas of Watanobbi, Lake Haven, Buff Point, Berkeley Vale and Killarney Vale.

Works in Progress Report – Water and Sewerage (contd)

PROCESS

Water Treatment

All water produced by the Water Treatment Plant, for the period 29 June 2007 to 24 July 2007, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 29 June 2007 to 24 July 2007, has met Environmental Protection Authority Licence requirements.

Effluent Re-use Projects

Mirvac Pty Ltd has constructed an Ultra Filtration Plant at Magenta Shores which will provide highly treated effluent to the homes and units within the development. The Ultra Filtration Plant uses extremely fine membranes which physically filter out the majority of particles, including parasites, bacteria and viruses. The plant also includes ultra violet disinfection and chlorination, providing multiple barriers of protection for the end users. This supply will serve toilet flushing, landscape watering and car washing requirements within the Magenta Shores development. The plant has undergone extensive testing to ensure the water quality meets the recently introduced NSW Government guidelines. Final commissioning approval is expected from the Department of Water and Energy by the end of August 2007.

Attachment 1 Water Storage, Water Usage and Rainfall (2 pages)

Enclosure Water Storage, Water Usage and Rainfall

Works in Progress Report – Water and Sewerage (Attachment 1)**Monday, 13 August 2007****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	33,484	17.6	Down 15 ML
Mardi Dam	7400	7,345	99.3	Down 34 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	45,429	22.5	Down 49 ML

Total stored water volume is the same as a month ago.

This day last year the volume stored as a percentage of total capacity was 7.3% lower. Hunter Water Corporation supplied 0 ML last week keeping this years supply at 2423 ML.

Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 269 ML.

Groundwater Bores supplied 1.2 ML last week increasing this years supply to 329 ML

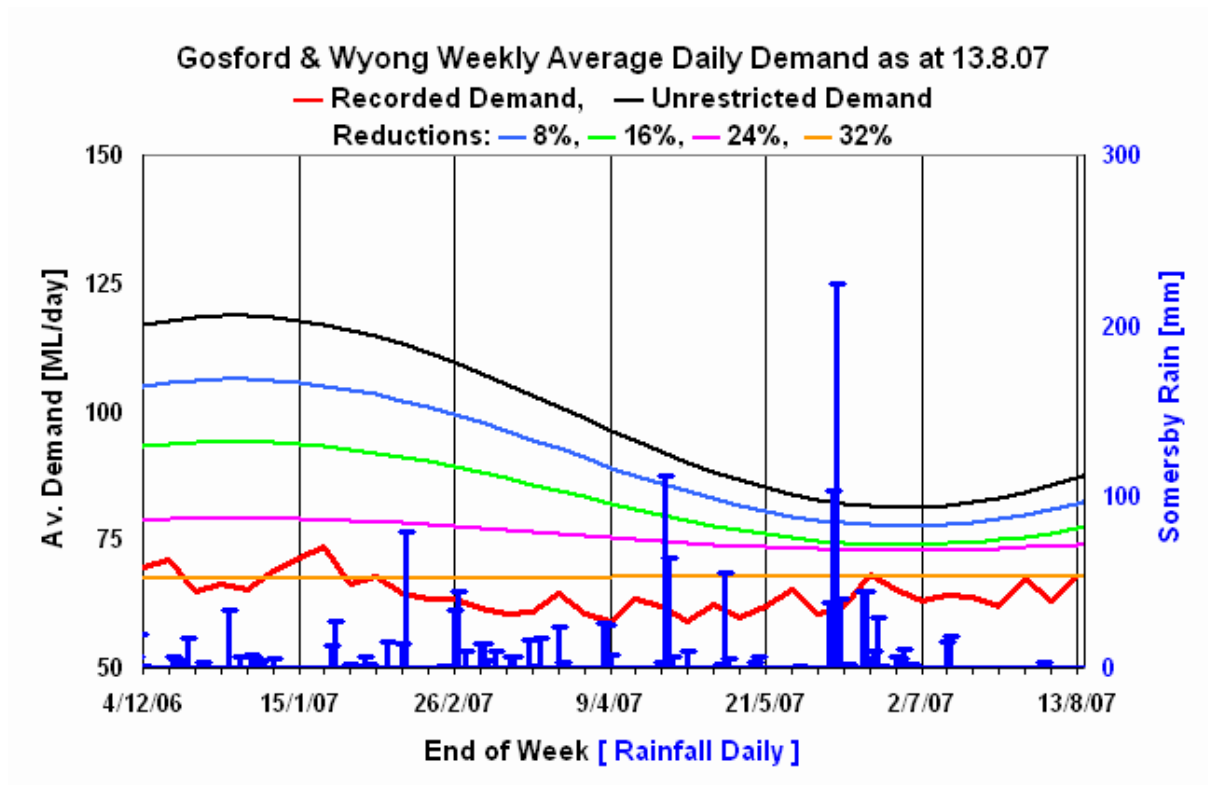
WATER USAGE & RAINFALL

Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	476	0	0	0
Previous week	442	4	0	7
Current week last year	490	0	0	0
This year to date	14,409	1,334	1,118	931
Same period last year	16,877	574	546	328

Week to date consumption was 476 ML, 2.9% less than the same week last year and 7.7% more than the previous week.
Consumption this year to date is 14,409 ML, 14.6% less than the same period last year.

Level 4 Water Consumption Target for the week ending
Monday, 20 August 2007 is 475 ML

Works in Progress Report – Water and Sewerage (Attachment 1) (contd)



- 1 **Black Line** Wyong Shire's normal demand when no restrictions are in place.
- 2 **Blue line** 8% reduction (based on the 'black line') over the entire year.
- 3 **Green Line** 16 % reduction (based on the 'black line') over the entire year.
- 4 **Pink Line** 24% reduction (based on the 'black line') over the entire year.
- 5 **Orange Line** 32% reduction (based on the 'black line') over the entire year.
- 6 **Blue bars** Rainfall at Somersby in mm/day.
- 7 **Red line** Wyong Shire's average daily demand.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

361 Works in Progress Report - General

F2004/07830 JEM

SUMMARY

General works in progress and completed for the period June 2007 to July 2007.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

In mid June 2007 a significant rain event resulted in a large portion of programmed roads and drainage work being deferred while staff responded to the effects of the storms.

Prior to the rain event new works have commenced at Station Road East, Fountaindale that includes the upgrade of the road pavement and minor drainage works.

Works have also commenced at The Ridgeway (Stage 1b), Tumbi Umbi (between the intersections of Awabakil Road and Koorin Road – 650m length of works) and at Panorama Avenue Stage 5, Charmhaven (between Jetty Avenue and Charmhaven Avenue – 225m length of works). Works are continuing at Eastern Road, Tumbi Umbi. Two crews were committed to maintenance works until the end of July 2007 and two crews are back to construction works.

Capital Works In Progress

The table below is a status report of current major road rehabilitation and drainage projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Panorama Avenue – Road and Drainage, Stage 3 Charmhaven (From Jetty Avenue to Wirriga Avenue) CH:480.00 to CH:255.00 (225m Section)	775,000	2	November 2007	Upgrading existing drainage and pavement with new asphalt seal, new kerb and gutter and mid block traffic calming device. Works include extending the existing box culverts and construction of a footpath on the western side of Panorama Avenue.

Works in Progress Report – General (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Eastern Road Stage 3, Tumbi Umbi	904,000	92	August 2007	Upgrading existing pavement with new asphalt seal, new kerb and gutter and mid block traffic calming device. Works include a shared path each side of Eastern Road.
Station Road East, Fountaindale	745,000 (including school contribution 214,000)	18	September 2007	Upgrade of existing rural road and drainage to current standards including asphalt, K&G and concrete dish drain, parking, drop and kiss zone for the school and a roundabout at the intersection of Station Road and Catarmaran Road to facilitate truck turning movements in the industrial area.
The Ridgeway Stage 1a, Tumbi Umbi (Awabakil Rd intersection) CH: 3215 to CH:3515 300m Section.	420,000	100	Completed	Upgrading of the existing gravel road (approximately 300m) to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Project will be finalised when the temperature increases and the final seal is placed.
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road).	884,000	2	October 2007	Upgrading of the existing gravel road (approximately 650m) to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting.

Works in Progress Report – General (contd)**GENERAL MAINTENANCE WORK**

The following is a list of general works undertaken during this period:

	North	South
Drainage Maintenance	Woongarra Lake Munmorah San Remo Budgewoi	Killarney Vale Wyong Long Jetty Berkeley Vale
Replacement of Damaged Footpaving	Budgewoi Woongarra Toukley	Wyong Bateau Bay Shelly Beach
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Tuggerawong Jilliby	Toowoomb Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Jilliby Yarramalong Noraville	Glennings Valley
Heavy Patching	Charmhaven Warnervale	Bateau Bay Tumbi Umbi
Table Drain Maintenance	Gwandalan Summerland Point Mannering Park Chain Valley Bay San Remo Charmhaven Canton Beach Budgewoi Toukley	Berkeley Vale Long Jetty Bateau Bay Ourimbah Fountaindale Killarney Vale
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Footpaving Construction	Nil	Nil

Works in Progress Report – General (contd)

	North	South
Carpark Maintenance	Toukley Budgewoi Norah Head	Wyong Tuggerah
Fencing	Charmhaven	Nil
Vegetation control	Dooralong Jilliby Yarramalong Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale

CONTRACTS AND SPECIAL PROJECTS SECTION

The table below is a status report of current major projects.

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/94532	Excavation and lining of cell 4.2A, Buttonderry landfill	Contract works in Defects Liability Period until October 2007.	100
CPA/94560	Construction of Sewer Pumping Stations B3, B4 and pipelines, Lucinda Avenue Killarney Vale	Contract works in Defects Liability Period until 30 July 2007.	100
CPA/94531	Consultancy for investigation and design of Link Road and trunk water main	Consultancy expected to be complete by end of September 2007. Impacts on project of possible reduction in Section 94 funding being addressed by redesigning with initial number of traffic lanes reduced.	85
CPA/98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Pipeline connecting Morisset to Warnervale completed and commissioned on 15 December 2006. Practical Completion of all works has been delayed by the provision of acceptable pit lids. This matter is now resolved and it is anticipated that PC will be achieved on 17 August 2007.	99

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for obtaining approvals by January 2008 for likely route through Crown land north from Terilbah Place, North Entrance. Short 200m section of pathway from caravan park to 50m south off Terilbah Place, North Entrance has been completed.	6
CPA/99940	Construction of Wadalba Sports Facility	A technical solution to address the quality of soil issue has been proposed by the Contractor and is under review. Other landscaping, building and facility works still progressing. Anticipate completion of works by October 2007 with use of fields by May 2008.	85
CPA/94559	Design and Documentation of Woongarra Sportsfields	Master Plan being finalised now Rugby has confirmed they will not be proceeding with their Clubhouse and spectator seating facility. Cost plan under review due to changes in scope. Purchase of land from developer to be finalised. Catchment Management Authority's Property Vegetation Plan agreement has been finalised and is ready for parties to sign. Construction is likely to start in April/May 2008 and finish May 2009.	41
CPA/104754	Construction of Fishway, Ourimbah Creek Upper Weir.	Construction complete. Commissioning/testing complete. Adjustments of rockwork to improve performance, scheduled for when creek flows reduce and allow access.	95
CPA/98705	Construction of Edwards Creek Bridge, Dooralong.	Contract in Defects Liability Period until October 2007.	100
CPA/97631	Lake Haven Leisure Centre Upgrade Works	Contract works in Defects Liability Period until 22 December 2007.	100

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/96544	Blue Haven Community Centre	Contract works in Defects Liability Period until 31 January 2008	100
CPA/110431	Mardi Landfill Remediation	<p>Stage 1 works are complete.</p> <p>Stage 2 works for more detailed investigations will proceed when Council approval received at August meeting. Anticipate further investigations will commence by end of August 2007.</p> <p>Remediation works in the field will be a future contract based on Stage 2 report.</p>	11
CPA/107166	Warnervale District Sports Fields	Project still on hold until the Warnervale Town Centre Master Plan is finalised. No change to status.	5
CPA/94561	Dredging of Tumbi Creek	<p>Dredging contract awarded and currently due for completion in October 2007. Contractor was delayed commencing work on site by June storms. Dredging work commenced on 12 July 2007. Damage to dredge due to partial submersion caused further delay of 2 weeks.</p> <p>Completion of all dredging and other project works expected to be completed by April 2008.</p>	15
CPA/116947	Construction of underground tank for oval irrigation – Kurraba Oval, Berkeley Vale.	Tank construction delayed due to storm damage but has been completed. Associated civil works, pump installation and commissioning to be completed by end August 2007.	80

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Earthworks for tank construction have been delayed by weather and other tank projects and are yet to be undertaken. Construction of tank, associated civil works, including pump installation and connection to irrigation system, to be completed by end September with commissioning to follow.	5
CPA/112098	Design and Construction of Berkeley Vale Skate Park	Contract works in Defects Liability Period until 28 February 2008.	100
CPA/113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CCLLC) at Palmdale	Contract for the construction works in Defects Liability Period until 1 June 2008. Council to finalise fitout of the CCLLC Facility to be completed by end July 2007. Facility is scheduled to be officially opened on 21 August 2007.	97
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions include: 1 Rubber wetpour to steps in Vera's Watergarden: Contract let, materials coming from United Kingdom, anticipate commencement at end of August 2007. 2 Tiles for pedestrian ramps coming from Italy, anticipate commencement September 2007. 3 Replacement of lights to Fountains: Suitable replacement lights have been sourced. Expect installation end August 2007. 4 Construction commenced on refurbishment of public toilets beside Visitor Information Centre. Scheduled to be completed September 2007.	65

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
CPA/105697	Toukley Aquatic Centre Refurbishment	Contract works in Defects Liability Period ending 1 November 2007.	100
CPA/98240	Implementation of Buttonderry Waste Management Facility Entry Masterplan	WSC has engaged consultants for the design documentation for Stages 1 and 2. Aim to submit DA by early August 2007. Pre-construction work for Stage 1 is expected to commence October 2007 with completion of Stage 2 expected by December 2008.	30
CPA/113367	The Entrance Community Facility Stage 2 – Design and Documentation for refurbishment of Building C (Arts and Culture), Building D (Activities), Building E (Education), Building F (Mens' Shed) and Design only for Building AA (Family & Children's Services).	Design consultant appointed to commence pre-construction activities. Consultant has lodged documents for DA submission. Consultant scope includes tender documents. Site works programmed to commence January 2008 for completion in August 2008.	20
CPA/115479	Bateau Bay Landfill Rehabilitation & Redevelopment	Construction tender let to Neumann Contractors in December 2006. Site establishment and earthworks commenced on-site 2007. Various construction issues have been identified during initial site works and are currently under review. Neumann's revised completion date for construction is now April 2008	14
CPA/122995	Warnervale Town Centre and Wyong Employment Zone Water Supply and Sewerage, Review of Environmental Factors (REF)	Consultancy for REF awarded to GHD Pty Ltd. Affected property list finalised and authority to enter issued. Field work has commenced but delayed due to June storms.	15

Works in Progress Report – General (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Agreement that will form the basis of the contract is under review by legal representatives for Council and the contractor. No site works have commenced or are possible until the Agreement is finalised. It is anticipated that the Agreement will be finalised by the end of September 2007.	5

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

362 Wyong Shire Library Statistics

F2004/11651 JM

SUMMARY

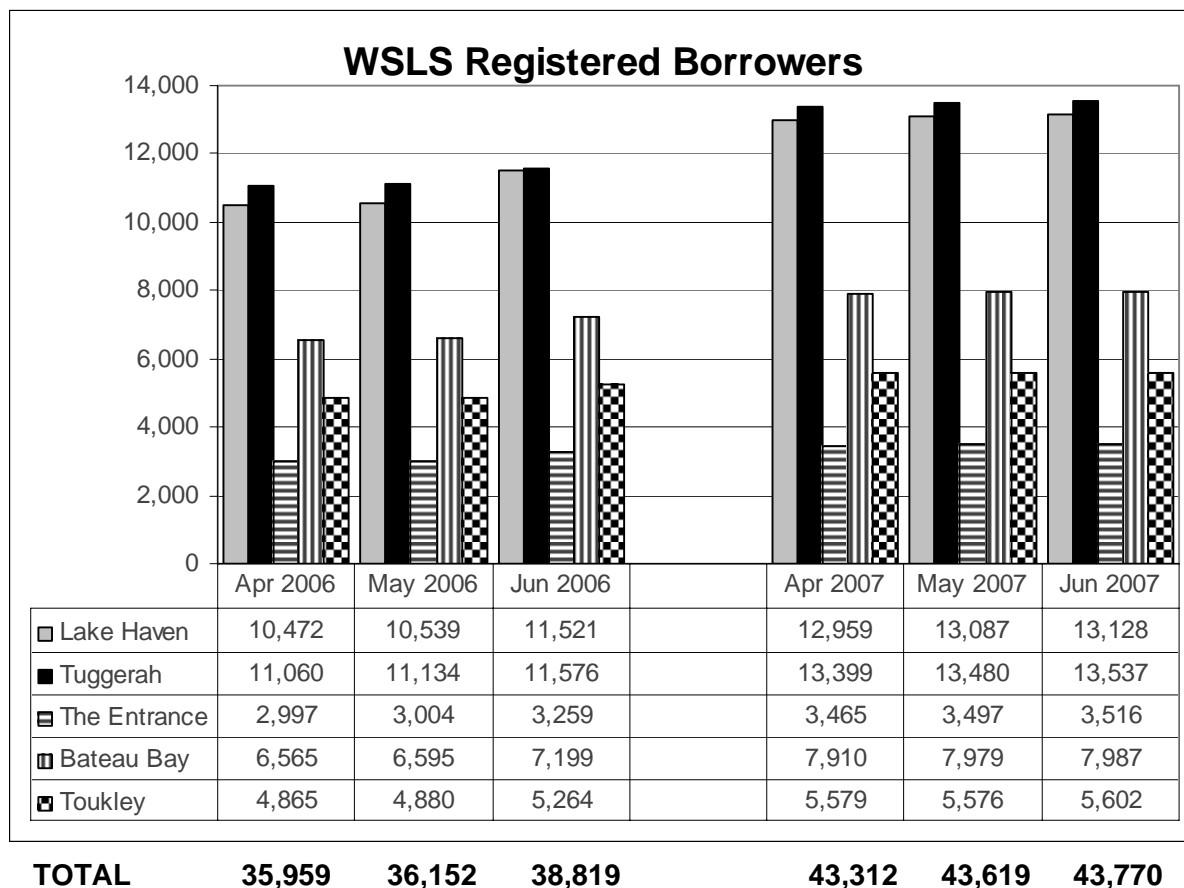
Statistical report on the activities of Wyong Shire Library Service.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The following statistics present a picture of the activity experienced by the Wyong Shire Library Service in the months April 2007 to June 2007 and the corresponding months of the previous year.

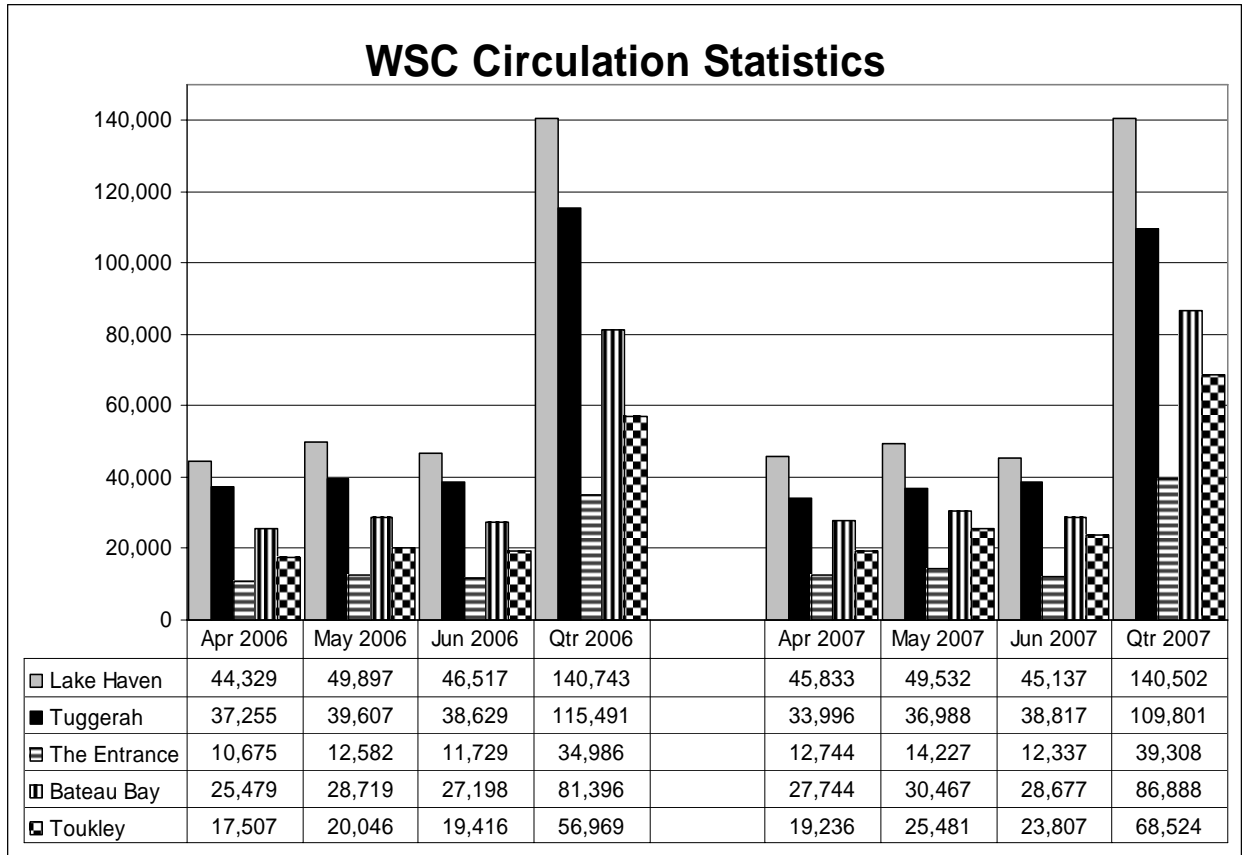
Wyong Shire Library Statistics (contd)

These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of registered borrowers at June 2007 has increased by approximately 12% compared to 2006. There are a number of reasons why this has occurred including a change in August 2006 to the parameters used to delete inactive members (inactive for three years instead of two), active encouragement of young children having their own card and the use of library databases which require library membership but can be accessed remotely.

The total number of borrowers now represents approximately 33% of the Wyong Shire population. The average of similar Councils to Wyong is 44.1%. The State average is 47.5% of the population from the State Library of new South Wales statistics.

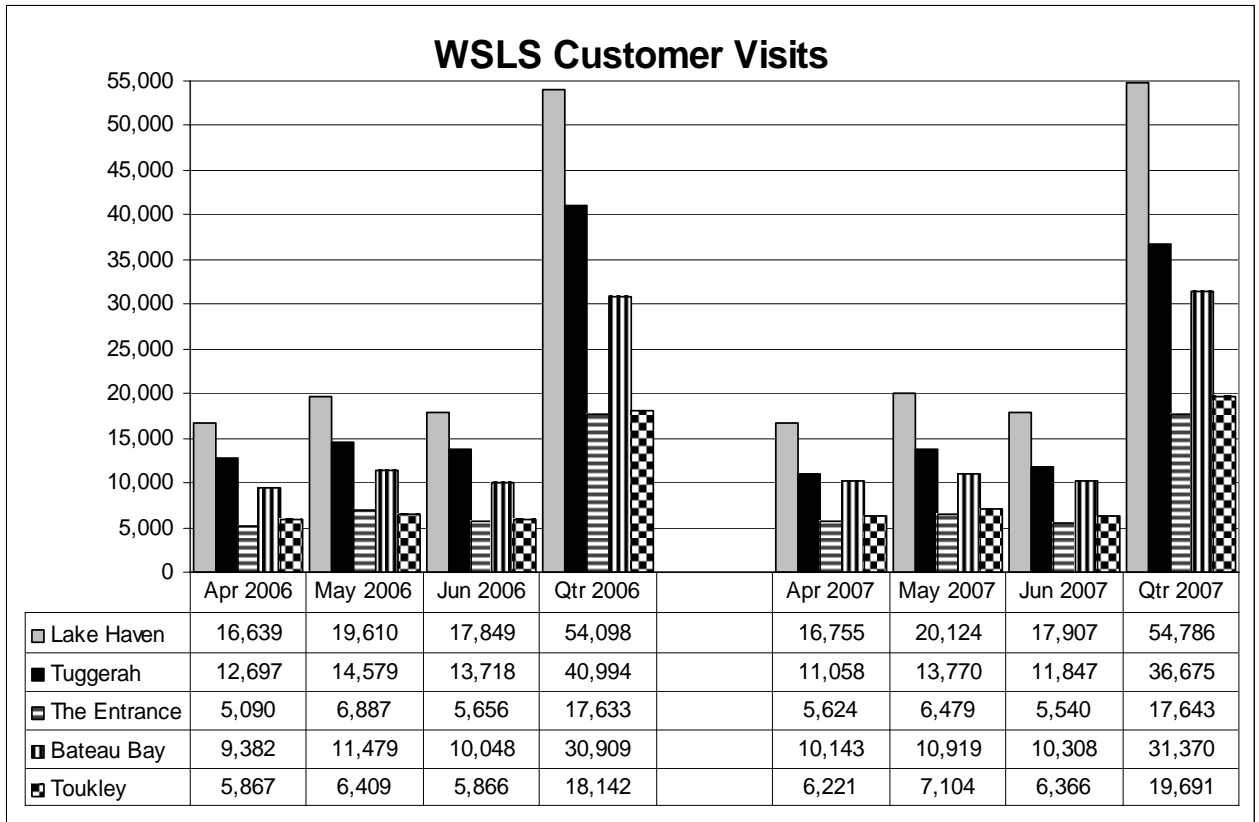
Wyong Shire Library Statistics (contd)



TOTAL	135,245	150,851	143,489		139,553	156,695	148,775	
QTR								
TOTAL				429,585				445,023

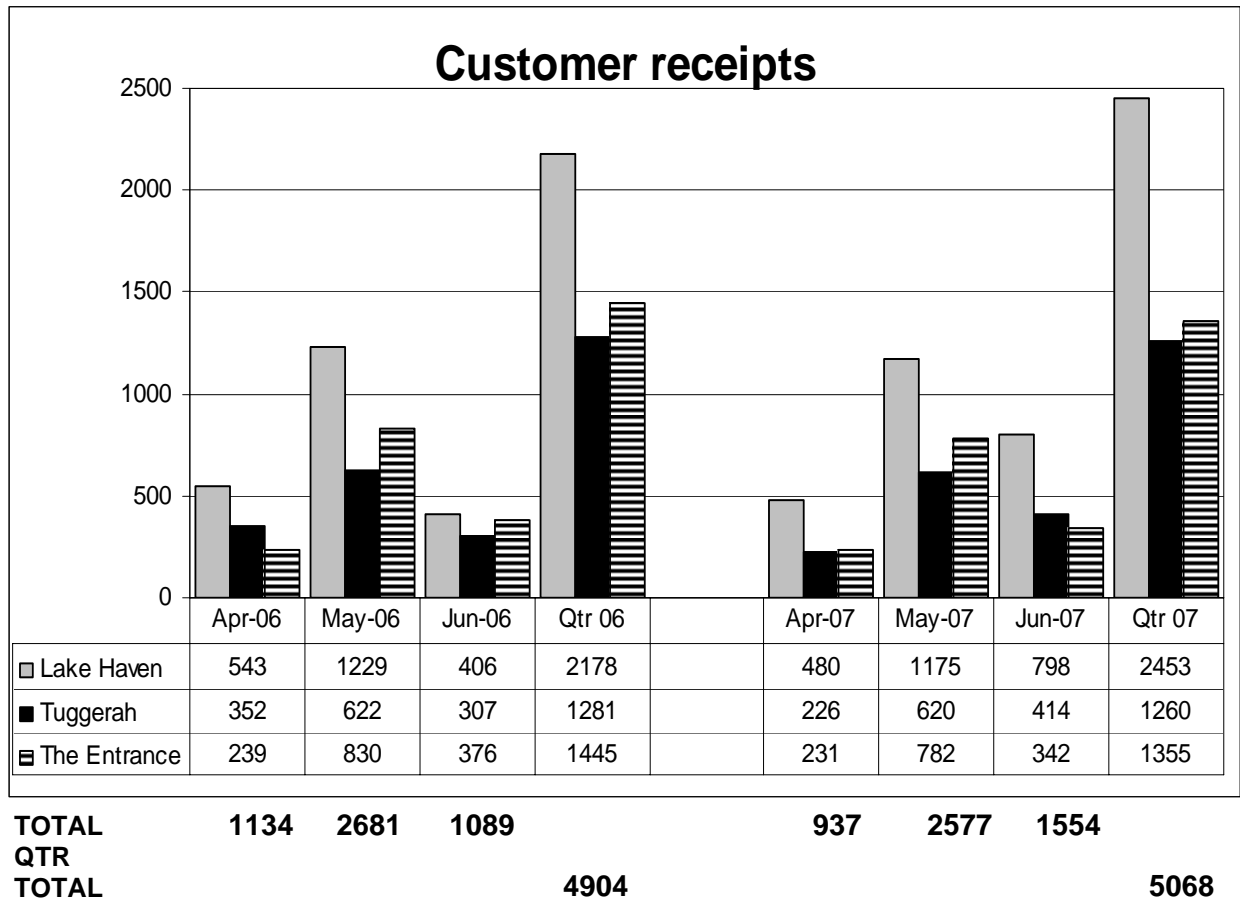
The number of items circulated (this figure includes loans and returns) increased at all libraries during the 2007 quarter with the exception of Tuggerah and Lake Haven. Overall, there has been an increase in the circulation of items in this quarter when compared to the same period last year.

Wyong Shire Library Statistics (contd)



TOTAL	49,675	58,964	53,137		49,801	58,396	51,968	
QTR								
TOTAL				161,776				160,165

The visits are measured by door counters in all libraries. The purpose of library visits is varied and may encompass participation in story time sessions, use of the Internet, research or study, as well as borrowing or returning items. At the Tuggerah, Lake Haven and The Entrance libraries the visitors may also be conducting Council business. Overall, the figures show a small decrease.

Wyong Shire Library Statistics (contd)

The number of receipts for financial transactions (enumerated in the table above) is one measure of the activity undertaken relating to Council customer service, but does not include enquiries which are made at the libraries relating to Council business.

The total number of receipts issued at the library based Council customer service centres has risen by 3.3% in this period compared to the same period in the previous year.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

363 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW: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
Q038 – International Cities, Town Centres and Communities Organisation and Conference (A response will be reported once a reply is received from Councillor Welham)	Councillor Pavier	28 March 2007	Corporate Services
Q066 – Development Subdivisions in the Vicinity of Wadalba Hill South (A response will be reported to the Ordinary Meeting on 12 September 2007)	Councillor Best	11 July 2007	Shire Planning
Q067 - Entry and Exit to Bunnings and Harvey Norman at Lake Haven (A response will be reported to the Ordinary Meeting on 12 September 2007)	Councillor Welham	25 July 2007	Shire Planning
Q068 - State Cabinet Meeting held in Wyong 23 July 2007 (A response will be reported to the Ordinary Meeting on 12 September 2007)	Councillor Welham	25 July 2007	General Manager's Unit

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
<p>Q071 - Demolition of House on the Corner of Warrigal and Taylor Streets, The Entrance</p> <p>(A response will be reported to the Ordinary Meeting on 12 September 2007)</p>	Councillor Stewart	25 July 2007	Shire Planning
<p>Q072 - Thank you to Council's Rangers</p> <p>(A response will be reported to the Ordinary Meeting on 12 September 2007)</p>	Councillor Best	25 July 2007	Shire Planning
<p>Q073 – Condition of Yates Road, Ourimbah</p> <p>(A response will be reported to the Ordinary Meeting on 26 September 2007)</p>	Councillor Eaton	8 August 2007	Shire Services
<p>Q074 – Mobile Phone Service on Trains Between Newcastle and Sydney</p> <p>(A response will be reported to the Ordinary Meeting on 26 September 2007)</p>	Councillor Eaton	8 August 2007	Corporate Services
<p>Q075 – The Entrance Community Centre</p> <p>(A response will be reported to the Ordinary Meeting on 26 September 2007)</p>	Councillor Stewart	8 August 2007	Shire Services
<p>Q076 – Thank You to the General Manager for Outstanding Efforts During Recent Storm Event</p> <p>(A response will be reported to the Ordinary Meeting on 12 September 2007)</p>	Councillor Best	8 August 2007	Corporate Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q078 – Reintroduction of Information Report dealing with Staffing Vacancies (A response will be reported to the Ordinary Meeting on 26 September 2007)	Councillor Welham	8 August 2007	Corporate Services

Notice of Motion	Department	Meeting Asked	Status
314 – Regional Sporting Facilities <i>Investigations into the possibility of constructing an integrated regional sporting/educational facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A prospective purchaser has been asked to include the development of regional sports fields in their feasibility investigations. This includes the need for seasonal flora and fauna surveys due to the presence of threatened species. The results will be reported back to Council as soon as Council receives a reply.

WYONG SHIRE COUNCIL

22 August 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice

Q061 – Shire Media Advertising Budget

Asked by Councillor Eaton at the Ordinary Meeting held on 27 June 2007
F2004/06579

“Could Council advise on the total Shire media advertising budget?”

Council spent approximately \$560,000 on advertising during the 2006/2007 financial year.

This included all Council advertising in local and metropolitan media outlets (including newspapers, radio stations and websites).

It also included the full range of advertising subjects – eg recruitment, tenders, statutory notices (eg development applications, public notices), weekly news columns and the Council cost share of water information.

The total annual cost increased from \$430,268 in 2005/06. This primarily reflects the increase in water related advertising during the past 12 months, as well as some increase in recruitment and tenders advertising.

Council's share of the water-related advertising increased from \$52,340 in 2005/2006 to \$158,500 in 2006/2007. This included extensive advertising during the introduction of Level 4 water restrictions in October / November 2006, and also the introduction of the weekly Water News column in the Central Coast Express Advocate.

Of the total advertising costs incurred during 2006/2007:

- * \$222,798 was spent in local newspapers
- * \$109,870 was spent with local radio stations
- * \$228,945 was spent with metropolitan newspapers and websites (primarily for recruitment and tenders)

A general breakdown of advertised subject areas during 2006/2007 included:

- * \$127,587 for recruitment
- * \$132,224 for tenders and statutory notices
- * \$143,302 for general announcements and news columns
- * \$158,500 for water information (Wyang Shire Council share only).

Answers to Questions Without Notice (contd)

Q069 – Lease of The Entrance Visitor’s Centre to Central Coast Tourism Incorporated

Asked by Councillor Forster at the Ordinary Meeting held on 25 July 2007
F2004/12356

“Can staff provide a report detailing the progress of negotiations between Council and Central Coast Tourism Incorporated regarding CCTI’s leasing of the Visitor’s Centre at Memorial Park, The Entrance?”

On 14 February 2007, Council resolved to grant a lease to Central Coast Tourism Incorporated (CCTI) commencing from 1 March 2007 subject to the Minister's consent.

On 8 March 2007 Council advised CCTI of the terms of the new lease including the commencement date and CCTI agreed to these terms on 2 April 2007.

On 5 April 2007 Council's lawyers were instructed to prepare the lease and forward it to CCTI and to the Minister for approval.

Due to staff changes at Council's lawyers Home Wilkinson Lowry the draft lease was not provided to CCTI until 29 May 2007.

On 26 June 2007 CCTI wrote to Council requesting that the commencement date be changed to 1 July and seeking quarterly payments in lieu of annual.

On 29 June 2007 Council wrote to CCTI advising that Council does not agree to a change to the commencement date but will allow quarterly payments.

On 4 July 2007 the final lease document was provided to CCTI for sign off.

On 3 August 2007 The Department of Lands consented to the Lease and Home Wilkinson Lowry has been instructed to seek execution of the Lease by CCTI as a priority.

22 August 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q070 – State of Repair of the Jetty at Long Jetty

Asked by Councillor Stewart at the Ordinary Meeting held on 25 July 2007
F2004/00536

“Further to my previous question on the state of repair of the Long Jetty, could I please have the details on the repair/works programme of the Jetty?”

The Long Jetty is inspected on a six monthly cycle and repairs are carried out as necessary. Current damage caused by the storm on 8 June 2007 has been assessed and a specialised contractor has been engaged to perform repair works. Equipment availability and transport to Long Jetty have been organised and the work is scheduled for completion by the third week of August 2007.