
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, 25 JUNE 2008,
 COMMENCING AT 5.00 PM

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WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

264 Disclosures of Interest

F2008/01064 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

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

265 Proposed Inspections

F2008/00003 MW:SW

SUMMARY

Inspections proposed to be held on 25 June 2008 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
25 June 2008	Old Gwandalan Land Fill Site	Director Shire Services
25 June 2008	Shire Entry Point Location – Pacific Highway, Gwandalan	Director Shire Services
25 June 2008	Toukley Sewerage Treatment Plant Stockpile Area	Director Shire Services
25 June 2008	Shire Entry Point Location – Cobbs Road, Tuggerah	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 25 June 2008 be received and the information noted.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

266 Proposed Briefings

F2008/00003 MW:SW

SUMMARY

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

Date	Briefing	Description	Time	Presented by
2 July 2008	Workshop	Various Issues	12.00 noon – 6.00 pm	General Manager

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

267 Address by Invited Speakers

F2008/00003 MW:SW

SUMMARY

The following person has been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Ms Kate Brown, representing the Cancer Council (in favour of the motion)	283 Recreation Smoke - Free Policy	99	5 mins

RECOMMENDATION

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

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

268 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 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)(a) and 10A(2)(g) of the Local Government Act, 1993, the following reports and briefing be dealt with in Confidential Session:***

W014 – Existing “Body Hire” Arrangements

W015 – Notice of Motion – Lake Haven Recreational Centre Query

W016 – Notice of Motion – Wyong Community Recreation Association

Wyong Community Recreation Association

- 2 *That the reason for dealing with Report No W014 confidentially is that it contains personnel matters concerning particular individuals and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***
- 3 *That the reason for dealing with Report Nos W015 and W016 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***
- 4 *That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***
- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

General Manager's Report

269 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 11 June 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 11 June 2008 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 11 JUNE 2008,
COMMENCING AT 5.04 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE (ARRIVED 6.04 PM), R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER LEGAL AND POLICY AND TWO SOCIAL PLANNERS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.04 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND FATHER BILL STEVENS DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR HIS INABILITY TO ATTEND THE COMMENCEMENT OF THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR ROSE.

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

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

233 Disclosures of Interest

246 – ADOPTION OF 2008-09 MANAGEMENT PLAN

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT DEBATE CENTRED ON AN ALLOCATION OF MONIES TO KIDS DAY OUT AND HIS FAMILY BUSINESS HAS A DIRECT RELATIONSHIP WITH THAT ORGANISATION, LEFT THE CHAMBER AT 5:53 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.37 PM.

263 - WYONG COMMUNITY RECREATION ASSOCIATION

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

COUNCILLOR EATON STATED:

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

263 - WYONG COMMUNITY RECREATION ASSOCIATION

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

COUNCILLOR STEWART STATED:

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

263 - WYONG COMMUNITY RECREATION ASSOCIATION

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY"

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

234 Proposed Inspections

F2008/00003 ED:MR

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

That the report on inspections to be conducted on Wednesday, 25 June 2008 be received and the information noted.

235 Proposed Briefings

F2008/00003 ED:MR

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

That the report be received and the information noted including an amendment of the commencement time to 9.45 am.

236 Address by Invited Speakers

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

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

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

237 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

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

Wyong Community Recreation Association.

- 2 That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it may include 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.***

238 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 28 May 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

239 Draft DCP 2005: Chapter 111 Hoardings

F2008/01224 BLF

COUNCILLOR BEST RETURNED TO THE CHAMBER AT 5.14 PM DURING DISCUSSION OF THIS ITEM.

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

That this matter be deferred for further staff consideration.

240 Wyong Shire Community Plan 2008-13

F2007/00323 BEM

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

- 1 That the draft Wyong Shire Community Plan 2008-13 be placed on public exhibition for a period of 35 days.***
- 2 That copies of the draft plan be distributed to stakeholder groups for review and comment.***
- 3 That the results of the exhibition be reported to Council.***
- 4. That Council extend its congratulations, through the General Manager, to the Director of Shire Planning, Ms Gina Vereker, and her team headed by Acting Manager Future Planning, Paul Bowditch and thank them for their outstanding efforts in partnership with the community to deliver the Wyong Shire Community Plan.***

241 Proposed Licence Agreement over "The Long Jetty" located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty

F2008/00102 SB

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

- 1 That Council accept a Licence from the Crown for a jetty with a T end which is located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty for a term of 20 years commencing on the date of the execution of the Licence for annual fee of \$382.00 plus GST.***

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence Agreement between Wyong Shire Council and Department of Lands.*
- 3 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence Agreement between Wyong Shire Council and Department of Lands.*

**242 Proposed Acquisition of Private Land at Part Lot 381 DP 1082847
– 300 Brush Road, Ourimbah and part of Lot 1 DP 252371 – 360
Brush Road, Ourimbah for Road Widening**

F2008/00307 & F2008/00308 SB

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

- 1 *That Council acquire part of Lot 381 DP 1082847 and part of Lot 1 DP 252371 at Brush Road, Ourimbah as public road.*
- 2 *That Council authorise the payment of compensation if necessary for the acquisitions of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3 *That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.*
- 4 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.*

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

243 Grant of Easement for Electricity Supply over Council Land at Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale

DA/563/1993/A PF

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

- 1 That Council agree to enter into a Deed of Agreement for easement with Energy Australia to grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive, Berkeley Vale.**
- 2 That Council grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale.**
- 3 That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.**
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the instrument of transfer of the easement and associated plan of the easement to be transferred that will allow the easements in Item 2 to be granted.**
- 5 That Council authorise the Mayor and the General Manager to execute the instrument of transfer of the easement and associated plan of the easement to be transferred.**
- 6 That in the spirit of cooperative arrangements, as illustrated in this report, Council again request EnergyAustralia to review its policy on premature electrification of street lights in greenfield estates.**

244 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2008-09

F2004/06505 ED

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

- 1 That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.*
- 2 That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.*

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

- 3 *That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.*
- 4 *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.*
- 5 *That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.*
- 6 *That whenever the Local Government Remuneration Tribunal calls for submissions this Council should provide one as a matter of course.*

An AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor EATON:

- 1 *That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.*
- 2 *That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.*
- 3 *That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.*
- 4 *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.*
- 5 *That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.*

Councillor WELHAM withdrew his MOTION.

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

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

- 1 ***That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.***
- 2 ***That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.***
- 3 ***That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.***
- 4 ***That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.***
- 5 ***That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.***

245 Surfing NSW – Funding Request

F2004/06631 LS

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

That Council financially support the Central Coast Pro to the value of \$25,000 per annum for 2009, 2010 and 2011 subject to confirmation of major sponsorship (ARRIVE ALIVE or similar) of the event over the same period.

246 Adoption of 2008-09 Management Plan

F2004/07006 BR

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT DEBATE CENTRED ON AN ALLOCATION OF MONIES TO KIDS DAY OUT AND HIS FAMILY BUSINESS HAS A DIRECT RELATIONSHIP WITH THAT ORGANISATION, LEFT THE CHAMBER AT 5:53 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.37 PM.

COUNCILLOR ROSE ARRIVED AT THE CHAMBER AT 6.04 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

- 1 That Council adopt the Draft 2008-09 Management Plan incorporating the changes outlined in the report of 11 June 2008, together with the following changes:**
 - a \$700,000 for the Wyong Performing Arts Centre, to be funded out of land sales**
 - b An additional \$500 for Wyong Shire Garden Competition**
 - c \$5,000 for Central Coast Kids Day Out**
 - d \$20,000 for the Central Coast Country Music Festival.**
- 2 That the Estimates of Income and Expenditure contained in the Draft 2008-09 Management Plan incorporating the changes outlined in (1) above applicable for the General Fund and including funds relating to Council's function as a Water Supply Authority under the Water Management Act 2000 No.92 for the year 2008-09 be adopted.**
- 3 That in accordance with the provisions of Clause 211 of the Local Government (General) Regulation 2005 the sum of money allocated against each item of income and expenditure as contained in the Draft 2008-09 Management Plan incorporating the changes outlined in (1) above for the General Fund and for the Water Supply Authority be hereby voted and approved subject, where necessary, to assessment of environmental considerations in regard to the works programmed pursuant to the provisions of the Environmental Planning and Assessment Act.**
- 4 That the rate and charge rebates to pensioners for the year 2008-09 be granted in accordance with Section 575 of the Local Government Act 1993 on Ordinary Rates and Domestic Waste Management Charges and Part 5 of Water Management Regulation 2004 on charges levied for 2008-09 under the Water Management Act 2000 No.92, as well as the existing Council policy in respect of those persons so eligible.**
- 5 That in accordance with the provisions of the Local Government Act, 1993 and Determination No. 06/3 of the Independent Pricing and Regulatory Tribunal of NSW, the fees and charges as detailed in the Revenue Policy and incorporating the changes outlined in this report, be set for the year 2008-09.**
- 6 That Council delegate to the General Manager the authority to accept loan offers in accordance with the proposed borrowings in the Draft Management Plan and borrow a total of \$50,923,000 from financial institutions with an Australian banking licence and \$1,000,000 from the Department of Lands.**
- 7 That the authors of submissions concerning the Draft 2008-09 Management Plan be advised of Council's decision.**

247 Making and Fixing of Rates and Charges for 2008-09

F2004/07006 DT

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

- 1 That Council, pursuant to Sections 492, 493, 494, 497, 498, 499, 500, 535, 536, 537 of the Local Government Act 1993 make the following ordinary rates for 2008-09 consisting of a base amount to which an ad valorem amount is added:**

Ordinary Rate Category Under Section 493	Base Amount	% revenue sourced from base amount for each category	Ad Valorem Amount (cents in the \$)
<i>Farmland</i>	<i>\$149.00</i>	<i>8.13%</i>	<i>0.1860</i>
<i>Residential</i>	<i>\$149.00</i>	<i>19.14%</i>	<i>0.2754</i>
<i>Mining</i>	<i>\$149.00</i>	<i>0.41%</i>	<i>1.9400</i>
<i>Business</i>	<i>\$149.00</i>	<i>5.64%</i>	<i>0.6520</i>

- 2 That Council, pursuant to Sections 492, 495, 497, 498, 499, 500, 535, 536, 537, 538 of the Local Government Act 1993, make the following special rates and amounts for 2008-09 consisting of a base amount to which an ad valorem amount is added:**

Special Rate	Base Amount	% revenue sourced from base amount for each category	Ad Valorem Amount (cents in the \$)
<i>The Entrance Town Centre</i>	<i>\$67.00</i>	<i>13.86%</i>	<i>0.1992</i>
<i>Non Residential Properties Toukley Area</i>	<i>\$67.00</i>	<i>10.08%</i>	<i>0.1970</i>
<i>Non Residential Properties Wyong Area</i>	<i>\$67.00</i>	<i>18.40%</i>	<i>0.0844</i>

- 3 That Council, pursuant to Section 495 of the Local Government Act 1993, adopt the following descriptions of rateable land to which each special rate will apply for 2008-09:**

- a The Entrance Town Centre Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Entrance Town Centre upgrade and operation:**
- i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb know as The Entrance.**

- ii All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.*
- iii All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.*
- b The Non Residential Properties Toukley Area Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Toukley Area Centre Management / Greater Toukley Vision / in the Toukley/Canton Beach/Noraville/Norah Head retail and commercial areas:**
 - i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.*
- c The Non Residential Properties Wyong Area Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of the Wyong/Tuggerah Chamber of Commerce in the Wyong/Watanobbi retail and commercial areas:**
 - i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:*
 - The suburb of Watanobbi.*
 - The suburb of Wyong, bounded by the following:*
 - North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.*
 - East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.*
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway).*

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

- 4 That Council, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993, make the following schedule of annual charges for stormwater management services for 2008-09:

<i>Stormwater Levy</i>	<i>Charge</i>
<i>Residential</i>	<i>\$25.00</i>
<i>Residential Strata</i>	<i>\$12.50</i>
<i>Residential Company Title</i>	<i>\$25.00</i>
<i>Business</i>	<i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000</i>
<i>Business Strata</i>	<i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned equally to each lot within the strata complex</i>
<i>Business Company Title</i>	<i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned according to the number of shares in the company owned by each shareholder.</i>

- 5 That Council, pursuant to Section 496 of the Local Government Act 1993, make the following Domestic Waste Management Charges for 2008-09:

<i>Description</i>	<i>Charge</i>
<i>Domestic Waste Management Charge</i>	<i>\$295.00</i>
<i>Domestic Waste Management Availability Charge</i>	<i>\$47.00</i>
<i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i>	<i>\$71.00</i>
<i>Domestic Waste Management Charge – 240 litre Waste Upgrade</i>	<i>\$40.00</i>
<i>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</i>	<i>\$236.00</i>
<i>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</i>	<i>\$141.00</i>
<i>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</i>	<i>\$54.00</i>
<i>Domestic Waste Management Charge – West of F3 Freeway</i>	<i>\$239.00</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin</i>	<i>\$12.40 per service</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin</i>	<i>\$12.95 per service</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin</i>	<i>\$11.60 per service</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin</i>	<i>\$12.20 per service</i>

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

- 6 *That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.*
- 7 *That Council, pursuant to Section 501 of the Local Government Act 1993, make the following Waste Management Charges for 2008-09:*

<i>Description</i>	<i>Charge</i>
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	<i>\$167.00</i>
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	<i>\$54.00</i>
<i>Waste Management Charge – 240 litre Vegetation Bin Service</i>	<i>\$72.00</i>
<i>Waste Management Charge – Litter Bin Service</i>	<i>\$182.00</i>
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	<i>\$265.00</i>
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	<i>\$858.00</i>
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	<i>\$1,330.00</i>
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	<i>\$1,802.00</i>
<i>Waste Management Charge - 3.0 cubic metre Waste Bin Service</i>	<i>\$3,573.00</i>

- 8 *That for those properties that become chargeable or non-chargeable during the year a proportional charge calculated on a weekly basis will apply for either Domestic Waste Management Charges or Waste Management Charges.*
- 9 *That in accordance with Section 566 of the Local Government Act 1993 and Section 356 of the Water Management Act 2000, Council charge an interest rate of 10.0% in respect of overdue rates, service charges and water consumption charges for the period of 1 July 2008 to 30 June 2009 and this interest be calculated on a daily basis using the simple interest method.*
- 10 *Incentive Scheme*
- a *That for the year 2008-09 Council offer an incentive scheme, of similar nature to that offered in 2007-08, for those eligible ratepayers who elect to pay in full, including arrears, their 2008-09 Rates and Charges by 31 August 2008 and for those ratepayers who elect to pay by direct debit.*
- b *That the incentive scheme be in accordance with the rules detailed in Attachment 1.*

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

- c** *That a report be presented to Council detailing the success or otherwise of the scheme following the scheme period.*

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

AGAINST: COUNCILLORS BEST AND EATON.

Information Reports

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

That with the exception of report numbers 248 the information reports be received and the recommendations adopted.

248 Wyong Shire Senior Citizens Council

F2008/00407 AE

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

That the report be received and the information noted.

249 Finalisation of Contracts

F2005/03113 GJP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

250 Schedules of Bank Balances and Investments – April 2008

F2004/06604 SJG

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

That the report be received and the information noted.

251 Wyong Water Supply Authority – Statutory Audit Report

F2004/06645 ED

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

That the report be received and the information noted.

252 Premature Electrification of New Estates

F2004/06351 MR

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

That the report be received and the information noted.

253 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MR

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

254 Notice of Motion – Recent and Extraordinary Price Increases and Effect on Council’s Budget and Works Program

F2004/06579 DJE

COUNCILLOR BEST LEFT THE CHAMBER AT 6.56 PM AND RETURNED TO THE CHAMBER AT 6.57 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.56 PM AND RETURNED TO THE CHAMBER AT 6.57 PM DURING CONSIDERATION OF THIS ITEM.

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

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

255 Notice of Motion – Water Pipeline Strategy Briefing

F2007/01120 DJE

COUNCILLOR WELHAM LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 7.02 PM AND DURING THAT TIME COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.08 PM AND RETURNED TO THE CHAMBER AT 7.10 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council urgently brief Councillors on the opportunities to use a road route pipeline corridor to provide infrastructure services to valley residents and to use Section 94 Contributions and/or Development Application consent conditions arising from 1-2 hectare hobby farm rezonings to contribute towards the cost of the corridor.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON AND VEUGEN.

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

256 Notice of Motion – Proposed Changes to Council’s Community Benefits Grants Procedures

F2004/06287 WW

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

- 1 That the Community Benefits Grants Procedures be modified to include policy and procedures for the identification and funding of major events.**
- 2 That these policies and procedure be based on the following criteria:**
 - a Event is able to demonstrate injecting more than \$500,000 into the local economy.**
 - b Event is a able to demonstrate that it is has a benefit for the Central Coast and not just one section of Wyong.**
 - c Event is able to demonstrate numerous other sponsors besides Council.**
- 3 That the following events be determined as “major events” and Council allocate a line item in the Management Plan for these events:**
 - a Arrive Alive Central Coast Pro Surfing Titles**
 - b F1 Superboats.**
 - c Central Coast Country Music Festival.**

257 Notice of Motion – Proposal to reconstitute the NSW Coastal Council

F2004/06935 BP

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

That Council call on the State Government to reconstitute the NSW Coastal Council to assist:

- 1 NSW coastal councils to deal with climate change and sea level rise(s) effects.**
- 2 Coastal councils in updating coastal planning regulations.**

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

258 Notice of Motion – Policies Needed to Achieve Greater Competition in Retail

F2004/00526 BP

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

That Council be advised on what planning instruments / policies need to be amended to achieve greater competition in the retail (specifically groceries) sector.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS GRAHAM AND PAVIER.

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

259 Notice of Motion - Unlawful and Unenforceable Council Code of Meeting Practice

F2004/06502 GPB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.55 PM AND RETURNED TO THE CHAMBER AT 7.57 PM DURING DISCUSSION OF THIS ITEM.

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

- 1 *That as a result of formal advice received 8 May 2008 Ref A127740 from the Director-General of the Department of Local Government, Mr Garry Payne AM, confirming that “the Department’s position is that Council’s Code of Meeting Practice is unlawful and unenforceable” and Mr Payne’s comment that “I am disappointed that Council decided not to amend its Code of Meeting Practice in such a way as to reflect the Department’s view that the number of motions put forward by a Councillor cannot and should not be limited”, Council now urgently move to remedy its non compliance with the Local Government Act.*
- 2 *That in reviewing Council’s Code of Meeting Practice, Council reinstate Notices of Motion to the commencement of an Ordinary Meeting agenda thereby providing our residents and ratepayers speaking on a motion a more timely resolution to their issues.*
- 3 *That Questions Without Notice now allow for minor actions / requests of staff and /or reports and that final determination of acceptability be at the discretion of the Mayor.*

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

An *AMENDMENT* was *MOVED* by Councillor *STEWART* and *SECONDED* by Councillor *FORSTER*:

That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.

It was *MOVED* by Councillor *EATON* and seconded by Councillor *FORSTER* :

That the MOTION be put.

RESOLVED that the MOTION be put.

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

AGAINST: COUNCILLORS PAVIER, STEVENS AND WELHAM.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

The AMENDMENT then became the MOTION.

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

That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

260 Notice of Motion – Toukley “Taj Mahal”

DA/627/2004/D GPB

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

That staff urgently report to Council on the site known locally as the “Toukley Taj Mahal” and located at the gateway to Toukley at the bridge. The report should advise what options Council may have to force completion of these building works and/or their demolition.

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

AGAINST: COUNCILLORS GRAHAM.

261 Notice of Motion – Impact on Retail Parking - Wyong

F2004/06676 GPB

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

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

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

262 Notice of Rescission – Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008

F2004/06390 DJE, GPB, CV

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.23 PM AND RETURNED TO THE CHAMBER AT 8.25 PM DURING CONSIDERATION OF THIS ITEM.

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

That part of the resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:

That part of the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, that refers to Item WA003.

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

That the MOTION be put.

RESOLVED that the MOTION be put.

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

AGAINST: COUNCILLOR EATON.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

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

It was MOVED by Councillor EATON and SECONDED by Councillor STEWART

That Council move into Confidential Session for Briefing on WYCRA by legal advisors prior to discussion of Item 263.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

263 Notice of Rescission - Wyong Community Recreation Association

F2008/00352 KMF, RLG, BJP

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

COUNCILLOR EATON STATED:

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

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

COUNCILLOR STEWART STATED:

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

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY"

COUNCILLOR ROSE LEFT THE CHAMBER AT 9.12 PM AND RETURNED TO THE CHAMBER AT 9.13 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 9.18 PM AND RETURNED TO THE CHAMBER AT 9.34 PM DURING CONSIDERATION OF THIS ITEM.

MR JOHN COLE, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 9.10 PM, ANSWERED QUESTIONS AND RETIRED AT 10.32 PM.

MR DAMIEN WARD, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 10.29 PM, ANSWERED QUESTIONS AND RETIRED AT 10.32 PM.

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

That Council adjourn for five minutes to allow the administration staff to download the digital recorder.

THE MEETING WAS ADJOURNED AT 9.19 PM AND RESUMED AT 9.34 PM.

Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)

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

That Council adjourn for five minutes.

THE MEETING WAS ADJOURNED AT 9.37 PM AND RESUMED AT 10.29 PM.

CONFIDENTIAL SESSION

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

That based on Legal Advice Council move into Confidential Session to allow for discussion of this Item.

AT THIS STAGE OF THE MEETING BEING 10.33 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.34 PM AND RETURNED TO THE CHAMBER AT 10.35 PM DURING DISCUSSION OF THIS ITEM.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 11.06 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

263 Notice of Rescission - Wyong Community Recreation Association

F2008/00352 KMF, RLG, BJP

That consideration of the Rescission Motion be deferred until the next meeting of Council on 25 June 2008.

QUESTIONS WITHOUT NOTICE ASKED**Q036 – Lack of Lighting in the Bill Sohler Oval Carpark****Councillor Eaton**

F2004/00189

Could Council staff advise what action they intend to take in relation to the lack of lighting in the Bill Sohler Oval Carpark?

Q037 – Lack of Timer Lighting in the Sohler Oval Grandstand**Councillor Eaton**

F2004/00189

Could Council staff advise what action they intend to take in relation to the lack of timer lighting in the Sohler Oval Grandstand?

Q038 – Street Lighting on Toukley Bridge**Councillor Welham**

F2004/00189

Could staff advise why the street lighting on Toukley Bridge has not been operating for some months?

Q039 – Shared Pathways in the Blue Haven/San Remo Areas**Councillor Welham**

F2008/00296, F2007/00257

Could staff advise on the timetable for construction of the additional shared pathways in the Blue Haven/San Remo areas and the left turn lane at the intersection of Goorama Avenue and Pacific Highway, San Remo?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.07 PM.

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CHAIRPERSON

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WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**270 Contract CPA 139071 – Hunter Councils Inc Period Contract
for the Supply and Delivery of General Stationery and
Ancillary Products**

CPA/128566 JM

SUMMARY

Evaluation and selection of Hunter Councils Inc tenders for Contract CPA 139071 – Supply and Delivery of General Stationery and Ancillary Products.

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 Corporate Express for the supply and delivery of General Stationery and Ancillary products from the date of acceptance by Hunter Councils Inc until 30 June 2010.***

- 2 *That Council note the annual estimated expenditure against this contract is \$249,273 including GST (\$226,611 excluding GST).***

BACKGROUND

Council purchases an assortment of different stationery products including photocopy paper, toner cartridges, writing instruments and computer consumables on a re-occurring basis. Expenditure is in the vicinity of \$250,000 per annum.

The tender was conducted by Hunter Councils Inc on behalf of member Councils. Wyong Shire Council is an associate member for the purposes of participating in joint tendering and contracting arrangements (Gosford City Council is also an associate member). Hunter Councils Inc receive a management fee of 1.75% of the total spend made under the Contract. Provision for the management fee is included in tendered rates and is payable to Hunter Councils by the appointed contractor. This management fee is used by Hunter Councils to underwrite the ongoing costs of providing tendering services to members.

Nine Hunter based member Councils of Hunter Councils Inc participated in this tender with the combined value of Stationery tendered under the contract being in the vicinity of \$2 million. The aggregated volume provides Wyong Shire Council with the opportunity to achieve cost savings and added benefits that may not have been otherwise achievable under a Council specific tender.

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)

This is the second time Council has agreed to participate in a joint purchasing initiative with Hunter Councils Inc for the supply and delivery of General Stationery and Ancillary Products. Previous period base contracts operated for a two year duration and were awarded to Corporate Express, Complete Office Supplies and Office Choice on a panel basis. Council previously resolved to accept Corporate Express as its single source supplier. Council's experience with the performance of Corporate Express over the last two years under Hunter Councils Inc Contract T20607 has been satisfactory. Corporate Express provides a desktop delivery service, next day order fulfilment and an efficient online web base ordering facility.

This tender was called on a panel basis allowing all participating Councils to utilise the stationery company that best suits each individual Councils requirements. All participating Councils must individually agree to accept one or more of the recommended panel contractors 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 25 March 2008 and the Newcastle Herald on 29 March 2008. The advertised closing date was the 29 April 2008.

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 29 April 2008.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of three staff members incorporating representatives from Singleton Council, Maitland City Council and Hunter Councils Inc using the following threshold and weighted criteria:

Threshold Criteria

- * Conformance with specification and requirements of the tender documents

Weighted Criteria

- * Price
- * Referees
- * Quality Assurance
- * Customer Service
- * Occupational, Health & Safety
- * Ecological Sustainable Development

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)

The evaluation criteria and its 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, and external advisors.

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders
- 2 Assessment of conformance of tenders
- 3 Weighted evaluation of conforming tenderers
- 4 Detailed price assessment based on historical stationery usage by Wyong Shire Council
- 5 Due diligence checks on recommended tenderers

Assessment of Receipt

The following tenders were received in alphabetical order.

	Tender	Schedule of rates	Status
7	Complete Office Supplies	All tender schedules were completed	Submitted on time
5	Corporate Express	All tender schedules were completed	Submitted on time
2	Imagetec Solutions Australia	Failed to complete all tender schedules	Submitted on time
6	Lyreco	Failed to complete all tender schedules	Submitted on time
1	Moore Business Systems Australia	All tender schedules were completed	Submitted on time
3	Office Choice T/as Stuart & Dunn	All tender schedules were completed	Submitted on time
4	Office Max Australia Pty Ltd	Failed to complete all tender schedules	Submitted on time

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

All tenders were assessed against the requirements of the tender documents and the associated specification.

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)

A key requirement for the tender documents was for suppliers to complete all mandatory tender schedules. The pricing schedules were broken up over the following six categories constituting 977 individual line items:

- 1 General stationery - mandatory
- 2 Copy paper - mandatory
- 3 Printer consumables - mandatory
- 4 Kitchen consumables - mandatory
- 5 Environmentally sustainable products - optional
- 6 Janitorial products - optional

In order for Councils to select a single source supplier from the panel it was essential that prospective tenders completed all mandatory price schedules. The following tenders failed to meet this criteria and were subsequently eliminated from further consideration.

Tenderer	Non Conformance Reason
2 Imagetec Solutions Australia	Failed to complete copy paper and printer consumables schedule
6 Lyreco	Failed to complete printer consumable schedule
4 Office Max Australia Pty Ltd	Failed to complete copy paper and printer consumable schedule

All other Tenderers conformed to threshold criteria requirements and were progressed to the next stage of evaluation.

Weighted Evaluation

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

Tenderer	Weighted Evaluation Score
1 Moore Business Systems Australia	97
2 Corporate Express	93
3 Complete Office Supplies	86
4 Office Choice T/as Stuart & Dunn	80

Hunter Councils Inc tender assessment recommendation is to accept all tenders that passed the weighted evaluation stage of the tender assessment. Individual Councils then accept the most advantageous supplier from the panel that best meets participating Councils' requirements.

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)

Detailed price assessment based on historical stationery usage by Wyong Shire Council

Usage figures were not used as part of Hunter Councils Inc price assessment as they were not available at a combined Council level. Price rankings were awarded based on the supplier who tendered the overall number of cheapest items per category.

Subsequently, further price analysis was conducted by Wyong Shire Council factoring in Council's historical ordering requirements.

Pricing was obtained on 977 individual product lines across six stationery categories. Analysis of Council's highest value usage stationery products was conducted to identify the top 50 items used by Council. This list which represents 60% of the total expenditure incurred by Council was used to compare pricing across the four recommended tenders with the following result.

Tenderer	Estimated annual usage multiplied by the tender price of Council's top 50 used stationery products ex GST.
2 Corporate Express	\$142,680
1 Moore Business Systems Australia	\$150,150
3 Complete Office Supplies	\$168,254
4 Office Choice T/as Stuart & Dunn	\$218,726

On this basket of goods Corporate Express' pricing is 5% cheaper than the next ranked panel supplier. Based on Council's traditional usage it represents the best value for money when compared to all recommended panel suppliers.

Further analysis to compare new contracted rates to current rates under Hunter Councils Inc current Contract T20607 expiring 30 June 2008, identified the following result.

Tenderer	Estimated annual usage multiplied by the tender price of Council's top 50 stationery products ex GST.
Corporate Express current pricing under tender T20607 expires 30 June 2008	\$142,512
Corporate Express new pricing under tender CPA/139071	\$142,680

Pricing remains unaffected as Stationery pricing has remained relatively stable over the last decade, helped recently by increases in the \$AUD.

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)**Due Diligence**

Council has the option to utilise other period based contracts that are available to NSW Councils by entities such as the Department of Commerce (Contract 506 - Office Supplies) and Local Government Procurement (LGP) (Contract LGP1007 - Office Supplies and Associated Products and Services).

Both contracts operate on a panel arrangement with a similar aggregated sourcing methodology as Hunter Councils Inc. Corporate Express is a supplier on both contracts.

Analysis was conducted against Corporate Express' Hunter Councils Inc tender result comparing pricing offered to that available from Corporate Express under either of these two contracts. In both instances the Hunter Councils Inc tender result provided a slightly more favourable outcome than that available under the Department of Commerce or LGP.

Reference checks were obtained from representatives from Sydney City Council, Hunter New England Health and Sutherland Shire Council on Tender No 2 Corporate Express. Information was asked to be provided on the delivery performance and quality of stationery products supplied by Corporate Express. All referees indicated that Corporate Express was very responsive and delivered quality materials.

Corporate Express is the incumbent supplier to Council under Hunter Councils Inc Tender T206075 Supply and Delivery of Stationery and Ancillary products. Contact with key purchasing staff has indicated they are satisfied with the responsiveness and all round service delivery provided by Corporate Express.

Process Review

This evaluation process and recommendations have been endorsed by Council's Contracts System Coordinator.

TIME-FRAME

The contract will commence on the date of acceptance and operate up to 30 June 2010. Hunter Councils Inc has an option to extend the contract for a further 12 month period, dependent on all Councils agreeing that the performance of all panel suppliers warrants a further contract extension.

Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products (contd)

BUDGET

The contract is a standing offer arrangement, accordingly purchases will be funded from responsibility centres as transactions are processed, rather than from an allocation made to the contract itself. The estimated value of the arrangement is not a budget figure, but rather an indication of the likely expenditure under the arrangement. Although the estimated value of the arrangement is \$453,222 excluding GST over two years, the actual value will depend on quantities ordered as requirements arise over the life of the arrangement.

LOCAL CONTENT

Corporate Express is Council's incumbent supplier. Consequently there will be no impact on local employment opportunities.

CONCLUSION

The tender from Corporate Express 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 accept a panel contractor. Hunter Councils Inc will collate the decisions of all participating members and in return, will enter into a deed of agreement to form a Standing Offer for supply of Stationery and Ancillary products with the recommended tenderers. Participating member councils can then access this contract by placing a purchase order on their preferred supplier.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**271 Contract CPA 138816 – Development of a Commercial
Strategy for Council's Waste Management Site at Buttonderry**

CPA/138816 JR

SUMMARY

Evaluation and selection of tenders for Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry.

RECOMMENDATION

- 1 *That Council accept tender No 3 from KPMG Corporate Finance (Aust) Pty Ltd in the lump sum amount of \$201,179, including GST (\$182,890, excluding GST).***
- 2 *That Council approve a contingency amount of \$60,000 including GST (\$54,545, excluding GST), representing approximately 30% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

BACKGROUND**Reason for Project**

Council owns approximately 270 hectares of land at Buttonderry that includes the Buttonderry Waste Management Facility. At the strategic level consideration of the optimal use for this land has led to the need for a detailed review of future options.

Various opportunities and threats can be identified in regard to the future use and development of the Buttonderry site. A project has been developed to progress this thinking and provide a focus point for strategic decision-making regarding the most sustainable and financially attractive strategy for the site.

The primary consideration in this strategic review will be focused on treatment and utilisation options available for the Buttonderry Waste Management Facility site. However, synergies with associated or neighbouring sites and stakeholders may also present further opportunities. Where there is an apparent opportunity to maximise value for Council such associated options will also be considered.

The objective of this consultancy will therefore be to formulate a strategy that will:

- a Maximise the economic value* of the Buttonderry site; and
- b Secure long-term** access to waste disposal capacity.

Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)

Note

- * For the purpose of this project the term 'economic value' is used in a general sense, incorporating a range of factors such as the net-present-value, alignment with Council's short-to-medium-term cash flow profile, employment generation impact and other indicators of financial, environmental, social or economic benefit for Council or the Shire. It is proposed that the exact mix of measures will be better defined and refined during the project.
- ** For the purpose of this project 'long-term' is initially defined as 20+ years, however it is anticipated that this figure will itself be reviewed as part of the project in the context of potential future impacts on Council's demand for land-fill capacity.

Requirements of Consultancy

The successful Consultant will be required to develop a commercial strategy for the whole Buttonderry site. This will involve dealing with strategic management options (eg lease, contract, Council-operated) for the facility, and potentially other complimentary commercial uses, or even unrelated uses. There also may be opportunities related to adjacent land.

The Consultant will be required to consider the full suite of strategic opportunities for the site, including possibilities that extend beyond waste management and beyond the existing boundaries of the site. A multidisciplinary approach is therefore considered critical to achieving a successful outcome.

The entire engagement is expected to run for around 16 weeks. The consultancy contract will be structured on a lump sum basis, with progress payments at key deliverable-based milestones.

The map (Enclosure) shows the position of the Waste Management Facility on the site, the boundaries of the site and other key features. Areas 1, 2 and 3 are old (closed) disposal areas. Area 4 is the current disposal area. Area 5 is available for future disposal operations.

Tender Process

Tenders were called by way of public advertisement. Advertisements were placed in the Sydney Morning Herald on 26 February 2008 and the Central Coast Express Advocate on 27 February 2008. The advertised closing date was 27 March 2008 (subsequently extended to 17 April 2008).

A compulsory pre-tender meeting was held at Council Chambers followed by a site inspection of the Buttonderry WMF, on Monday 10 March 2008, to familiarise tenderers with Council's expectations and the site conditions.

Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)

11 firms attended the pre-tender meeting and are listed in the following table in alphabetical order:

Tender No.	Tender	PREDOMINANT AREA OF EXPERTISE
1	APROS Pty Ltd	Government Policy
2	Arup Management Consulting	Development & Project Managers
3	BN Group Pty Ltd	Urban Planners
4	Coffey Projects	Development & Project Managers
5	Ernst & Young	Real Estate Advisory Services
6	Evans & Peck	Project & Strategy Advisers
7	GHD	Development & Project Managers
8	KPMG Corporate Finance (Aust) Pty Ltd	Real Estate Advisory Services
9	McLachlanLister	Project & Strategy Advisers
10	Page Kirkland Group	Development & Project Managers
11	Quadro Australia Pty Ltd	Alternate Waste Technology.

The invitation documents called for lump-sum tenders based on both a detailed brief and the information supplied at the pre-tender meeting held on 10 March 2008. The following addenda were issued to all prospective tenderers during the invitation period:

- 1 Extension of time from 27 March 2008 to 17 April 2008 (issued 19 March 2008).
- 2 Requirement to return the Deed of Confidentiality with tender (issued 8 April 2008).

Tenders closed at Council Chambers at 2:00pm on 17 April 2008.

EVALUATION OF TENDERS

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

- The Tenderer's capacity to provide the consultancy service, including factors such as:
 - * Experience and qualifications of nominated staff and/or subcontractors;
 - * Track record of the tenderer on similar engagements;
 - * The quality of the proposed program of work; and
 - * The tenderer's demonstrated understanding of the Brief.
- The total anticipated cost to Council.
- The capacity of the tenderer to manage safety risks associated with the engagement.

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

Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)

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 tenderers.

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender	Tendered Lump Sum (ex GST)	Status
1 Coffey Projects Australia Pty Ltd	\$135,818	Submitted on time
2 GHD Pty Ltd	\$233,851	Submitted on time
3 KPMG Corporate Finance (Aust) Pty Ltd	\$145,000	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the brief. All tenders conformed generally to all requirements and were progressed to the next stage of evaluation. The depth and spread of the relevant industry expertise was partially revealed by considering how each area of expertise was represented within each tender.

Tender No 1 - Coffey Projects Australia Pty Ltd are supported in their tender by;

BN Group - Architecture, Urban Design and Master Planning;
Bio-recycle Australia Pty Ltd - Alternate Waste Management Systems; and
Quadro Australia Pty Ltd - Alternate Waste Technology and Local Government;
Property Development Expertise - In-house, Development Manager

Tender No 2 - GHD Pty Ltd are supported in their tender by;

Knight Frank Newcastle - Property, Valuation, Sales, Leasing and Management services.
Property Development Expertise - In-house, Town Planner

Tender No 3 - KPMG Corporate Finance (Aust) Pty Ltd are supported in their tender by;

ERM – Environmental Planning, Risk Management, and Strategic and Procedural advice.
Property Development Expertise - In-house, KPMG's Real Estate Advisory Service.

Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)**Weighted Evaluation**

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

Tender	Lump Sum (ex GST)	Weighted Evaluation Score
3 KPMG Corporate Finance (Aust) Pty Ltd.	\$182,890 (Adjusted – see comments below)	76
1 Coffey Projects Australia Pty Ltd	\$135,818	74
2 GHD Pty Ltd	\$233,851	55

An extensive assessment was undertaken of each tender to ensure a complete understanding of the offers was achieved. The assessment results in the above table summarise the outcomes of this assessment.

During this process further advice was sought from Tenderer No 3 (KPMG) regarding its intended method of incorporating an assessment of waste technology input and the analysis of recent expert reports commissioned by Council. KPMG clarified that the subcontractor nominated in its tender, ERM, would provide this advice. The inclusion of ERM as a sub-consultant in the KPMG team will provide access to an extensive world-wide knowledge of environmental, waste and risk management technologies that is well suited to this engagement. The cost of this service had not been priced in the KPMG lump sum tender. Instead, its tender provided hourly rates for ERM's key personnel with a view to negotiating the extent of their involvement at a later date.

To allow a proper comparison with the other two tenderers KPMG were requested to provide a lump sum cost for the full engagement of ERM. KPMG advised their tendered lump sum price would increase by \$37,890 (ex GST) to incorporate ERM and correct this anomaly as allowed by the Tendering Regulations. The tender evaluation panel considered that this amount was a fair and reasonable offer, being based upon tendered hourly rates and assessed hours of work for key personnel that were not dissimilar to the other tenderers. On this basis the adjustment was allowed and was included as an adjustment to the tendered sum during the weighted assessment of this tender.

Reference checks were also made to provide details on Tenders No. 1 (Coffey Projects) and Tender No. 2 (GHD) regarding their property development expertise. Both companies advised that they would rely on the property expertise of their in-house team.

Due to the closeness of the scores, both Tender No. 3 (KPMG) and Tender No. 1 (Coffey Projects) were taken to the Due Diligence stage for closer examination.

The remaining Tender No. 2 (GHD Pty Ltd) had the lowest evaluation score, predominantly due its higher tender sum. The other two tenders also received higher non-price evaluations than GHD Pty Ltd during the assessment process. This tender was not progressed further.

Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)

Due Diligence

On the basis of the information provided by the tenderers and independent referees, it is considered that both Coffey Projects Australia Pty Ltd and KPMG Corporate Finance (Aust) Pty Ltd possess all of the financial and managerial resources necessary to satisfactorily complete the works. However, a review of the provision of property development advice proposed by both tenderers indicated that the offer from KPMG Corporate Finance (Aust) Pty Ltd would be more extensive and was considered to be more advantageous for Council. This will be an important component of the considerations required for this project, and as a result KPMG Corporate Finance (Aust) Pty Ltd is the preferred tenderer.

KPMG Corporate Finance (Aust) Pty Ltd has offices in Sydney with a history of successfully completed contracts similar in nature and scope to the current works with an emphasis on property divestment and finance. The combination of the sub-consultant ERM with its environmental and planning experience and KPMG's project management, property development strategies and infrastructure, will provide Council with the multi-disciplinary approach necessary to understand and develop its future requirements of the Buttonderry site.

KPMG Corporate Finance (Aust) Pty Ltd in combination with ERM's team is considered to have the requisite blend of skills to undertake this consultancy.

The amount tendered by KPMG Corporate Finance (Aust) Pty Ltd is within Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

Process Review

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

BUDGET

The funding source for this consultancy will be from Tip Operations General - Consultants (G.L.> 10.9000.000.645001) with a total budget of \$380,000 in consultancy fees and staff costs; the majority of which is now expected to be expended in the 2008-09 financial year. Details are available on file in TRIM (record number D01087324).

Due to the open-ended nature of this project, consultancy requirements may vary (up or down), depending on how lines of investigation develop. Consulting requirements in excess of the initial budget will be assessed and approved by the project sponsor on a case-by-case basis within the approved funds.

TIME-FRAME

The Consultant will be required to complete the consultancy within 16 weeks of engagement.

**Contract CPA 138816 – Development of a Commercial Strategy for Council's
Waste Management Site at Buttonderry (contd)**

LOCAL CONTENT

Due to the highly specialised nature of this consultancy it is not expected that any local labour will be engaged for this work.

CONCLUSION

Tender No. 3 from KPMG Corporate Finance (Aust) Pty Ltd meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council and is recommended to be engaged to undertake these works.

Enclosure ***Buttonderry Waste Management Facility – Boundaries and other key features***

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

272 Contract CPA 116095 – Toukley Aquatic Centre and Wyong Olympic Pool – Proposed Increase of Admission Fees

CPA/116095 GK/GK

SUMMARY

Report on Toukley and Wyong Pool fees and recommendation that the fees for these facilities be altered.

RECOMMENDATIONS

- 1 *That the proposed fee increases for the Toukley and Wyong Pools be advertised for public comment.***

- 2 *That subject to no public submissions to the advertising of the fee changes, the following fees at these pools be adjusted to the amounts shown below from 1 September 2008, and adjusted thereafter up to the CPI as a maximum.***

<i>Child Fee</i>	<i>\$2.00 (50 cent increase)</i>
<i>Concession Fee</i>	<i>\$2.00 (50 cent increase)</i>
<i>Family Fee</i>	<i>\$11.00 (new fee for two adults and up to four children)</i>

BACKGROUND

In October 2007 the contract for the Management and Operation of Toukley Aquatic Centre, Wyong Olympic Pool and The Entrance Ocean Baths was let to the YMCA. This is an interim arrangement put in place for approximately 18 months. The arrangement will allow detailed information to be collected on the operation of the pools that will permit Council to call fresh tenders with more accurate tendering information.

Under these interim arrangements the YMCA does not retain any profits and the net cost of all work and expenses are met by Council. The YMCA keeps all entry fees, training fees and other income to partially offset expenditures.

Under the agreement between the YMCA and Council the fee structure was defined at commencement of the YMCA engagement as set out in Table 1.

Contract CPA 116095 – Toukley Aquatic Centre and Wyong Olympic Pool – Proposed Changes to Admission Fees (contd)**Table 1 Initial Fees Set at Toukley and Wyong Pools in 2007-08**

Current Charge Classification	Initial Fees Set in 2007-08		
	Toukley	Wyong	The Entrance
Adult	\$4.00	\$4.00	No Charge
Child (under 15 yrs)	\$1.30	\$1.30	No charge
Babies (less than 3 yrs)	No Charge	No Charge	No Charge
Pensioner or Concession (holders of Pensioner Concession Cards)	\$1.30	\$1.30	No Charge
Spectator	\$1.40	\$1.40	No charge

The contract provides a mechanism to increase fees based on a maximum fee set for 2007 and annual CPI adjustments.

Shortly after commencement of the contract, the YMCA reviewed the fee structure and advised Council that the above fees are, on average, well below current market rates. The fees are also below fees charged in other similar facilities under YMCA management. The YMCA recommended that the Child and Concession Fees be increased from \$1.30 to \$2.00, and that Council also consider the introduction of a Family Fee.

This increased fee proposal was outside the allowable increase provided for in the contract under the mechanism for CPI adjustments. As a partial response to this request the YMCA was granted approval to raise the Child and Concession Fees from \$1.30 to \$1.50 in accordance with the contract conditions. The calculation of this figure was guided by the fee increase limitations set out within the contract. The YMCA was advised that a further report would be made to Council recommending adjustments to the Child and Concession Fees and introduction of a Family Fee in 2008. This report now provides details in support of the fee changes proposed for Wyong and Toukley Pools.

CURRENT SITUATION

Currently the majority of fees charged at Toukley and Wyong Pools are very competitive. However, the Concession and Child Fees are well below those set at the other comparable swim centres as shown in Table 2. The current fees for Child and Concession holders are set at the maximum allowable under the contract and any additional increase in these fees requires Council approval.

Contract CPA 116095 – Toukley Aquatic Centre and Wyong Olympic Pool – Proposed Changes to Admission Fees (contd)

In addition, it is noted that the current fee structure for Toukley and Wyong Pools does not include a Family Fee. This is provided at a number of similar facilities (but not all). The proposed Family Fee is set to offset the proposed increase in the Child Fee for families with up to four children, and is considerably less than the Family Fee charged by other similar facilities. The introduction of this new admission fee is also subject to the approval of Council.

Table 2 Comparison of Fees at Other Aquatic Centres

Costs to Use Pool at Various Centres	Adult Fee in Descending Value (incl GST)	Child Fee (Incl GST)	Concession Fee (Incl GST)	Family Fee (Incl GST)
Current AVERAGE Fee in 2007-08 for All Centres Shown Below	\$4.50	\$3.43	\$3.43	\$14.26
Balance Health Club, Newcastle	\$6.00	\$3.00	\$3.00	N/A
Forster Pool, Forster	\$5.20	\$4.20	\$5.00	\$18.00
Forum Aquatic Centre, Newcastle	\$5.00	\$4.00	\$4.00	N/A
Mingara One, Tumby	\$5.00	\$3.80	\$3.80	N/A
Peninsula Leisure Centre, Woy Woy	\$4.80	\$3.50	\$3.50	N/A
Taree Pool, Taree	\$4.70	\$3.70	\$3.70	\$16.00
Gosford Aquatic Centre	\$4.10	\$2.80	\$2.80	N/A
Lakeside Leisure Centre, Port Stephens	\$4.00	\$4.00	\$4.00	\$12.00
Toukley and Wyong Pools	\$4.00	\$1.50	\$1.50	N/A
Kurri Kurri Aquatic Centre	\$3.90	\$3.30	\$3.30	\$12.50
Tomaree Aquatic Centre, Port Stephens	\$3.80	\$3.80	\$3.80	N/A
Lambton Swimming Centre, Newcastle	\$3.50	\$3.50	\$2.80	\$12.80
Proposed Fees (2008-09)				
Toukley and Wyong Pools	\$4.00 (no change)	\$2.00 (50 cents increase)	\$2.00 (50 cents increase)	\$11.00 (new fee)

**Contract CPA 116095 – Toukley Aquatic Centre and Wyong Olympic Pool –
Proposed Changes to Admission Fees (contd)**

PROPOSAL

It is proposed that the Child and Concession Fees be increased from **\$1.50 to \$2.00** from 1 September 2008. It should be noted that even with this increase the Child and Concession Fees will still be the lowest of all the aquatic centres surveyed and remain very competitive.

It is further proposed that a new Family Fee of \$11.00 be introduced in conjunction with the above recommended fee changes in an effort to cap additional costs incurred by larger families due to the increase in the Child Fee. As shown in the Table the proposed Family Fee is the lowest of all the centres surveyed. It is proposed that it would be available for families of two adults and up to four children. This will provide savings over single entry fees ranging from \$1.00 for two adults and two children up to \$5.00 for families with two adults and four children.

It is further proposed that all fees may be increased by the CPI changes each year, subject to a review of fees in the market showing the pools remain competitive.

Based upon average attendances from 2001-02 to 2005-06 for Child and Concession entries to Wyong and Toukley Pools, it is calculated that the additional revenue generated from these changes would be of the order of \$18,000 for Toukley Pool and \$14,000 for Wyong Pool. There will be some reduction in this amount from the introduction of the Family Fee, but an indicative figure of approximately \$30,000 for a full year is considered a reasonable estimate of the total additional income that would be generated from these changes. This income would reduce the net Council expenditure required for the pools.

CONCLUSION

The current fees being charged by the Toukley and Wyong Centres are, on average, well below those of other similar facilities. It is recommended that the above proposed fee increases be advertised and implemented from 1 September 2008 subject to a satisfactory public response. It is further recommended that the fees be increased by CPI movements in future years subject to a similar assessment and comparison being carried out annually to keep fees for Council's facilities competitive with other aquatic centres.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

273 Contract CPA 137900 – Provision of Security Services

CPA/137900 SLM

SUMMARY

Evaluation and selection of tenders for Contract CPA/137900 – Provision of Security Services.

RECOMMENDATION

That Council accept tender No. 6 from Newcastle Security for a period of two (2) years with the option to extend for a further year commencing on the date of contract award in the estimated annual expenditure of \$147,317 including GST (\$133,925 excluding GST).

BACKGROUND

The Provision of Security Services Contract for Council's facilities covers alarm monitoring and alarm response services for approximately 46 sites including customer service centres, childcare centres, treatment plants, depots and other similar Council facilities. In addition there are approximately 35 sites (toilets and gates) that are required to be opened and closed each day. Currently a thrice-nightly security patrol is required at Buttonderry Tip and a static guard is required at the Gravity Youth Centre. Guards and/or patrols are required from time to time at other facilities and for events.

The previous contract for security services was awarded to Chubb Pty Ltd in 2003. This contract was terminated by mutual agreement at the end of 2007. Since that time Chubb has continued to provide monitoring services, with SNP Security undertaking the patrols. Both services are being provided on a month by month basis. Fresh tenders were called in January 2008 to provide a combined monitoring and alarm response service based on a two year contract with an option to extend for a further year.

The security industry is expanding with an increasing number of firms entering the market. A significant advantage for Council is the availability of suitable, locally based staff for alarm responses. Of lesser significance is the location of the monitoring centre due to advances in remote monitoring capabilities. Firms tend to specialise in either the field component or the technical (monitoring) component, subcontracting out the other function. Some do both. It is preferred that the security contractor's primary role be that of the provider of the field services because this provides a greater local focus and local primary point of contact.

From consideration of these issues it was determined that the most appropriate arrangement for Council is to have a single contractor rather than separate contracts for monitoring and field services. This report details the results from assessments of tenders received for this combined operation.

Contract CPA 137900 – Provision of Security Services (contd)

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed on Council's e-tendering website, in the Sydney Morning Herald on 16 and 23 January 2008 and the Central Coast Express Advocate on 16 and 23 January 2008. The advertised closing date was 7 February 2008.

The invitation documents called for Schedule of Rates tenders based on a detailed specification

An Addendum was posted on the e-tendering website on 6 February 2008. The Addendum summarised a number of minor queries that some tenderers had requested be clarified.

Tenders closed at Council Chambers at 2:00pm on 7 February 2008.

EVALUATION OF TENDERS

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

Threshold Criteria

- * Conformance with the requirements of the tender documents.

Weighted Criteria

- * Price (50%)
- * Experience and resources (40%)
- * Past performance (10%)

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Short listing of tenders.

Contract CPA 137900 – Provision of Security Services (contd)

- 4 Detailed weighted evaluation of shortlisted tenders.
- 5 Due diligence checks on preferred tenderers.
- 6 Independent review of the tender selection process.

Assessment of Receipt

The following tenders were received and are listed in alphabetical order. The Extended Schedule of Rates shown in the table are based upon expected costs over a two year period.

Tender Number	Tender	Extended Schedule of Rates (ex GST)	Status
1	Allpoint Security Pty Ltd	\$496,015	Submitted on time
2	Citiguard Protection Services Pty Ltd.	\$391,010	Submitted on time
3	Notlih Investments P/L, T/A CoastSafe Monitoring & Security Services.**	\$231,688	Submitted on time
4	Knightland Security Network.	\$196,583 \$278,580 (adjusted)*	Submitted on time
5	MDB Security (Central Coast Alarm Response Services Pty Ltd)	\$402,923	Submitted on time
6	Newcastle Security	\$267,849	Submitted on time
7	Paul-Tec Security Group	(some items not bid, rely on "Council's local manpower provider")	Submitted on time
8	Pound Enterprises Pty Ltd	\$522,178	Submitted on time
9	Signature Security Group	\$261,330	Submitted on time
10	SNP Security	\$327,175	Submitted on time
11	State Protection Security	\$1,958,152	Submitted on time

*Refer to Assessment of Conformance for details of adjustments.

**Abbreviated to CoastSafe for the purposes of this report.

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements.

Contract CPA 137900 – Provision of Security Services (contd)

Tender No.3 from CoastSafe had an apparent gross error in the rate submitted for Item D3 covering patrols at Buttonderry Landfill. CoastSafe confirmed that this rate is correct.

Tender No. 4 from Knightland Security Network required adjustment to correct an arithmetic error in the extension of the tendered rate by the scheduled amount. The tendered extended amount (840 x \$112.2 = \$3,927) was incorrect. The corrected extended amount is \$94,248 this increased the tendered price as extended to \$278,580 (excl. GST).

Tender No.7 from Paul-Tec Security Group was incomplete in that the field component of the service was not bid. Accordingly this tender was eliminated from further consideration.

With the exception of Tender No.7, the remaining tenders generally conformed to all requirements and were progressed to the next stage of evaluation.

Shortlisting

Tenders were shortlisted against Criterion No. 2 – Price.

By inspection it was determined that the lowest 5 tenders were relatively close in monetary terms and warranted further investigation. Tender No.10 (from SNP Security) is the current provider for field services and provides a benchmark and a reasonable upper price limit. Current pricing from Chubb (for monitoring) and SNP (for patrols) formed the basis for the pre-tender estimate.

The next most expensive tender above SNP is Tender No.2 (Citiguard Protection Services) and is approximately 25% more expensive than the SNP tender. Even if they were to score highly in the non-price criteria this tender and other more expensive tenders do not represent potential value for money to Council. The reason for the substantial differences in some prices appears to be either tender mistakes, genuinely higher rates or a lack of understanding of the requirements of the specification.

The lowest five (5) tenders, being Tenders 3, 4, 6, 9 and 10 were progressed to a full weighted evaluation.

Weighted Evaluation

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

Tender Number	Tender	Lump Sum (ex GST)	Weighted Evaluation Score
3	CoastSafe Monitoring & Security Services	\$231,688	86
6	Newcastle Security	\$267,849	85
9	Signature Security Group	\$261,330	81
10	SNP Security	\$327,175	77
4	Knightland Security Network	\$278,580	75

Contract CPA 137900 – Provision of Security Services (contd)

By inspection it can be seen that the pricing for Tenders 3, 6 and 9 is very close, with non-price aspects being of significance in the comparisons. Additional referees were therefore contacted where necessary to provide further information on the non-price weighted criteria.

The price from SNP, the highest of the shortlisted group, is 20% higher than the average of the other tender amounts.

Tender No. 3 (CoastSafe) is conforming although receipt of the Addendum was not acknowledged. This is not significant because the Addendum addressed a number of very minor issues raised by tenderers other than CoastSafe. The rate tendered for patrols at Buttoderry Landfill, although confirmed, is still considered to be unrealistically low. This firm is a small, Central Coast based company. It is primarily a field-staff operator, with its own field staff. Subcontractors are proposed for monitoring and technical work. This tender was progressed to the next stage of assessment.

Tender No.6 (Newcastle Security) is conforming. The rate tendered for patrols at Buttoderry Landfill, although confirmed, is low. Newcastle Security has the same owner as SNP Security who is the nominated monitoring subcontractor. They are separate firms. For field services the (current) local subcontractor is proposed. These subcontractors are satisfactory and therefore acceptable. They provide a high degree of knowledgeable continuity. This tender was also progressed to the next stage of assessment.

Tender No.9 (Signature Security Group) did not acknowledge receipt of the Addendum. This is not significant for the reasons explained for CoastSafe. Signature specialises in the monitoring component of security work and has a number of major clients including Telstra and Repco. Field work is subcontracted out and for this tender Signature has proposed Knightland. Referees for Knightland (also a tenderer) have advised varying degrees of satisfaction and this has been reflected in the weighting scores for Signature. While the local focus of this tender is less than preferred.

Tender No.10 (SNP Security) did not acknowledge receipt of the Addendum. This is not significant for the reason explained for CoastSafe. Two qualifications were made in the tender:

The rate tendered for Item B1 (alarm response) was noted as an amount tendered per response "valid for first 30 min, \$1.10 per minute thereafter". This is not acceptable because it is not possible to adequately control costs.

The rates quoted were also noted to "remain fixed for the entire.....contract period" but an additional note was added where the tenderer "trusts that the quoted prices be allowed to vary to accommodate changes in such rates" This is unclear.

Contract CPA 137900 – Provision of Security Services (contd)

SNP were requested to clarify these qualifications. It was advised that on-site and off-site times are automatically recorded and so the extra time (and hence cost) can be verified. SNP stated that the majority of alarm responses are completed within the specified 30 minute period and therefore the standard fee would mostly apply. For the rate variation qualification SNP advised that it wished to ensure that should an abnormal rate rise impact on the service provision that it would have the opportunity to "discuss such changes with Council." It was determined that at this stage these aspects would not be pursued further, but it is evident that the tender price would either remain the same or increase under these conditions.

SNP is a competent contractor and is currently performing satisfactorily for Wyong Shire Council. SNP has its own monitoring centre in Newcastle (designated as a Grade A1 or highest quality centre). It proposes to continue using the existing local subcontractor (in addition to its own staff) to undertake the field work component of this contract. SNP is highly regarded by Newcastle City Council. The ranking at four reflects the quality of the firm, albeit with a 20% price disadvantage and without any additional price adjustment for the two stated qualifications. This tender was progressed to the next stage of the assessment as they are the current contractor.

Tender No. 4 (Knightland Security Network) is conforming. An adjustment was required for Item C1 (opening/closing facilities) because the extension was incorrect. The rate itself for this item is considered unviably low. Knightland did not propose to subcontract out any work; it is a field staff specialist. The Signature Security Group proposed Knightland as its field staff subcontractor. Thus it is evident that Knightland, without its own monitoring centre, would have to subcontract out that function contrary to its statement in its tender that no work was proposed to be subcontracted. As the lowest scoring tender with the second highest price, this tender was excluded from further consideration.

The four highest scoring tenders, being Tender No. 3 CoastSafe, Tender No.6 Newcastle Security, Tender No.9 Signature Security and Tender No.10 SNP Security were taken to the Due Diligence stage of the assessment.

Due Diligence

Financial assessments were carried out by Council's independent financial assessor Kingsway Financial Assessments on CoastSafe, Newcastle Security, Signature Security and SNP Security. While the assessments for CoastSafe, Newcastle Security and SNP Security were acceptable, Signature Security did not receive a report indicating that their financial assessment was acceptable for this contract at this time using the criteria adopted by Kingsway. The tender from Signature Security was not considered further based on this assessment.

The tender of SNP Security, Council's current contractor, has the third highest weighted evaluation score and is more expensive than CoastSafe and Newcastle Security. For these reasons this tender was not considered further.

Contract CPA 137900 – Provision of Security Services (contd)

CoastSafe and Newcastle Security both appeared to have favourable tenders, being nominally equal in the weighted evaluation. Further investigations were made into both companies in an effort to determine the most favourable tenderer.

Newcastle Security proposes to use the current subcontractor, SNP Security, for alarm responses and lockup work. Council is familiar with its performance which has been satisfactory.

Separate meetings were held with CoastSafe and Newcastle Security senior personnel to discuss the tender requirements, with particular emphasis on staffing; the procedures for alarm responses and field work; and the ongoing system of reporting and liaison. Both firms confirmed in discussions the rates tendered for patrols at Buttonderry Landfill; both advised that they were comfortable with their pricing and both were keen to have Council as a client.

Due to the high level of service Council requires for this security contract, Council must endeavour to award the contract to the company that can demonstrate both a level of resources and performance that will enable the contractor to meet all of the contract requirements. In view of this, additional referees for CoastSafe and Newcastle Security, other than those nominated in the tenders, were contacted to provide further information on the likely performance of these two firms.

The referees interviewed for CoastSafe indicated that resourcing may be an issue for this company if taking on the substantial extra work for Council. CoastSafe is a smaller company that appears to be able to service niche markets, rather than the larger clients serviced by Newcastle Security. Confidential referee reports are available on file.

The referees interviewed for Newcastle Security were generally much larger companies than those being serviced by CoastSafe. They all advised that they were currently being provided with a range of security services with a satisfactory outcome reported on all aspects. The high quality responses for Newcastle Security provided confidence that this company would be able to provide the level of service required by Council.

On balance, it is considered that in view of the further information provided by researching of additional referees, that the tender of Newcastle Security should be accepted to provide the high level of service expected for the provision of security services for Council.

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

The amount tendered by Newcastle Security is less than Council's pre-tender estimate by approximately 40% but is consistent with other tenders. The competitive market and certainty of contract-based, weekday work is considered to have provided competitive but reasonable pricing. Overall this tender is considered to represent a very reasonable price for the tendered services and their engagement is recommended.

Contract CPA 137900 – Provision of Security Services (contd)

Process Review

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

BUDGET

Because the contract is of the nature of a standing offer arrangement, services 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 contract is \$295,000 (\$147,000 per annum, including GST). The actual value will depend primarily on the number of facilities being serviced and this should not alter significantly. There is scope to reduce the number and hence cost of the alarm response component with improved systems and procedures. Cost adjustment provisions might be expected to add about 5% to the total (two year) cost of the contract.

TIME-FRAME

The contract is for a period of two (2) years, with the option to extend for a further one (1) year. The (extended) completion date will thus be mid 2011.

LOCAL CONTENT

The field components of the work will involve the use of local labour resources.

CONCLUSION

Tender No.6 from Newcastle Security meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that Council accept this Schedule of Rates based tender.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

274 Contract CPA 140816 – Construction of The Entrance Community Centre Stage 2

CPA/140816 GB

SUMMARY

Evaluation and selection of tenders for Contract CPA/140816 – Construction of The Entrance Community Centre Stage 2.

RECOMMENDATION

- 1 *That Council accept Tender No 3 from B.R. McKenzie Constructions Pty Ltd in the lump sum amount of \$2,392,146 including GST (\$2,174,679 excluding GST).***

- 2 *That Council approve a contingency amount of \$239,000 including GST (\$217,467.90, excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

BACKGROUND

This contract is for the construction of Stage 2 works that form part of the conversion of the Entrance Infants School into The Entrance Community Centre as outlined in the Masterplan prepared by Quinn O'Hanlon in 2005. The work will be undertaken to fulfil line 1.01.07 of the 2007-08 Management Plan.

The contract works covers four main areas as follows:

Refurbishment of Buildings C, D and E, the existing classrooms parallel to Norberta Street and construction of a new men's shed, Building F, in front of Building E. The refurbishment will mainly consist of internal works including relocation of internal walls and renewal of finishes and services in similar manner to Buildings A and B that were refurbished as Stage 1 by mid 2006. A temporary toilet block located at the end of Building A will be removed on completion of the Stage 2 works.

Construction of new carparking. Apart from a new carpark within the site, new front to kerb carparking will be constructed for the extent of the site boundary to Norberta Street and Battley Avenue.

New landscaping to the site, apart from the area allocated to the Family and Children facility, Building AA, that will form Stage 3 of the site redevelopment. Landscaping to the site includes large amounts of concrete and asphalt paving typical of schools and this will be replaced with a combination of vegetation and paving to soften the appearance of the existing classrooms, provide outside activity spaces and a play ground for children.

**Contract CPA 140816 – Construction of The Entrance Community Centre
Stage 2 (contd)**

Extensive upgrading of existing underground and building services will be undertaken to provide the required power, data, gas, water and sewer services. The existing electrical service to the site will be upgraded from a new pad mounted kiosk substation on the site to new power outlets throughout the buildings. New water and gas services will be provided to the site. Roof rainwater will be harvested, stored under the new carpark and reticulated to all toilets on site via a new non-potable water service.

Inclement weather will be the main risk factor to the programme due to the extensive external works entailed.

The contractor will be responsible for managing hazards associated with the removal of asbestos lining, electrical and other hazardous work associated with construction in accordance with the requirements of the WorkCover Regulations.

Tender Process

Tenders were invited by way of public invitation using the eTender facility. Advertisements were placed in the Sydney Morning Herald on 1 April 2008 and the Central Coast Express Advocate on 2 April 2008. The closing date was 1 May 2008.

The invitation documents called for lump-sum tenders, based on complete documentation.

A compulsory pre-tender meeting was held at the proposed work site on 16 April 2008 to allow tenderers to become familiar with site conditions.

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

- 1 Balance of tender documents. Tender documents did not all fit into the available space on the invitation to tender webpage (issued 1 April 2008).
- 2 Alterations to the drawings for Building F (issued 10 April 2008) due to additional information becoming available.
- 3 Issue of new drawings and response to tender queries (issued 16 April 2008). The drawings included the design drawings for the new storm water pipe in Battley Avenue and a survey drawing not previously issued.
- 4 Response to tender queries (issued 22 April 2008). The responses to tender queries clarified items raised in relation to the landscape drawings and Preliminaries in the specification.
- 5 Response to tender queries (issued 23 April 2008). Provision of flexible pavement design and related details.

Contract CPA 140816 – Construction of The Entrance Community Centre Stage 2 (contd)

- 6 Response to tender queries (issued 23 April 2008). Notification of an additional site inspection particularly for services and clarification of various queries arising from the drawings. Notification of a change to the gas pipe size within the site.

Tenders closed at 2:00pm on 1 May 2008.

EVALUATION OF TENDERS

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

- * Conformance with the requirements of the tender documents.
- * Ability to manage financial, environmental, operational and safety risk.
- * Price
- * Experience

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tender/s.
- 2 Assessment of conformance of tender/s.
- 3 Short listing of tender/s.
- 4 Detailed weighted evaluation of shortlisted tender/s.
- 5 Due diligence checks on preferred tenderer/s.
- 6 Independent review of the tender selection process.

**Contract CPA 140816 – Construction of The Entrance Community Centre
Stage 2 (contd)**

Assessment of Receipt

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

Tender	Tendered Lump Sum (Ex. GST)	Status
1 AMFM Constructions Pty Ltd	\$2,720,461.00	Submitted on time
2 Artel Constructions Pty Ltd.	\$2,270,636.36	Submitted on time
3 B.R. McKenzie Constructions Pty Ltd	\$2,174,678.18	Submitted on time
4 C & M Construction Group Pty Ltd	\$2,669,822.73	Submitted on time
5 Classic Group Pty Ltd	\$2,371,849.09	Submitted on time
6 Jenbuild Pty Ltd	\$2,540,000.00	Submitted on time
7 L A Commercial Pty Ltd	\$2,342,086.00	Submitted on time
8 Linx Projects Pty Ltd	\$2,173,726.00	Submitted on time
9 North Construction & Building Pty Ltd	\$2,332,281.82	Submitted on time
10 R T Parker Pty Ltd	\$2,672,700.00	Submitted on time

* See Assessment of Conformance below.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) contained qualifications that would have had the potential to significantly alter the contract sum in the event that full compliance with the contract documentation was required. Clarification of the qualifications was sought and both tenderers subsequently removed the qualifications and were progressed to the next stage of evaluation.

Tender No 1 (from AMFM Constructions Pty Ltd), Tender No 2 (from Artel Constructions Pty Ltd), Tender No 6 (from Jenbuild) Pty Ltd, Tender no 7 (from LA Commercial Pty Ltd) and Tender no 9 (from North Constructions Pty Ltd) did not contain any qualifications.

Tender No 4 (from C & M Construction Group Pty Ltd), Tender No 5 (from Classic Group Pty Ltd) and Tender No 10 (from R T Parker Pty Ltd) contained qualifications, but because the tenders were significantly higher than the lowest, they were not contacted and asked to clarify the qualifications.

Short listing

Tenders were short listed against Criterion No. 3 – Price. Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) tendered competitive prices that were 10% under Council's pre-tender estimate for this work. These two tenders were progressed to a full weighted evaluation.

Contract CPA 140816 – Construction of The Entrance Community Centre Stage 2 (contd)

It was considered highly unlikely that both of the two lowest tenders would withdraw or otherwise fall out of contention. A sensitivity analysis indicated that regardless of how the remaining eight tenders rated on non-price criteria the substantial price difference would result in none of these remaining 8 tenders rating as the preferred option after a full weighted evaluation. Tender No. 1, Tender No 2, Tender No 4, Tender No 5, Tender No 6, Tender No 7, Tender No 9 and Tender No 10 were therefore eliminated to allow the panel to concentrate its assessment efforts on the two competitive tenders.

Weighted Evaluation

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

Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
8 Linx Projects Pty Ltd	\$2,173,726.00	90
3 McKenzie Building & Construction	\$2,174,678.18	86

Both Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) are based in Erina.

Both of the lowest tenderers have fully documented safety, environmental and quality management systems.

Both of the lowest tenderers have successfully completed substantial contracts over the preceding two years. Tender No. 8 has completed an office complex valued at \$21.5M, a car repair workshop valued at \$6M and a medium density housing development. Tender No. 3 has completed an office fit-out valued at \$2M and constructed three surf life saving club houses at a combined value of \$6.5M. Tender No. 3 has provided evidence of work for local government on the Central Coast, whereas Tender No. 8 has only provided evidence of work for the private sector.

Tender No. 8 indicated that it was very keen to enter the government sector during the tender interview. Tender No. 3 does not have a significant contract on its books at present and this is reflected in the very keen tender that it submitted.

Tender No. 8 (from Linx Projects Pty Ltd) nominated a construction period of 23 weeks and Tender No. 3 (from McKenzie Building & Construction Pty Ltd) nominated a construction period of 28 weeks. This is representative of the spread of programmes submitted in the tenders and is considered to be reasonable.

**Contract CPA 140816 – Construction of The Entrance Community Centre
Stage 2 (contd)**

Both Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) were progressed to the due diligence stage of the evaluation due to the close nature of the tender sums.

*

Notwithstanding that the weighted evaluation favours Tender No. 8 as the preferred tender, both Tender No.3 and Tender No. 8 were progressed to the Due Diligence stage of evaluation in case either tenderer failed to produce a satisfactory financial assessment.

Due Diligence

Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) were subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Both Tender No. 8 (from Linx Projects Pty Ltd) and Tender No. 3 (from McKenzie Building and Construction) have satisfactorily documented and implemented systems for managing safety and environmental issues and received satisfactory references from clients for recent projects. The referees indicated that Tender No. 3 (from McKenzie Building and Construction) had run marginally late on several projects, and this was considered in the review. There was a small difference between the ratings in this part of the assessment.

The financial assessment conducted by Council's independent financial assessor, Kingsway Financial Assessments, indicated that Tender No.3 (from McKenzie Building & Construction) received a satisfactory financial assessment. However, it further indicated that using its standard financial assessment criteria for Council work, Tender No.3 (McKenzie Building & Construction) had superior financial capacity for this project when compared to that of Tender No. 8 (Linx Projects Pty Ltd).

While Tender No. 8 (Linx Projects Pty Ltd) is the larger company with mainly private sector work experience, the relatively small difference between the tenderers in the weighted criteria score is more than off-set by the lower financial risk associated with Tender No. 3 (from McKenzie Building & Construction). For this reason Tender No. 3 (from McKenzie Building & Construction) is the preferred tender.

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

Contract CPA 140816 – Construction of The Entrance Community Centre Stage 2 (contd)

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

The amount tendered by McKenzie Building and Construction is 10% below Council's pre-tender estimate and is considered to represent value for money for the contract works.

Process Review

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

BUDGET

Funding for this project will come from Management Plan line 6.09.01 (section 94). The section 94 plan includes an allowance for this project. The Management Plan line for this project is 1.01.07.

The pre-tender estimate was \$2.45M excluding GST. Tenders were distributed above and below the pre-tender estimate, ranging from \$2.173M to \$2.72M excluding GST.

TIME-FRAME

A construction period of 28 weeks has been nominated by the preferred tenderer. It is likely that the actual construction period could be 32 weeks, allowing for wet weather and the construction industry Christmas shut down. A best case scenario would see the works completed in mid February 2009 and a worst case scenario would see the works completed by the end of April 2009. There is a significant component of the work outside and if the project is delayed by inclement weather then those delays will compound due to the construction period falling into the wet weather commonly associated with late January and February.

LOCAL CONTENT

The tenderer is based at Erina and it is anticipated that wherever possible labour resources to be employed on the project will be sourced from within the Central Coast.

**Contract CPA 140816 – Construction of The Entrance Community Centre
Stage 2 (contd)**

CONCLUSION

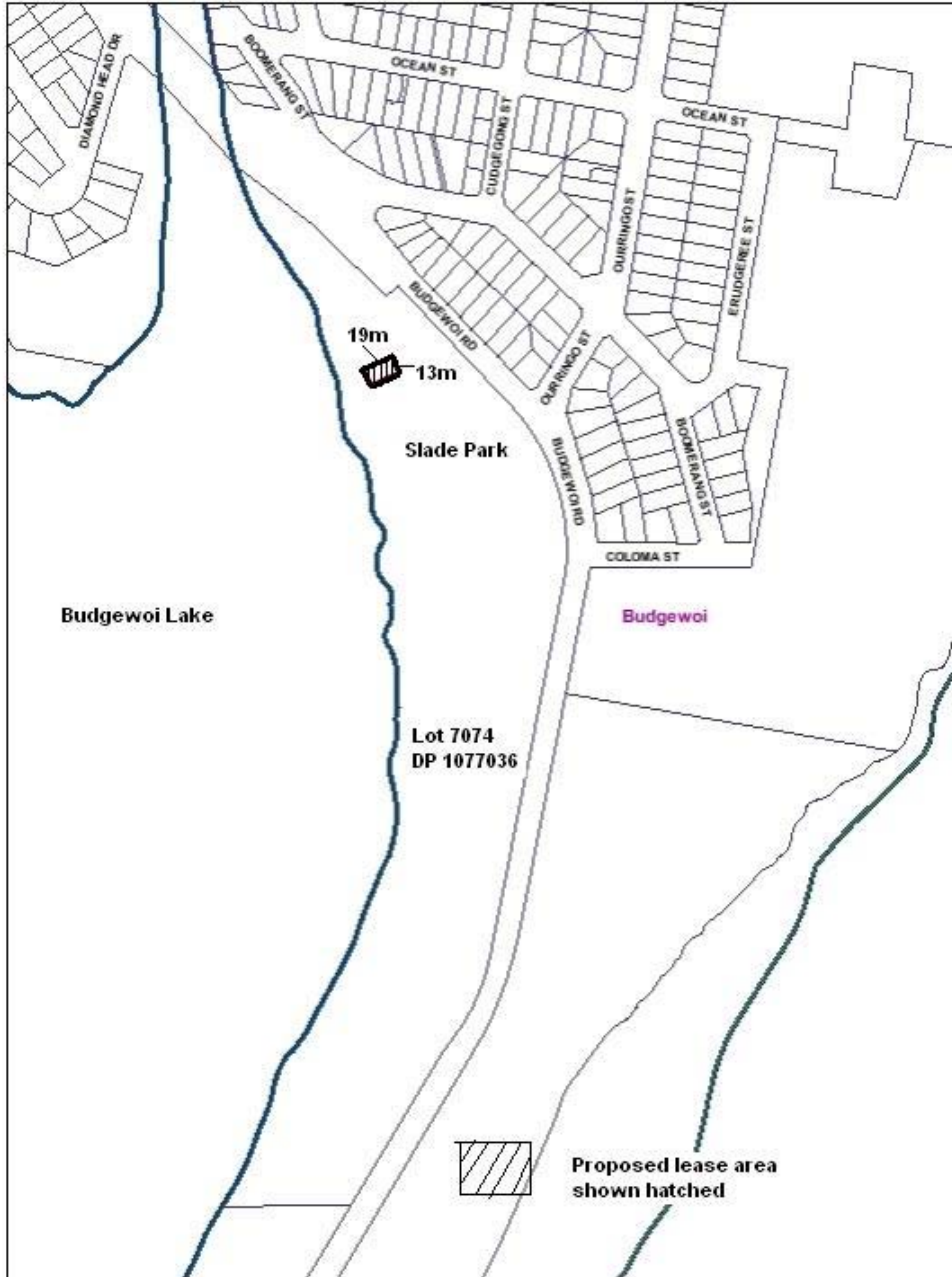
Tender No. 3 (from McKenzie Building and Construction) meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council and is recommended to be engaged to undertake these works.

Enclosure 1 Site Plan showing extent of work
Enclosure 2 Aerial perspective

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275 Lease and Endorsement of Development Application for Part of Lot 7074 DP 1077036 at Budgewoi Road, Budgewoi (Attachment 1)

Location Plan



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

275 Lease and Endorsement of Development Application for Part of Lot 7074 DP 1077036 at Budgewoi Road, Budgewoi

F2008/00884 JMT

SUMMARY

Approval is sought to lease part of Lot 7074 DP 1077036 being Crown Reserve 88683 at Budgewoi to Northlakes United Rugby Union Club Inc (the Club).

The Club has also sought endorsement by Council, as the Manager of the Reserve Trust, of a development application to construct a deck adjacent to the existing building and to enclose the existing verandah.

RECOMMENDATION

- 1 *That Council approve a lease of part of Crown Reserve 88683 at Budgewoi to Northlakes United Rugby Union Club Inc for a term of five years at nominal rent.***
- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Northlakes United Rugby Union Club Inc.***
- 3 *That Council authorise the Mayor and General Manager to execute all documents relating to the Lease between Wyong Shire Council and Northlakes United Rugby Union Club Inc.***
- 4 *That Council endorse, as the Reserve Trust Manager of the Budgewoi Tourist Park Public Recreation Reserve (R88683) Reserve Trust, a development application by Northlakes United Rugby Union Club Inc to construct a deck and enclose the verandah on the land leased to it by Council.***

BACKGROUND

The Land

Council is the Reserve Trust Manager of Budgewoi Tourist Park Public Recreation Reserve (R88683) Reserve Trust at Budgewoi and being Lot 7074 DP 1077036 (the land). Council was appointed Manager of the land on 18 August 1972. The land is known as John Slade Park.

The Reserve Trust has power to lease under the provisions of section 102 of the Crown Lands Act 1989 subject to the consent of the Minister first being obtained and subject to such conditions, restrictions, reservations and covenants as the Minister thinks desirable.

Lease and Endorsement of Development Application for Part of Lot 7074 DP 1077036 at Budgewoi Road, Budgewoi (contd)

The land has an area of approximately 10.14 hectares and is zoned 6(a) Open Space and Recreation.

Lease

In submitting a development application for endorsement by Council to extend existing premises on Slade Park at Budgewoi it was revealed that the applicant Northlakes Rugby Union Club occupied those premises without formal tenure.

Investigations have revealed that Northlakes Rugby Union Club is the sole occupant and exclusive user of the clubhouse premises which consist of a brick building with a galvanised iron roof. The building comprises of two change rooms and a large open area which also incorporates canteen, bar, and storage facilities. The Club holds a Permanent Function Licence under the Liquor Act 1982.

In those circumstances it is Council's usual practice to allow a lease of the premises on the basis a lease represents exclusive use.

The Northlakes Rugby Union Club in seeking endorsement of its development application has now formally requested that Council lease the clubhouse premises at nominal rent to formalise its occupation including lease of the additional deck area subject to development consent being granted.

The nature of use which gives rise to a lease generally indicates that facility sharing is not a strong factor. There are a number of Community groups leasing Council buildings that have, either in part or fully, funded the construction of the facility on land made available by Council. Leases in respect of facilities on public land are specially conditioned to preserve public availability.

The advantage to Council of leasing arrangements is that the lessee is responsible for payment of rates and all maintenance costs and insurance expenses.

In support of its request, the Club has advised that it was founded in 1975 as the Wyong Wallabies and moved to Slade Park in 1985. The Club conducts trial days which are attended by teams from the local area as well as Sydney and waives registration fees for children under 13 years of age to assist local families.

The original structure located on the land consisted of two change rooms. When the Club moved to Slade Park it initially erected a concrete slab and awning and then, in the late 1980's, the Club constructed the area that now comprises the hall and canteen area. The awning and hall were constructed by the Club from its own funds.

Lease and Endorsement of Development Application for Part of Lot 7074 DP 1077036 at Budgewoi Road, Budgewoi (contd)

It is proposed that a lease be entered into, generally on the same terms and conditions as leases to other sporting groups occupying premises on Council land or Crown Reserves. The term of the lease is to be five years at nominal rent for use as a football clubhouse and activities associated therewith. The proposed leased area is approximately 13 x 19 metres as shown on the attached location plan.

The proposed lease provides that all improvements by the Club shall become the property of Council upon termination or renewal of the lease and require the Club to carry out all necessary maintenance in respect of structures presently erected or to be erected.

The Manager of Customer and Community Services has no objection to the lease provided that the Club is responsible for maintenance of the premises.

Development Application

The Club is also seeking Council's endorsement, as the Trust Manager of the Reserve, of a development application to construct a deck adjacent to the existing building and to enclose the verandah.

The deck is proposed to be constructed along the south eastern side of the clubhouse premises, facing the rugby field. The proposal to enclose the verandah would enable the club to build either a storeroom or additional toilet facilities.

Council will have the opportunity to consider the merits of the design for the deck during the development application process.

Attachment 1

Location Plan (1 page)

276 Transfer of Lot 37 being part of Lot 112 DP 1061383 Burlington Avenue, Jilliby (Attachment 1)

Locality Plan



276 Transfer of Lot 37 being part of Lot 112 DP 1061383 Burlington Avenue, Jilliby

F2008/01057 JMT

SUMMARY

Authority is sought to classify proposed Lot 37 being part of Lot 112 DP 1061383 in Burlington Avenue, Jilliby as Operational Land.

RECOMMENDATION

- 1 *That Council proposed classification of proposed Lot 37 being part of Lot 112 DP 1061383, in Burlington Avenue, Jilliby as Operational Land.***
- 2 *That the proposed be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 3 *That, if no adverse submissions are received, the classification be adopted.***

BACKGROUND

Proposed Lot 37 being part of Lot 112 DP 1061383 in a subdivision at Burlington Avenue, Jilliby is to be transferred to Council by Central West Homes as Drainage Reserve from the plan of subdivision pursuant to a condition of consent.

Lot 37 is 2.307 hectares and is zoned 7(a) Conservation Zone.

In accordance with the Public Land Classification Table Adopted by Council at its meeting held on 14 August 1996 land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of The Local Government Act 1993 Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council's proposed land classification will be taken as adopted upon expiration of the notification period.

Attachment 1

Location Plan (1 page)

277 Surrender of Lease, New Lease and Endorsement of Development Application for Part of Crown Reserve R55566 at Bay Road, Toowoomba Bay (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**277 Surrender of Lease, New Lease and Endorsement of
Development Application for Part of Crown Reserve R55566 at
Bay Road, Toowoon Bay**

F2004/13049 JMT

SUMMARY

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

The Club has also sought endorsement by Council, as Manager of the Reserve Trust, of a development application to construct a deck adjacent to the new surf club building.

RECOMMENDATION

- 1 That Council agree to the surrender of the current lease to Toowoon Bay Surf Lifesaving Club and grant a new lease, in similar terms to the existing lease, of part of Crown Reserve R55566 at Toowoon Bay, to the Toowoon Bay Surf Lifesaving Club until 31 December 2011.**
- 2 That Council endorse, as the Reserve Trust Manager of the Toowoon Bay Recreation Reserve (R55566) Reserve Trust, a development application by Toowoon Bay Surf Lifesaving Club for the construction of a deck area adjacent to the land leased to it by Council.**
- 3 That should the development application referred to in Item 2 be approved, Council lease the area of the deck proposed in the development application to the Toowoon Bay Surf Life Saving Club**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Surrender of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club and to the new Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.**
- 5 That Council authorise the Mayor and General Manager to execute all documents relating to Surrender of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club and to the new Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.**

Surrender of Lease, New Lease and Endorsement of Development Application for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay (contd)

BACKGROUND

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

Council leases part of the land to Toowoon Bay Surf Lifesaving Club (the Club) for the purpose of conducting surf life saving activities and for a clubhouse for use in connection with such activities. The current lease is for a term of 20 years and expires on 31 December 2011. The leased area comprises the former area of the old surf club which has now been demolished. A new Surf Club building was erected in its place however in a different location to that of the former building and shown in the current lease. The current rent is \$100 per annum. The lease provides that all improvements by the Club shall become the property of Council upon termination or renewal of the lease.

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

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

Surrender of Lease and New Lease

The Club has proposed a surrender of the current lease in respect of the former surf club building and requested that council approve a new lease of the new but relocated surf club building. The Club is also seeking Council's consent, as the owner of the land, for the lodgement of a development application to construct a deck adjacent to the new surf club building.

It is proposed that a new lease be entered into, generally on the same terms and conditions as the current lease but to suit the new building footprint. It is proposed to include the deck area in the new lease subject to development consent being forthcoming. It is proposed the term of the new lease should not extend beyond that provided under the current lease to maintain consistency with all other surf club leases which expire at the same time on 31 December 2011.

The Manager of Customer and Community Services has no objection to the new lease including the proposed deck area provided that the lessee is responsible for maintenance of the proposed deck. The current lease requires the Club to carry out all necessary maintenance in respect of structures presently erected or to be erected.

A plan of the proposed lease area is attached.

Surrender of Lease, New Lease and Endorsement of Development Application for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay (contd)

Development Application

The Club is also seeking Council's consent, as the owner of the land, for the lodgement of a development application to construct the deck adjacent to the new surf club building.

The deck is proposed to be constructed on the eastern side of the surf club adjacent to the existing public walkway and extend along the walkway for approximately 15 metres and eastward from the walkway between 4.0 and 6.5 metres approximately.

Council will have the opportunity to consider the merits of the design for the deck during the development application process.

Attachment 1

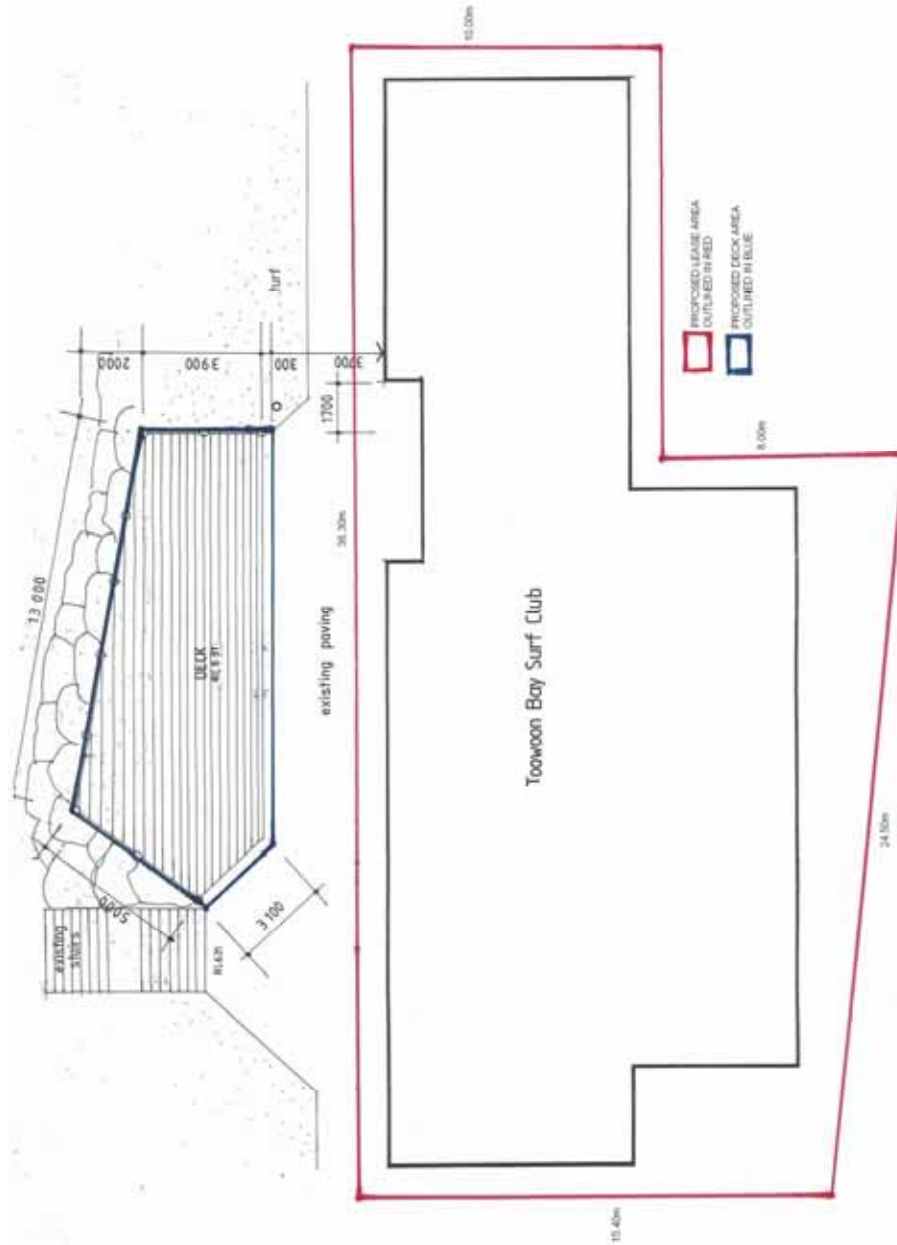
Location Plan (1 page)

Attachment 2

Plan of Proposed Lease Area (1 page)

Surrender of Lease, New Lease and Endorsement of Development Application for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay (Attachment 2)

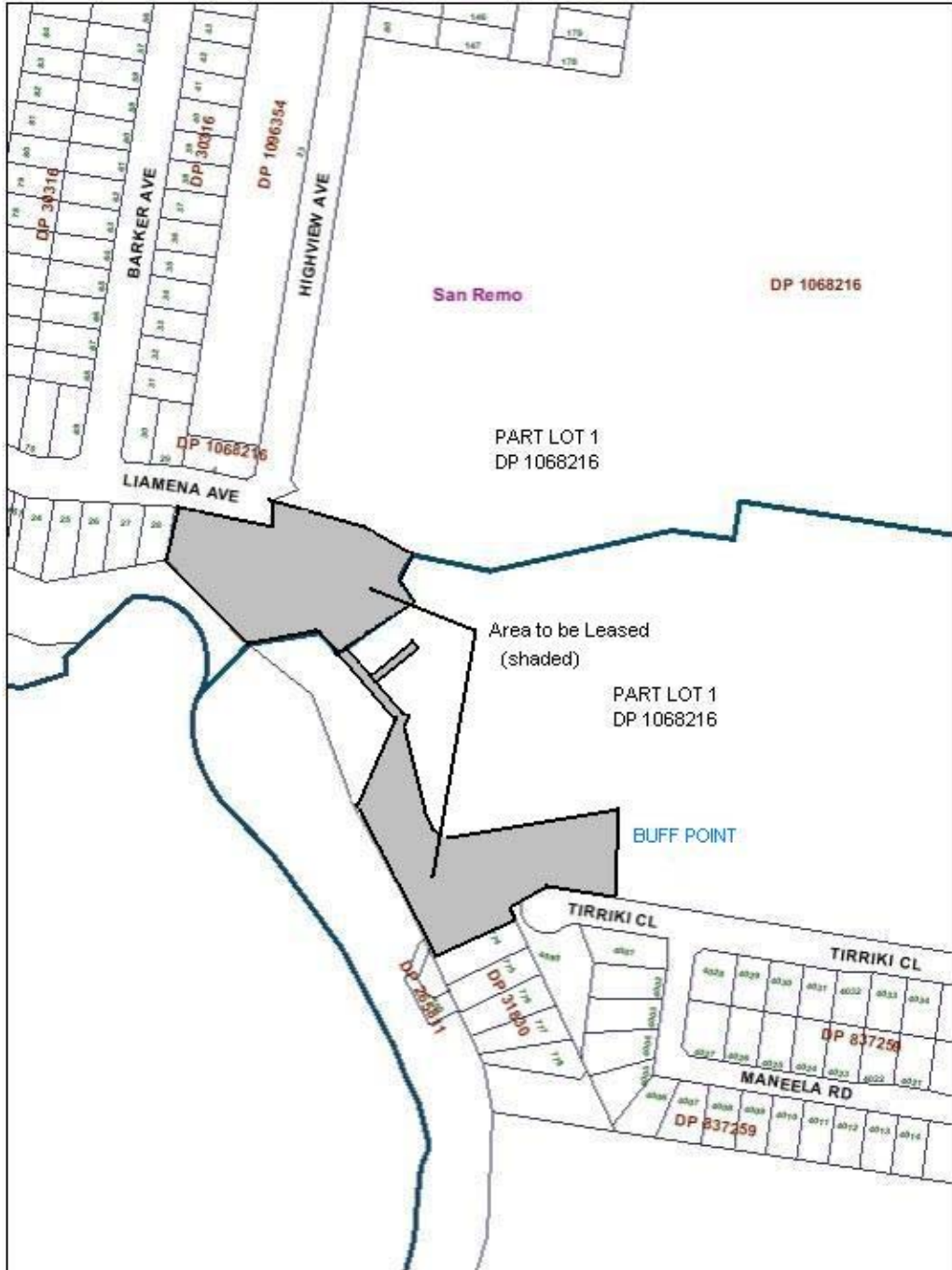
Proposed Lease Area



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278 **Renewal of Licence Agreements for Part Lot 1 DP 1068216**
Liamena Avenue, San Remo
(Attachment 1)

Plan showing the location of the licence area



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**278 Renewal of Licence Agreements for Part Lot 1 DP 1068216
 Liamena Avenue San Remo**

F2008/00491 SB

SUMMARY

Approval is sought to renew the Licence Agreement between Wyong Shire Council and Delta Electricity for the San Remo Hotwater Outlet Reserve at Liamena Avenue, San Remo.

RECOMMENDATION

- 1 *That Council renew the licence agreement from Delta Electricity for Part Lot 1 DP 1068216 for public reserve including footbridge and carparking for the San Remo Hotwater Outlet Reserve, for a period of 5 years for a licence fee of \$1.00 per annum.***
- 2 *That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the licence document between the Wyong Shire Council and Delta Electricity.***
- 3 *That Council authorise the execution by the Mayor and the General Manager, of all documents relating to the licence between the Wyong Shire Council and Delta Electricity.***

BACKGROUND

Council at its meeting held on 3 May 1995 resolved to agree to enter into Licence Agreements with Delta Electricity for the use of land that is now part of Lot 1 DP 1068216, excluding the Pacific Power road, for public reserve, including footbridge and carparking associated with the San Remo Hotwater Outlet Reserve.

The current Licence Agreement in respect of the footbridge and carparking from Delta Electricity at an annual rent of \$1.00 and expires on 30 June 2008.

Council currently uses Part Lot 1 DP 1068216 consisting of public reserve, footbridge and car park associated with the San Remo Hotwater Outlet Reserve and at Liamena Avenue, San Remo.

Council's Future Planning Department and Customer & Community Services Department have advised that the area provides an important recreational function for the local community and it is important that this continues as the land is being used for community recreation purposes.

**Renewal of Licence Agreements for Part Lot 1 DP 1068216 Liamena Avenue
San Remo (contd)**

Council's Shire Planning Department has no objections to the renewal of the Licence Agreement.

Attachment 1

***Plan showing the location of the licence area (shaded)
(1 page)***

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

279 Sister Cities Australia National Conference

F2004/07107 MW

SUMMARY

Council has received information in respect to an upcoming Sister Cities Australia National Conference.

RECOMMENDATION

- 1** *That Council authorise interested Councillors to attend the 2008 Sister Cities Australia National Conference.*
- 2** *That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.*

BACKGROUND

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, a Councillor may attend a maximum of three conferences per year excluding the NSW Local Government Association Annual Conference. Reasonable expenses incurred in Councillors attending the conferences will be met in accordance with that policy.

Details of conferences, seminars and external training sessions are provided for determination of Councillor Attendance.

Sister Cities Australia National Conference

The Sister Cities Australia National Conference is being hosted by Gosford City Council and will be held in Ettalong from 27 - 30 July 2008. Mayor Welham and Councillor Stewart have expressed a desire to attend.

Sister Cities Australia National Conference (contd)

The conference titled, 'Sense of Place', is a forum for meeting other people who are part of the Sister Cities movement worldwide, for sharing knowledge and building positive international relationships that look towards the future.

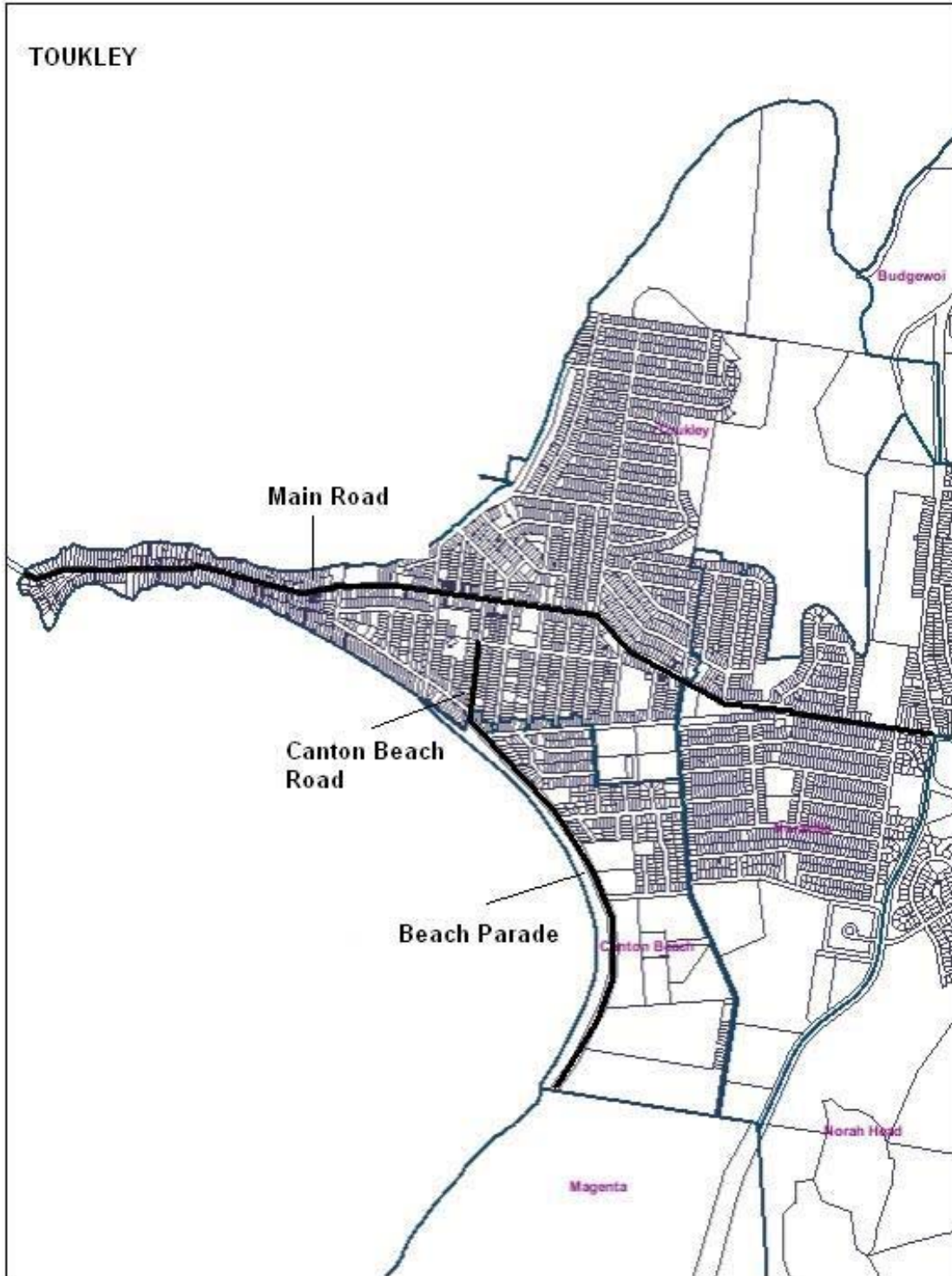
The table below indicates the cost for attendance at the conference and associated expenses per Councillor:

Proposed Sister City Conference Attendance Costs	(\$)
Registration	\$1,150
Accommodation	N/A
Other disbursements (meals, transport etc) approx	\$ 150
Total - estimate	\$1,300

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**280 Extension of Alcohol Free Zone at Toukley
 (Attachment 1)**

Proposed Alcohol Free Zone, Toukley



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

280 Extension of Alcohol Free Zone at Toukley

F2004/06081 MW

SUMMARY

The Tuggerah Lakes Local Area Command of the NSW Police has indicated its support for the extension of an Alcohol Free Zone at Toukley, set to expire on 30 June 2009.

RECOMMENDATION

- 1 *That Council prepare a proposal for the extension of an Alcohol Free Zone at the following location for a period up to 30 June 2009:***

 Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.
- 2 *That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.***
- 3 *That Council exercise the option of advising the NSW Anti-Discrimination Board of all the proposals.***
- 4 *That the matter be resubmitted for Council determination following compliance with these procedures.***

BACKGROUND

Correspondence has been received from Tuggerah Lakes Local Area Command on behalf of the Toukley and District Chamber of Commerce. It has been requested to extend the existing Alcohol Free Zone to include the entirety of Main Road, Canton Beach Road and the addition of Beach Parade.

The Command considers this zone will aid Police in controlling anti-social behaviour, minimise the disturbances that can be caused by drinking of alcohol in public places and create a better environment for the residents of the areas.

The ministerial guidelines state that an Alcohol Free Zone can be established for no longer than a three year period, therefore it is considered appropriate for all of the zones to have a common expiry date of 30 June 2009.

Establishment of Alcohol Free Zone at Toukley (contd)

Maps outlining the proposed zone and existing zone are attached to this report.

The ministerial guidelines require Council, after preparing a proposal to establish or re-establish an Alcohol Free Zone, to undertake public consultation through publishing details of the proposal in a newspaper circulating in the area inviting representation or objection within 14 days and sending a copy of the proposal to local Police (and liquor licensees and registered clubs if adjacent to the proposed zone) inviting representations or objections within 30 days.

The guidelines also provide that specific Councils must consult with the Anti-Discrimination Board on the proposal with all other Councils having the option of advising the Board. It is proposed that Council advise the Board of the proposal to establish the Alcohol Free Zone.

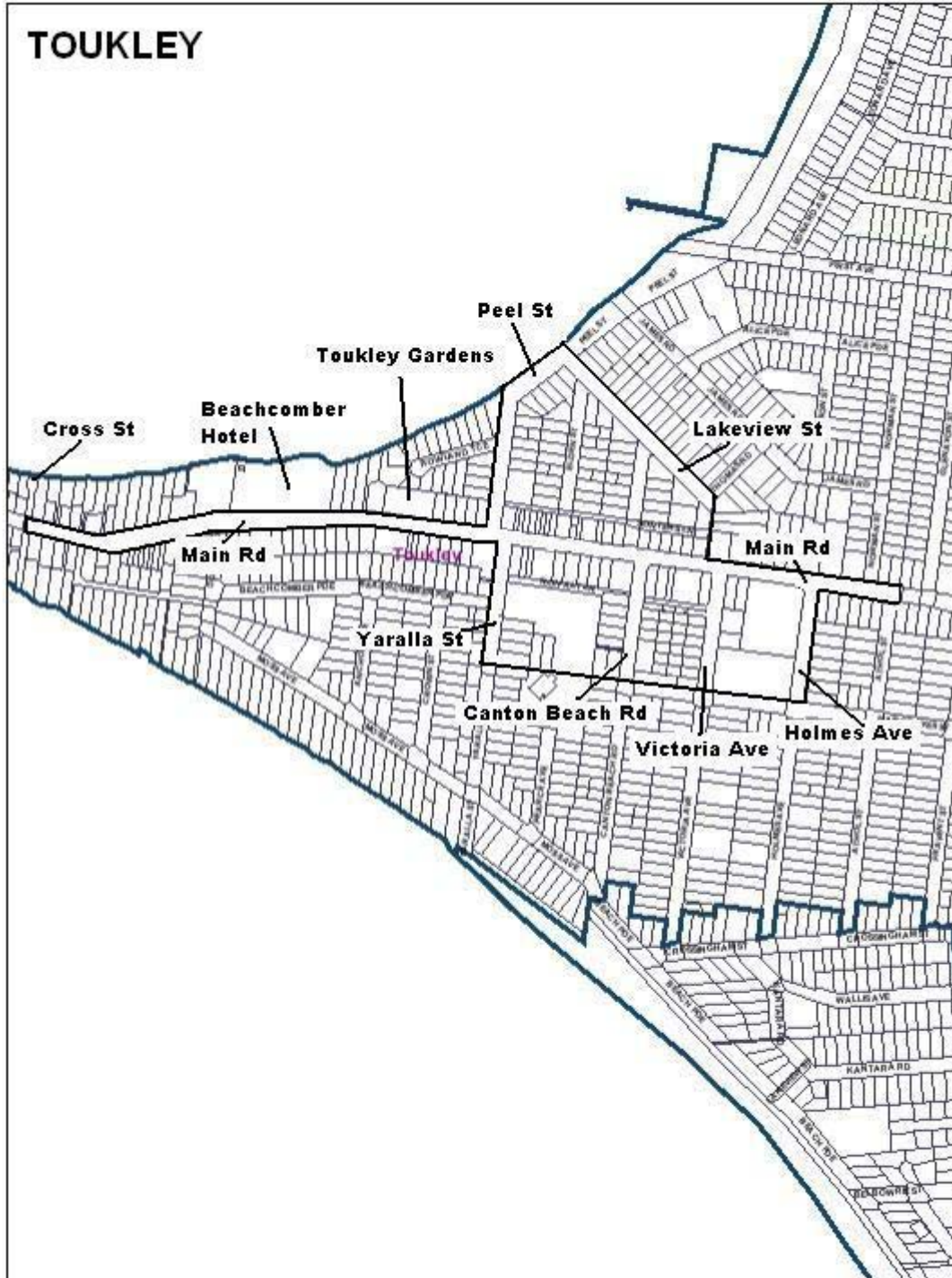
It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an Alcohol Free Zone. However, under section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

Attachment 1
Attachment 2

Map of Proposed Alcohol Free Zone at Toukley (1 page)
Map of Existing Alcohol Free Zone at Toukley (1 page)

Extension of Alcohol Free Zone at Toukley (Attachment 2)

Existing Alcohol Free Zone, Toukley



25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**281 Funding Request Change – Australian Volunteer Coast Guard
Association Tuggerah Lakes**

F2007/00729 SG

SUMMARY

Report on correspondence received from the Australian Volunteer Coast Guard Association Tuggerah Lakes requesting change of allocation of funding granted to them through Councillors' Community Improvement Grants.

RECOMMENDATION

That the original funding of \$350 for two pole type tables to the Australian Volunteer Coast Guard Association Tuggerah Lakes be reallocated to purchase equipment for the Central Coast Guard Vessel.

BACKGROUND

The Australian Volunteer Coast Guard Association Tuggerah Lakes were granted an allocation of \$350 for contribution towards the erection of two pole type tables at Osborne Park, Toukley. The allocation of funding was resolved at Council's meeting of 23 January 2008.

Council's Buildings Maintenance Area supplied a quote of approximately \$2,000 for erection of the pole type tables.

Correspondence was received from the Association requesting that the allocation be used to purchase equipment for the Coast Guard Vessel as they were not in a financial position to cover the extra cost. This correspondence has been attached to this report as Attachment 1.

Councillors Best and Rose have approved the change in the funding.

***Attachment 1 Correspondence from Australian Volunteer Coast Guard
Association Tuggerah Lakes (1 page)***

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Funding Request Change – Australian Volunteer Coast Guard Association Tuggerah Lakes (Attachment 1)



AUSTRALIAN VOLUNTEER COAST GUARD ASSOCIATION

incorporated in A.C.T.
ARBN 001 273 883

Office of Origin:

COAST GUARD
TUGGERAH LAKES NF20
PEEL ST. TOUKLEY
PO BOX 173 TOUKLEY
TOUKLEY NSW 2263
PHONE: 24 hr 0414 460 436
FAX: 4396 5800
ABN 78 165 839 122

Your ref F2007/00729

Mrs S Gardiner
Administration Assistant- Councillor Services

1st May 2008

Re Councillors' Community Grants

In reference to your letter dated 11th March 2008 regarding the grant of \$350 to assist with the erection of 2 pole type tables at Osborne Park Toukley.

We are a volunteer organisation, therefore not in the financial position to make up the difference in the cost of supply & erection of said tables.

As the grant has been allocated we would ask if we could use this to purchase equipment for our Coast Guard Vessel.

Your response in this matter would be greatly appreciated.

Sincerely
Grahame Bissaker
Australian Volunteer Coast Guard.

G Bissaker

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

282 Indian Myna Bird

F2004/06909 PM

SUMMARY

This report is on options available to Council for the control of Indian Myna birds in Wyong Shire.

RECOMMENDATION

That Council place an electronic copy of the Central Coast Indian Myna Action Group information brochure on the Council webpage and distribute brochures.

BACKGROUND

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

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

- 1 That Council reaffirm its commitment to eradicate the escalating plague of Indian Myna Birds while also recognising the significant impact and damage these feral pests are having on the local native bird population.*
- 2 That further to one above Council investigate the eradication initiatives used by other local Councils such as, education programs, the provision of traps to local community groups and the provision of approved euthanising services.*
- 3 That indicative costs associated with the various initiatives be reported for Council's consideration.”*

Indian Myna Bird (contd)

Indian Myna birds (*Acridotheres tristis*) are an introduced bird native to India and southern China. It was introduced to Australia in 1862 in an attempt to control insect pests in market gardens. These birds have become a problem due to their ability to scavenge nutrients from waste as well as opportunistically feed on pet foods and compost heaps.

The Indian Myna is wide spread and common across all suburbs within Wyong Shire; the estimated population at this stage is unknown.

The Natural Areas Unit of Wyong Shire Council commissioned a bird survey over a six year period. The survey targeted vegetation types considered to have significant conservation value. The survey detected low levels of Indian Myna birds in areas of high conservation significance and based on this data were not considered a threat to those areas.

The greatest threat to native birds is habitat destruction through land clearing for housing and the clearing of underbrush in woodland areas.

OTHER LOCAL COUNCIL'S RESPONSE TO THE INDIAN MYNA PROBLEM

Involvement in Indian Myna control by other Councils range from no action to education programs such as that produced by the Urban Feral Animals Action Group (UFAAG), a group of 12 Sydney Councils, Department of Environment and Climate Change, State Forests, Macquarie University and Taronga Zoo. Council staff have investigated what eradication initiatives are being used by other local Councils. The findings are as follows:

- * Gosford City Council does not carry out any control on Indian Myna birds.
- * Lake Macquarie Council does not carry out any control on Indian Myna birds. Council produces and distributes pamphlets in order to educate residents on the risks posed by Mynas and provides advice on ways of reducing favourable habitat for the Mynas.
- * Newcastle City Council does not carry out any control on Indian Myna birds.
- * Cessnock City Council does not carry out any control on Indian Myna birds.

Indian Myna Bird (contd)

- * Hornsby Shire Council is a member of UFAAG and has 6 Myna traps. These traps are for Bushcare volunteers to trap birds around Bushcare volunteers own private properties, when required. These traps are used very infrequently due to the traps being cumbersome, the time involved with staff delivering the traps, setting up as well as dismantling and picking up the traps upon completion. The program is not monitored and the numbers of birds trapped is not recorded.
- * Ku Ring-Gai Council is a member of UFAAG and do not have staff involved in Myna control. The focus is on education of residents and a reference list is being developed that will be available to residents detailing the contact phone numbers of exterminators. Myna bird control will be at the resident's expense.

COSTINGS

- | | |
|----------|---|
| Option 1 | Support in kind through placing of Central Coast Indian Myna Action Groups' information brochure on Council webpage and information brochure distribution - \$0 |
| Option 2 | Supply funding for 2000 brochures - \$1,000 |
| Option 3 | The purchase of traps \$400 per trap. This does not include the cost of delivery, maintenance or retrieval. |

ADDITIONAL INFORMATION

Wyong Shire Council has previously provided limited funding to the community based program, Central Coast Indian Myna Action Group Inc (CCIMAG). This group is active in the areas of raising awareness, education and developing and providing humane reduction program of Indian Mynas. The Action Group has suggested that an annual donation of \$3000 would be would be beneficial. This donation would buy 2000 brochures and five Indian Myna traps at \$400 each. An in-kind contribution totalling \$1500 would enable this group to expand their works further in the Shire. This would allow Council to direct Indian Myna enquiries to this group.

CONCLUSION

Our investigations of local Councils indicate that there are no programs to actively trap Indian Myna birds. Of the six local Councils that were contacted three advised no action at all and three Councils advised of an education program or production and distribution of brochures only.

Mr Peter Blythe from the CCIMAG advised that education of the general public was, in his opinion, the most effective tool for reducing Myna bird populations in targeted areas.

The conclusion from these investigations is that Wyong Council should focus their attention on education of local residents via placement of an electronic copy of the Central Coast Indian Myna Action Group information brochure on the Council webpage, coupled with distribution of brochures.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

283 Recreation Smoke – Free Policy

F2004/06003 SP:SP

SUMMARY

This report summarises the submissions received during the public exhibition of the Draft Recreation Smoke – Free Policy.

RECOMMENDATION

- 1** *That Council adopt the amended "Recreation Smoke-Free" Policy and implementation strategy.*
- 2** *That public notice is given of the decision.*
- 3** *That those people who made a submission during the exhibition be informed of Council's decision.*

BACKGROUND

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

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

- 1** *That the Proposed Recreation Smoke - Free Zones in the Draft Policy be amended at points 1 and 3, relating to specific locations in Council controlled areas as follows:*
 - i Delete "golf courses" and insert "golf driving ranges" and "Council events".*
 - ii Insert after "rock pools", "lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas".*
- 2** *That Council place the amended draft "Recreation Smoke-Free" Policy on public exhibition for a period of 28 days to enable the public to make comments or submissions and adopt subject to no significant objections being raised.*

Recreation Smoke – Free Policy (contd)

FOR: COUNCILLORS FORSTER, ROSE, STEVENS, STEWART AND WELHAM.

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

The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE OF THE MAYOR.

Community attitudes towards smoking have changed over the past decade following the mounting evidence showing the harmful effects of passive smoking. A number of well-publicised court cases have highlighted many of the issues associated with smoking and the damaging effects on people's health. Research has shown that environmental tobacco smoke is particularly harmful to children, who are more likely to develop chronic illness when regularly exposed to tobacco smoke than children who do not experience this exposure.

Local government has an important role in advocating and promoting better public health for its residents. Councils throughout Australia have existing smoking related bans in place with all Council buildings being smoke-free to protect both the health of Council employees and members of the public. Health organisations such as the NSW Cancer Council are now urging smoking bans in public places not yet covered by legislation to protect the health of the wider community.

The Wyong Shire Council Sports Committee's Council has recommended Council adopt a comprehensive recreation smoke – free policy. Over 34 local government authorities throughout NSW have declared smoke – free zones at various recreational facilities including sports grounds, reserves, playgrounds, beaches and alfresco dining areas.

This report discusses the outcome of the public submissions and recommends the adoption of the draft Recreation Smoke-Free Policy in the interests of the health of our local community.

SUBMISSIONS

The draft Recreation Smoke -Free Zone Policy was placed on public exhibition from 28 March to 28 April 2008, with submissions closing on 8 May 2008. A copy of the draft policy was placed at Council's Administrative building in Wyong, at all Council Libraries' and on Council's website.

A total of 37 separate submissions were received, with 35 submissions supporting the draft policy and 2 submissions opposing it. Three submissions supporting the draft policy were received 2 days after the closing date and have been included in the summary of issues table below. One of the opposing submissions contained a petition with 78 signatures, of which 65 were Wyong Shire residents.

A table summarising the major issues identified in the submissions along with a response to the comment is provided in Table 1.

Recreation Smoke – Free Policy (contd)

Table 1: Summary of issues raised in public submissions

Document No.	Comment	Response
D01135821 D01128004 D01126966 D01127036 D01126942 D01123962 D01127041 D01135855 D01127024 D01127028 D01126969 D01127022 D01126973 D01127030 D01127032 D01127039 D01152037 D01152039 D01120644 D01123966 D01120640 In Support	I fully support the adoption of the Draft Policy. Thank you for taking action towards making our community a healthier place to live, taking positive steps towards reducing incidence of cancer and showing other councils what can be achieved in their community.	Comment noted.
D01134378 In Support	I fully support the adoption of the Draft Policy I am aware that smoking rates on the Central Coast are above the state average. Implementation and policing of this policy may help to reduce one of our major local health concerns.	Smoking rates within the Wyong and Gosford LGA are 58.1% and 44.3% of the population respectively. The NSW average is 41.2%. (Baker et al, 2005, Cancer Institute of NSW, December).
D01135010 In Support	I fully support the adoption of the Draft Policy I do not like having to move when a smoker lights up upwind of where I am sitting at a bus stop.	The draft policy proposes to restrict smoking within 10m of bus stops on Council owned or managed land.
D01108768 In Support	I fully support the adoption of the Draft Policy Westfield Tuggerah allows smoking and provides ash trays at every entry to the centre. Apart from breaking the law, they turn a blind eye to it. Maybe the council needs to be adopting a company fine for failing to enforce the law.	The draft policy does not extend to private buildings located on private land. Council does not have the statutory authority to implement fines for organisations failing to enforce state legislated smoking bans on and around private land.

Recreation Smoke – Free Policy (contd)**Table 1 Cont'**

Document No	Comment	Response
D01123960 In Support	<p>I fully support the adoption of the Draft Policy.</p> <p>I resent the many times I am forced to move away from people when I am at outdoor venues, or in the case of food outlets, eat inside on a beautiful day because the outdoor tables are monopolised by smokers.</p>	The draft policy proposes to restrict smoking at <i>alfresco</i> dining areas, at picnic furniture and barbeque areas located on Council owned or managed land.
D01136151 In Support	<p>I fully support the adoption of the Draft Policy.</p> <p>I am a GP and I have a smoking cessation clinic. Smoking rates in Wyong Shire are quite high, and so the proposed restrictions will affect more people than in other Council areas with lower smoking rates. The policy will make a real difference to the health of our community.</p>	Smoking rates within the Wyong and Gosford LGA are 58.1% and 44.3% of the population respectively. The NSW average is 41.2%. (Baker et al, 2005, Cancer Institute of NSW, December).
D01120620 In Support	<p>I fully support the adoption of the Draft Policy.</p> <p>We are non-smoking parents of a toddler who frequently encounter passive smoke whilst visiting playgrounds and beaches. We would make more frequent use of these facilities if we were not exposed to cigarette smoke.</p>	The draft policy proposes to restrict smoking within 30m of playgrounds on Council owned or managed land and within 10m of the flags at patrolled beaches. This is the zone where children are most densely located and most exposed to environmental tobacco smoke.
D01130241 In Support	<p>The AFL association fully supports the adoption of the Draft Policy.</p> <p>As a sporting organisation promoting fitness and a healthy activity for participants, a smoke-free policy will be a benefit.</p>	The draft policy proposes to restrict smoking at all sporting venues located on Council managed and controlled land. This would assist in providing a healthy environment.
D01121081 D01130199 In Support	<p>I fully support the adoption of the Draft Policy</p> <p>Making it harder for people to smoke in recreation areas is a positive step in reducing the rates of smoking. As a health professional, I would be very pleased to have a smoke free environment where I exercise.</p>	The draft policy proposes to restrict smoking at various recreational facilities located on Council managed and controlled land. Research shows such policies lead to a decrease in the uptake of smoking and an increase in cessation of existing users (Bal et al, 2008, Medical Journal of Australia).

Recreation Smoke – Free Policy (contd)

Table 1 Cont'

Document No	Comment	Response
D01130238 In Support	<p>I fully support the adoption of the Draft Policy.</p> <p>Spectators smoking on the sidelines at Baker Park netball courts affect my daughters while playing. My daughter can smell the smoke instantly and as she runs past a smoker (with the smoke blowing in her face). It makes her gag. A number of girls have asthma and it also affects them terribly.</p> <p>I support a ban of smoking around all sporting fields especially children's games. They need lungful of clean fresh air when under exertion, not smoke!</p>	<p>Research has found that environmental tobacco smoke is particularly harmful to children as their lungs and body weight are small, so the dangerous substances in smoke are relatively more concentrated and therefore potentially more harmful (National Health and Medical Research Council, 1997).</p> <p>The draft policy proposes to restrict smoking at all sporting venues located on Council managed and controlled land, including netball courts. This would address the problem of spectators smoking near athletes.</p>
D01120630 In Support	<p>I fully support the adoption of the Draft Policy</p> <p>Not all smokers get Lung Cancer, but all smokers get Emphysema. Smokers expose everyone to the disease of Emphysema on a daily basis in every place where people gather.</p> <p>While waiting at the Bay Village Bus Exchange, I had to move three times to get away from smokers who sat alongside me. I also have to cover my mouth and nose with a handkerchief as I pass various shop employees, who use the alley to smoke. Smokers are paying an unrealized health cost for their actions. If they won't help themselves, then someone has to help them and those affected by passive smoking.</p>	<p>Research has found that in children, breathing Environmental Tobacco Smoke (ETS) can lead to bronchitis, pneumonia, asthma and other illnesses. In adults, breathing ETS can increase the risk of cardiovascular disease, lung cancer and other lung diseases. #</p> <p>The draft policy proposes to restrict smoking within 10m of bus stops on Council owned or managed land. Council does not have the statutory authority to apply this draft policy to privately owned land.</p> <p># Source: NSW Department of Health. http://www.health.nsw.gov.au/public-health/health-promotion/tobacco/legislation/index.html</p>

Recreation Smoke – Free Policy (contd)**Table 1 Cont'**

Document No	Comment	Response
D01135808 In Support	<p>I fully support the adoption of the Draft Policy</p> <p>Adoption of the Policy will be evidence of Council taking a lead in creating safer public spaces and reducing risk of the development of respiratory disease in our community.</p> <p>Implementation will raise public awareness of the danger of passive smoke and will result in the adoption of responsibility by the public for the maintenance of smoke free areas.</p> <p>The policy will reduce the amount of cigarette litter on the environment.</p>	<p>Research has found that in children, breathing ETS can lead to bronchitis, pneumonia, asthma and other illnesses. In adults, ETS can increase the risk of lung cancer, cardiovascular and other lung diseases.</p> <p>If adopted, a public awareness/ education campaign is proposed to be undertaken to identify smoke - free areas and promote health benefits to the wider community.</p> <p>The reduction of cigarette litter located in recreational reserves is expected with the introduction of smoke –free zones.</p>
D01139455 In Support	<p>We fully support the adoption of the Draft Policy.</p> <p>We congratulate Council on its initiative to protect members of the community from the health impacts of smoking.</p> <p>Playgrounds Council should recognise our basic rights to smoke free air and should designate all areas to be smoke-free, with the exception of a limited number of designated outdoor smoking areas.</p> <p>Beaches Smoking on all beaches and waterways should be totally banned, and not be limited to patrolled areas.</p> <p>Buildings Schools and child-care centres, which have high concentrations of children, should have a 10 metre smoke-free zone around their borders, to protect from the smoke and also to de-normalise smoking in children's eyes.</p>	<p>The draft policy proposes to restrict smoking within 10m of playgrounds on Council owned or managed land. This is the zone where children are most densely located and most exposed to environmental tobacco smoke.</p> <p>The draft policy proposes to restrict smoking within 10m of the flags at patrolled beaches, rock pools, and lake and ocean baths. This is the zone where children and the general public are densely located and most exposed to environmental tobacco smoke.</p> <p>The draft policy proposes to restrict smoking within 10m of entrances to Council owned or managed buildings. Council does not have the statutory authority to apply this draft policy to State or privately owned land.</p>

Recreation Smoke – Free Policy (contd)

Table 1 Cont'

Document No	Comment	Response
<p>D01139455 Cont In Support</p>	<p>Buildings Cont' Community buildings should be totally smoke free, despite the State Government exemption which allows smoking on stage.</p> <p>Hospitals and medical centres should have 10 metre smoke-free zones surrounding their borders.</p> <p>Children should not be allowed to enter smoking-allowed areas, (indoors or outdoors) of any public places, including restaurants, pubs, clubs and theatres.</p> <p>Outdoor Smoking Areas Should be placed away from thoroughfares and building openings. This will remove smoking from the sight of children, therefore de-normalising smoking in their eyes.</p> <p>Public transport Bus, ferry and taxi waiting areas should all be declared smoke free, within at least a 10 metre zone. Commuters are subjected to assault from tobacco smoke at every transport waiting area.</p> <p>Signage All signage should be clear and unambiguous, especially to tourists.</p> <p>Enforcement Policing new regulations is a matter of community education. Council should also provide strong deterrents in the form of fines in cases of breaches of the regulations.</p>	<p>Smoking in enclosed areas is regulated by the NSW Smoke Free Environment Act 2000. Council does not have the statutory authority to repeal legislation.</p> <p>Council does not have the statutory authority to apply this draft policy to State or privately owned land.</p> <p>Council does not have the statutory authority to apply this draft policy to State or privately owned land. Smoking in enclosed areas is regulated by the NSW Smoke Free Environment Act 2000.</p> <p>The draft policy proposes to restrict smoking within 10m of entrances to Council owned or managed buildings. Council does not have the statutory authority to apply this draft policy to privately owned land.</p> <p>The draft policy proposes to restrict smoking within 10m of bus stops on Council owned or managed land. Council does not have the statutory authority to apply this draft policy to privately owned land.</p> <p>Signage will be clearly worded and strategically located at entrances to facilities.</p> <p>A public awareness/ education campaign is proposed to be undertaken to identify smoke - free areas and promote health benefits to the wider community. A review of the implementation strategies will be undertaken after 2 years to determine if active enforcement should be considered.</p>

Recreation Smoke – Free Policy (contd)**Table 1 Cont'**

Document No	Comment	Response
D01139455 Cont' In Support	<p>Basic Rights Everybody has a basic right to breathe clean air, free from the well-documented poisons in second-hand tobacco smoke. Smokers may have a right to use a legally available product, but not where it affects others. Australia's National Tobacco Strategy 2005-2009 states that if tobacco-smoking were introduced today it would not be allowed.</p> <p>Governments should protect those who cannot help themselves, namely: infants and children disabled, frail, prisoners, non-English speakers.</p> <p>Discrimination Discrimination occurs in all places where smoking is allowed. Non-smokers are being discriminated against not only by the smokers but also by the owners of the premises and by the governments which do not ban smoking in public places. Smokers are not being discriminated against - they would all be welcome, simply not their smoke.</p> <p>Spanking a child is considered as child abuse; exposing a child to second-hand smoke can only be regarded as worse.</p> <p>Smoking at Home Residents, especially those in med-high density units, should not be forced to stay inside their homes to protect themselves from neighbours' smoke. Smokers should only be allowed to smoke where their smoke does not affect others.</p> <p>Economic Impact The draft policy should not be delayed in due to perceived adverse economic impact of tobacco retailers.</p>	<p>Comment noted.</p> <p>Comment noted.</p> <p>The Anti – Discrimination Act 1991 does not identify the act of smoking as a form of discrimination.</p> <p>Existing legislation has not identified exposure of children to environment tobacco smoke as a form of child abuse.</p> <p>Council does not have the statutory authority to apply this draft policy to privately owned land.</p> <p>Comment noted.</p>

Recreation Smoke – Free Policy (contd)

Table 1 Cont'

Document No	Comment	Response
<p>D01139455 Cont' In Support</p>	<p>Duty of Care /Workplace OHS Proprietors and Governments owe a duty of care to clients, patrons and employees within their jurisdictions and premises. There is no safe level of second-hand smoke.</p> <p>Australia is a party to the International Framework Convention on Tobacco Control (FCTC). The second key obligation under the treaty commits our governments to the following action: Recognising that "<i>scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability</i>". Governments shall take measures "<i>providing protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places, and, as appropriate, other public places.</i>"</p>	<p>Wyong Council has a smoking policy which aims to protect its employees from the harmful affects of environmental tobacco smoke.</p> <p>The draft policy is consistent with the general objectives of the International Framework Convention on Tobacco Control.</p>
<p>D01149855 In Support</p>	<p>The NSW Cancer Council fully supports the adoption of the Draft Policy. We propose the draft policy be extended to incorporate the following areas;</p> <p>All council owned and managed pedestrian malls and plazas. Research has identified that NSW residents avoided places where they may be exposed to environmental tobacco smoke.</p> <p>All covered taxi ranks and council car parks. Research demonstrates outdoor levels of inhaled environmental tobacco smoke can reach similar levels found in enclosed smoking areas.</p>	<p>Smoking in enclosed areas is regulated by the NSW Smoke Free Environment Act 2000. Children and the general public are often densely located in these areas and are exposed to Environmental Tobacco Smoke. The extension of the draft policy to Council owned and managed outdoor pedestrian malls and plazas would reduce community exposure to environmental tobacco smoke.</p> <p>Children and the general public are densely located at covered taxi ranks and can be exposed to environmental tobacco smoke for considerable periods of time. The extension of the draft policy to covered taxi ranks located on Council owned and managed land would.</p>

Recreation Smoke – Free Policy (contd)**Table 1 Cont'**

Document No	Comment	Response
D01149855 Cont' In Support	<p>At all events run or sponsored by Council. Research has identified all known risks associated with passive smoking pose greater risk to children.</p> <p>All leases, licences and other estates on Council owned or managed land. Smoking restrictions contribute to changing public perceptions of tobacco, having a "de-normalising" effect. This can assist to decrease smoking uptake rate and increase cessation.</p>	<p>reduce community exposure to environmental tobacco smoke.</p> <p>Car parks are transient facilities. While it may be possible for the general public to be exposed to environmental tobacco smoke in these areas, they are not locations where people neither are densely located nor congregate for considerable periods of time</p> <p>Council coordinates and sponsors a number of community events annually on both Council owned, managed and private land. Children and the general public are often densely located in these areas and are exposed to environmental tobacco smoke. The extension of the draft policy to events run or sponsored by Council would reduce community exposure to environmental tobacco smoke.</p> <p>The draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke. This includes recreation facilities which are leased from Council. Smoking on many Council facilities such as buildings is prevented by the NSW Smoke Free Environment Act 2000. The extension of the draft policy to all Council land which would include many areas where children and the general public are not densely located and unlikely exposed to environmental tobacco smoke would not be of benefit to the community.</p>

Recreation Smoke – Free Policy (contd)

Table 1 Cont'

Document No	Comment	Response
D01149855 Cont' In Support	<p>At all Council owned or managed bushlands, parks and reserves.</p> <p>Cigarette butts are the single most littered item in Australia. Research shows discarded butts that end up in aquatic environments can have a hazardous effect on invertebrates, effect the food chain, and kills fish and birds consuming the butts.</p> <p>Extending the draft policy to all bushlands, parks and reserves will help to protect the environment.</p>	<p>The draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke. This includes picnic furniture and BBQ areas on reserves, within 30m of playgrounds on reserves, and within 10m of rock pools, lakes and ocean baths. The extension of the draft policy to all Council land which would include many areas where children and the general public are not densely located and unlikely exposed to environmental tobacco smoke would not be of benefit to the community.</p>
D01122488 In Opposition	<p>I oppose the adoption of the Draft Policy</p> <p>There are big issues with enforcement, privacy and civil liberties. I will smoke in public areas, because they are public areas. I make sure that I smoke well away from other people, particularly children.</p> <p>I am a considerate smoker. I don't mind if I am fined for littering, but I object to being told that I can't smoke where it is not bothering anyone.</p>	<p>The draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke.</p> <p>The draft policy does not proposes to restrict smoking at recreational facilities where children and the general public are not densely located and unlikely exposed to environmental tobacco smoke.</p>
D01139987 In Opposition	<p>Petition objecting to the adoption of the Draft Policy.</p> <p>Council is responsible for looking after the interest of all residents, including significant proportions who are smokers.</p> <p>Introducing smoke- free zones in recreational areas will effectively deny smokers opportunity to fish in reserves around the lake, watch children play sport, and enjoy many other opportunities.</p>	<p>The draft policy has been developed to protect the health and wellbeing of all community members.</p> <p>The draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke. It will not prevent access to facilities, only the act of smoking in specific areas.</p>

Recreation Smoke – Free Policy (contd)**Table 1 Cont'**

Document No	Comment	Response
D01139987 (contd) In Opposition	<p>Smokers are already required to conform to regulations and restrictions. Imposing bans in sparsely populated open or outside areas, where smoke dissipates almost instantly is discrimination.</p> <p>The effects of passive smoke on non-smokers are questionable.</p> <p>If Councillors wishes to support the Cancer council, they should make an annual donation.</p> <p>This policy will create unnecessary division and animosity within the community</p>	<p>The Anti – Discrimination Act 1991 does not identify the act of restricting smoking as a form of discrimination.</p> <p>Medical research has scientifically linked a range of life threatening health impacts including heart disease, cancer, asthma, and other respiratory problems to passive smoking (US Dept Health and Human Services, 2006).</p> <p>The draft policy proposes a proactive approach to preventing disease, as compared to providing financial support for the finding of a cure for tobacco related diseases.</p> <p>The draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke. The number of proposed smoke – free zones locations is limited with an extensive amount of council land still available for the community to smoke on.</p>

DISCUSSION

Two submissions were received which proposed the extension of the draft Recreation Smoke – Free Policy. A number of the requests within these submissions related to state and privately owned land which Council does not have the statutory authority to apply regulations to.

Three locations which Council would have authority to identify as smoke - free zones, and which appeared to be consistent with the intent of the draft policy were;

- Council owned and managed pedestrian malls and plazas;
- Covered taxi ranks; and
- Events run or sponsored by Council.

Recreation Smoke – Free Policy (contd)

Children and the general public are often densely located in these areas and are therefore exposed to Environmental Tobacco Smoke. The extension of the draft policy to these areas would reduce community exposure to environmental tobacco smoke and would be of benefit to the community. As these proposed changes are both minor and consistent with the objectives of the policy, it is not considered necessary to re-exhibit the draft policy.

The objections to the draft policy were primarily concerned with the impact of smokers being denied the ability to participate and access recreational facilities throughout the shire. While the draft policy proposes to restrict smoking at recreational facilities where children and the general public are densely located and most exposed to environmental tobacco smoke, all members of the community will continue to be able to access recreational facilities. The ability to smoke in the immediate proximity of a number of these facilities however, will be limited.

Based on the submissions received, no issues were presented which would prevent Council from adopting this draft policy.

CONCLUSION

Recreation smoke – free zones have been proposed to be introduced in areas where children and the wider community are densely congregated, and where they are often unable to move away from other people's tobacco smoke.

A draft Recreation Smoke -Free Zone Policy was placed on public exhibition from 28 March to 28 April 2008. A total of 37 separate submissions were received, with 35 supporting the draft policy and 2 opposing it.

A number of the submissions, including the NSW Cancer Council, have recommended the expansion of the draft policy to incorporate a number of additional smoke – free areas. Three locations, including Council owned and managed pedestrian malls/plazas; Covered taxi ranks located on Council land and events run or sponsored by Council are consistent with the intent of the draft policy and are recommended to be included as smoke –free zone areas.

Two submissions have opposed the policy on the basis of smokers being denied access to recreational facilities. While the draft policy proposes to restrict smoking at various facilities, all community members will continue to be able to access these facilities, however, just not while they are smoking.

In advocating better public health for its residents, it is recommended that Council adopt the Recreation smoke – free policy, with amendments, without the need for re-advertising.

Recreation Smoke – Free Policy (contd)

REFERENCES

Baker, D. Bishop, J. Chen, W. Stavrou, E. Tracey, E. 2005 *Cancer in NSW: Incidence, Mortality and Prevalence*. Sydney: Cancer Institute of NSW, December 2007

Bal, D.G., Lyman, D.O., Veneziano, D.F. (2003), "Tobacco control in Australia: what aren't you *Public Health*, vol. 89, no. 7, pp. 1018-1023.

"Effects of Passive Smoking on Health", 1997, National Health and Medical Research Council *Canberra Government Publishing Service*.

New South Wales Government Department of Health.

<http://www.health.nsw.gov.au/public-health/healthpromotion/tobacco/legislation/index.html>

"The Health Consequences of Involuntary Exposure to Tobacco Smoke – A Report of the Surgeon General. 2006, *US Department of Health and Human Services. Centre for Disease Control and Prevention, Atlanta, GA*.

Attachment 1

Recreation - Smoke Free Policy (3 Pages)

Recreation Smoke – Free Policy (Attachment 1)

1 POLICY OBJECTIVES

The objectives of Wyong Shire Council in banning smoking in various Council areas are to;

- * To protect members community members from the health impacts of smoking by others in public places;
- * Improve the health of community members;
- * Improve public amenity and maintenance of Council property;
- * Raise community awareness of the issues associated with smoking;
- * Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- * Minimise cigarette butt pollution on open space areas

2 POLICY PRINCIPLES

This policy recognises that Council has:

- * An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- * A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- * An understanding that the damaging affects of passive smoking while well documented in regards to outdoor areas, is also beginning to emerge in regard to outdoor areas;
- * An understanding that children are most vulnerable to the effects of passive smoking;
- * An acknowledgment that the indirect effects of people smoking in an outdoor areas can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Recreation Smoke – Free Policy (Attachment 1) (contd)

3 POLICY STATEMENT

That smoke- free zones are declared in the following areas on Council owned and managed land;

- 1 At all sporting facilities. This includes all sports grounds and their associated infrastructure such as amenities buildings and car parks; tennis court and netball courts, skate and bmx parks, swimming centres; golf driving ranges and at Council events.
- 2 Within 30 metres of playgrounds on all parks and reserves.
- 3 Within 10m to the side and rear of red and yellow swimming flags on all patrolled beaches when patrols are present, and within 10m of rock pools, lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas
- 4 Within 10m of entrances to Council owned or managed buildings, including balconies and covered areas of those buildings;
- 5 Within 10m all bus stops;
- 6 At all Council owned and managed pedestrian malls and plazas;
- 7 Within 10m all of covered taxi ranks located on Council owned or managed land;
- 8 At all events run or sponsored by Council.

4 LEGISLATION

Under the NSW Local Government Act 1993, Council has the power to;

- * Erect suitably worded and strategically placed notices in public places within the local government area of Wyong prohibiting smoking - Section 632 (1) and 2(e);
- * Serve by means of an authorised person, a penalty notice of \$110.00 upon any person who fails to comply with the terms of any such notice - Section 679;
- * Demand by means of an authorised person, the name and address of any persons reasonably suspected of failing to comply with the terms of any such notice - Section 680;

Recreation Smoke – Free Policy (Attachment 1) (contd)

- * Remove, by means of an authorised person, from community land any persons who fails to comply with the terms of any such notice – Section 681; and
- * Prohibit smoking in any place within the local government area of Wyong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

5 ENFORCEMENT OF BANS

- * In implementing Council's Smoke Free Policy, a program of community education and awareness, specifically targeting residents and visitors will be undertaken.
- * Enforcement of this policy will be supported by persuasion, self policing and punitive enforcement by authorised Council Officers.

6 DEFINITIONS

"Smoke -free zone" means part of an outdoor area in which smoking is not permitted.

"Smoking" means smoking, holding or otherwise having control over an ignited smoking product. Smoking products include any tobacco or other product that is intended to be smoked.

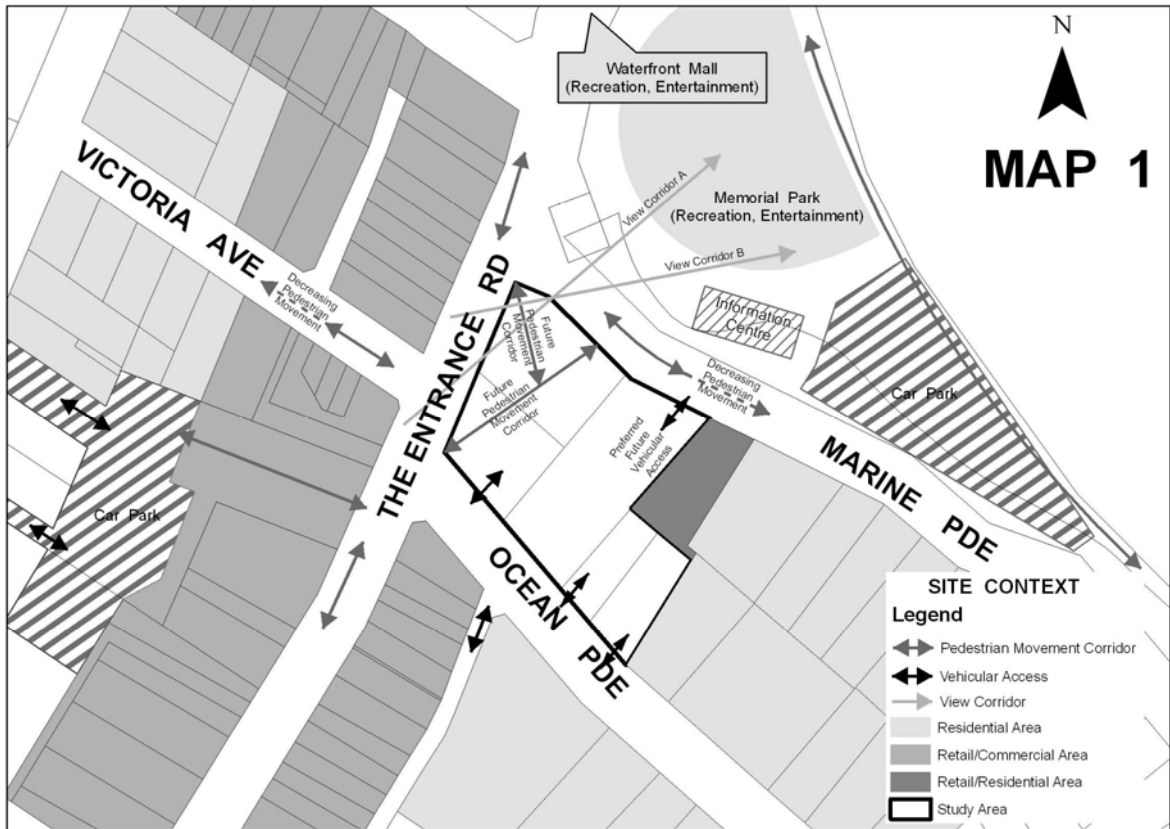
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Information Reports

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

284 Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade

CPA/105639 SA

SUMMARY

Reporting on options and strategies that encourage lot amalgamation of the "vacant site" and the "KFC site" (on the corner of The Entrance Road and Marine Parade) in The Entrance.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND**Council Resolution**

As part of Council's consideration of the draft planning strategy for The Entrance Peninsula, Council resolved at its meeting on 31 October 2007;

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

That Council reaffirm its ongoing recognition of the Key Site as a site for the development of The Entrance and request staff to report back to Council during the exhibition period of options and strategies that encourage lot amalgamation of the "vacant site" and the "KFC site".

DISCUSSION**The Sites**

The current lot configuration, zoning, size and ownership of the "vacant site" and "KFC site" are illustrated on Map 2 (on the following page).

The "vacant site" depicted cross hatched 'Owner 1' on Map 2 is made up of the following two lots:

- No 14 The Entrance Road (1,530m²); and
- No 2 Ocean Parade (2,232m²).

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

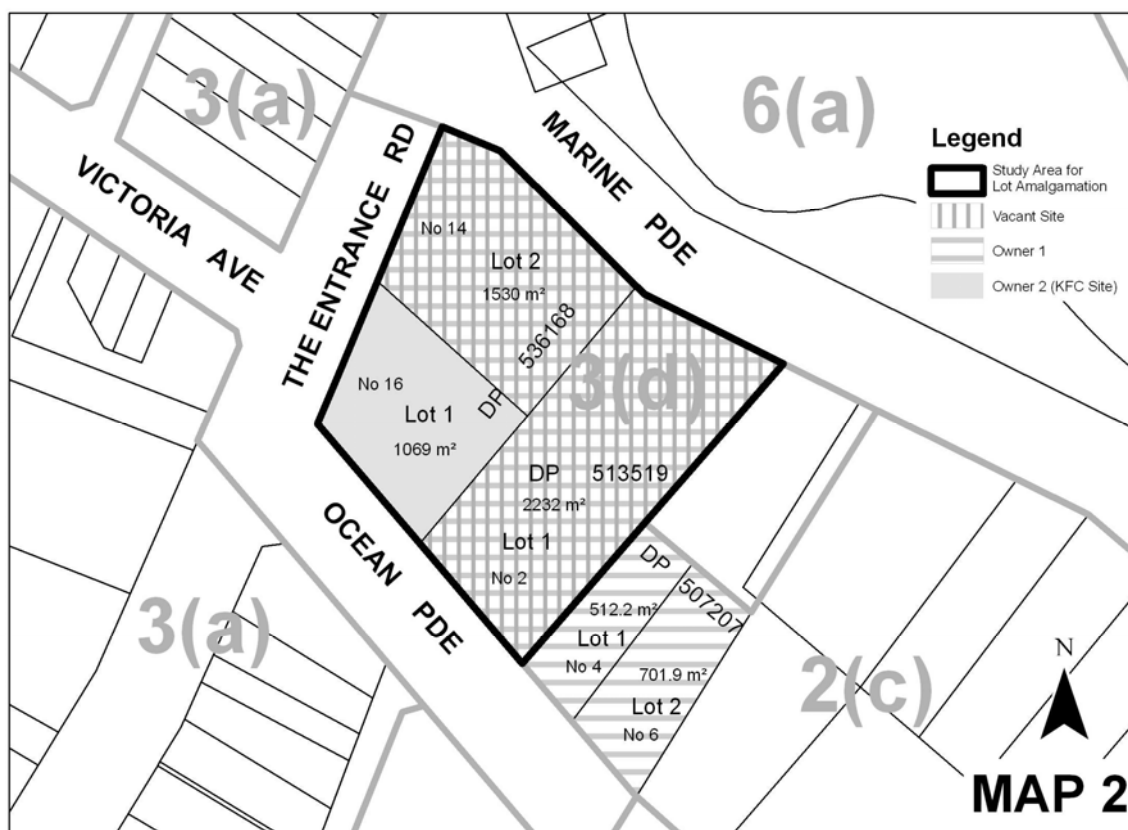
This comprises a total 3,762m² of land zoned 3(d) (Tourist Business Zone).

The "KFC site" shaded on Map 2 and identified as 'Owner 2' comprises one 1069m² lot. It is located on the corner of The Entrance Road and Ocean Parade, being No 16 The Entrance Road and is zoned 3(d) (Tourist Business Zone). It is bounded to the north and east by land owned by "Owner 1".

In addition "Owner 1" also owns:

- No 4 Ocean Parade (512.2m²), and
- No 6 Ocean Parade (701.9m²).

This is horizontally hatched and comprises 1,214.1m² of land zoned 2(c) (Medium Density Residential Zone). This represents a total of 4,976.1m² land held by "Owner 1".



Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Context

Map 1 (Attachment 1) shows the context of the site.

The main pedestrian movement corridors and linkages, attractions (including open space, recreation and entertainment areas), vehicular access points and view corridors are all identified.

A future pedestrian movement corridor that crosses through both the KFC and vacant site, would provide an important easy direct connection between the retail/commercial centre and the waterfront recreation/entertainment and carparking areas of The Entrance.

Status of Current Applications

There are two development applications that affect the sites under consideration:

- 1 Development Application (DA) 2086/2004 was approved by Council on 12 December 2005 for the "vacant site" (No 14 The Entrance Road and No 2 Ocean Parade, The Entrance). The proposal includes mixed commercial and residential development comprising eighty five residential units, two retail precinct levels with fifteen retail tenancies, restaurant and convention centre. The consent will lapse on 16 May 2010.
- 2 The Department of Planning (DOP) has also received a Preliminary Environmental Assessment for a major project application, pursuant to part 3A of the *Environmental Planning and Assessment Act 1979 (the Act)*, for the sites at No 2 and No 4-6 Ocean Parade and No 14-16 The Entrance Road, The Entrance (July 2007). The proposal includes a mixed use development consisting of residential, tourist accommodation and commercial/retail uses with associated basement carparking and relies on the KFC site being amalgamated with the vacant site on the corner of The Entrance Road and Marine Parade.

Council was requested to provide details of key issues and assessment requirements which may be included in the Director-General's Environmental Assessment Requirements by 17 August 2007 for this Part 3(a) application. These were provided and Council is yet to be updated of the current status of the proposal.

This 3(a) proposal has been referred to in submissions to Council during public exhibition of the Draft The Entrance Peninsula Planning Strategy.

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Main Objectives for Site Development

Main objectives for developing the KFC Site and Vacant Site on the corner of The Entrance Road and Marine Terrace are as follows:

- To provide for an attractive and functional mixed use development that complements the built and natural components of the environment in which it is located.
- To provide a development that maintains amenity of The Entrance CBD patrons and neighbouring residents.
- To provide for and facilitate easy direct pedestrian movement corridors and linkages to existing pedestrian movement corridors around The Entrance CBD, between the retail/commercial area, waterfront recreation and entertainment areas and carparking and other facilities, around The Entrance CBD area.
- To provide for adequate carparking on the site(s) for the future development of the site and an appropriate percentage of additional public carparking.
- Efficient and safe vehicular movement to, from and circulating around the site.

These objectives are consistent with the objectives of the draft Entrance Peninsula Planning Strategy for The Entrance CBD and the KFC site and vacant site on the corner of The Entrance Road and Marine Parade.

Lot Amalgamation Benefits

Lot amalgamation for these sites is encouraged as it increases opportunities for Council, land owners, developers and the public. The amalgamation of No 2 Ocean Parade, No 14 and No 16 The Entrance Road would create a combined site of 4,831m² of 3(d) (Tourist Business Zone) land.

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Benefits of amalgamating the "vacant site" and "KFC site" could include:

- Better urban design outcomes such as:
 - A more regular shaped site.
 - Better integration.
 - Unified site design.
 - Improved pedestrian permeability.
 - Minimum number of basement carparking facilities with improved aisle configuration and circulation patterns.
 - Reduced number of vehicle access points.
 - Reduced building footprint due to consolidated site area.
- A more usable space providing more options for development.
- Mitigation of potential conflicts between land owners.
- Potential improved viability of the development and site.
- Additional scope for services, accommodation, entertainment and attractions for visitors and residents.
- Additional developer interest such as:
 - It may act as a catalyst to encourage lot amalgamation on other sites; and/or
 - Encourage other developers to investigate alternative designs for the lots.
- Promoting The Entrance via an iconic development.
- Increased employment opportunities.

Lot Amalgamation Benefits - Case Studies

To demonstrate these benefits and to broadly show how lot amalgamation of the KFC site and vacant site on the corner of The Entrance Road and Marine Parade will assist with achieving the abovementioned objectives, two relatively recent development designs are compared in Enclosure 1. Design 1 (DA 2086/2004) does not incorporate (amalgamate) the KFC Site and the vacant site on the corner of The Entrance Road and Marine Parade. Design 2 does.

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Incentive Strategies

There are a number of incentive options and strategies available to Council that could encourage amalgamation of the properties including:

- Development Bonuses
- Relaxation of Site Use Restrictions
- Other Options.

These are further described under relevant headings below.

Development Bonuses

Height

An incentive option includes provision of a mechanism, similar to Clause 2.3.2(b) in DCP 60, which states that maximum building heights (i.e. those nominated on the Building Height Map), may only be reached on a parcel of land greater than 1800 square metres in total. Refer to Map 1 for current lot sizes and Map 2 for maximum heights. Clause 2.3.2(b) (DCP) reads as follows:

"Clause 42B of WLEP 1991 defines a "medium or high-rise building" as "a building with a building height greater than 10 metres, but no building height of which at any point exceeds the height nominated for the land at that point on the Building Height Map, on a parcel (or parcels) of land greater than 1800 square metres in total area". The building heights are measured vertically from natural ground level at any point within a building to the top-most ceiling of the building directly above that point."

Disadvantages of this development bonus include:

- The length of time involved in achieving making amendments to planning instruments.
- May set an undesirable precedent as other developers amalgamating lots may also ask for similar height bonuses.
- May have adverse impacts on the amenity of surrounding areas, particularly if planning controls that are adequate to address such impacts, are not in place.

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Advantages associated with this incentive include:

- Benefits associated with amalgamating lots (refer page 4)
- Perceived to be more equitable.

Building Envelope

Altering the building envelope in relation to the podium and tower components to permit a larger variety of design options is another incentive option.

Currently, heights of 12 metres (for the podium component) and 24 metres (for the tower component) from natural ground level are permitted. This is illustrated on Map 2 below.

By providing more flexibility in the planning controls via say the introduction of appropriate performance criteria into the WLEP 1991 and/or DCP, design options would be increased.

The onus would be on the developer to demonstrate compliance with the performance criteria to receive approval for a design that is different to the deemed to comply shown on Map 3.



Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Disadvantages of this development bonus include:

- The length of time involved for making amendments to planning instruments.
- May set an undesirable precedent as other developers amalgamating lots may also ask for similar building envelope bonuses.
- May have adverse impacts on the amenity of surrounding areas, particularly if planning controls that are adequate to address such impacts, are not in place.

Advantages associated with this incentive include:

- Benefits associated with amalgamating lots (refer page 4).

Development bonus options will encourage lot amalgamation in order to achieve optimal development potential as design options would otherwise be limited. There is potential to incorporate these into the review of Council's planning instruments after adoption of The Entrance Peninsula Planning Strategy.

Relaxation of Site Use Restrictions

A further option involves revising or repealing Section 5.3 in DCP 2005, Chapter 60 and Clause 68(4) of WLEP 1991, which regulate the percentage of private residential development permitted in the Tourist Business Zone for managed resort facilities for The Entrance.

Currently, Lots 1 and 2 (DP 536168) and Lot 1 (DP 513519) are classified under the WLEP 1991 as managed resort facilities and therefore are restricted with a maximum of seventy-five percent of accommodation being available for permanent residential use.

Clause 68(4) (WLEP 1991) reads as follows:

"The Council may consent to the use for permanent residence of up to seventy-five per cent of the accommodation provided by a managed resort facility. In determining the proportion concerned, the Council must have regard to the nature of the facility and its relationship to surrounding land uses, and must be satisfied that the granting of the consent will not result in the dominant use of the land on which the facility is located being for a purpose other than that of a managed resort facility."

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Section 5.3 (DCP 60) reads as follows:

"Clause 68 (4) - Proportion of Permanent Residences - Under this clause, Council may consent to the use for permanent residence up to seventy-five percent (75%) of the accommodation provided within a managed resort facility. In determining the proportion concerned, the Council must have regard to the nature of the facility and its relationship to surrounding land uses, and must be satisfied that the granting of consent will not result in the dominant use of the land on which the facility is located being for a purpose other than that of a managed resort facility. In assessing a proposal, compliance with the 75% permanent residence provision shall be taken to mean up to 75% of the gross floor area of all residential and tourist accommodation."

Disadvantages of this development bonus include:

- The length of time involved for making amendments to planning instruments.
- May have adverse impacts on the amenity of surrounding areas, particularly if planning controls that are adequate to address such impacts, are not in place.

Advantages associated with this incentive include:

- Benefits associated with amalgamating lots (refer page 4).
- Provides more flexibility and thus facilitates greater viability of future development.
- Allows market forces to have a greater role in determining the appropriate mix of uses to achieve economic viability for future development.
- Increased number of apartments that achieve the minimum standard required for permanent residential.

Other Options Considered

A range of other incentive options were also considered but determined to be unviable or impractical.

Development Controls

Development controls including floor space ratios (FSR), setbacks and landscaping requirements are generally considered as possible incentives measures. However in this instance such controls do not substantially govern development in the current 3(d) (Tourist Business Zone) and therefore would have little impact.

Strategies That Encourage Lot Amalgamation of the "Vacant Site" and the "KFC site" on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

Zoning

The option to rezone from 3(d) (Tourist Business Zone) to 3(a) (Business General Zone) was also considered. However, there is no compelling advantage in doing so, as there are similar permissible uses under both these zones.

While there may be merit in considering the option to rezone No 4 and No 6 Ocean Parade (Lots 1 and 2 DP 507207) to the same zone (3(d) (Tourist Business Zone)) as No 2 Ocean Parade, No 14 and No 16 The Entrance Road (Lot 1 and 2 DP 536168 and Lot 1 DP 513519), this needs further investigation. However, it would be difficult to use rezoning as a short term incentive due to the length of the rezoning process.

Do Nothing

There is always the option of doing nothing in terms of Council encouraging lot amalgamation. If left to developers and property owners, the benefits of amalgamation alone such as the ability to realise maximum development potential, may be adequate to encourage lot amalgamation.

The potential issues associated with the doing nothing option are:

- Difficulties in obtaining property owners mutual agreement in regard to amalgamating lots to realise the highest quality developments that preserve the highest levels of amenity.
- Missed opportunities to;
 - * achieve high quality integrated development that is designed to complement the topography and constraints (eg. view corridors and expected high groundwater table) of the site.
 - * Provide strong more effective linkages and facilitate easy movement patterns between the retail/commercial and open space/recreational areas of The Entrance.
 - * Assist in providing for efficient and safe movement of vehicular traffic and the public/private carparking requirements of the area.

Strategies That Encourage Lot Amalgamation of the “Vacant Site” and the “KFC site” on the Corner of The Entrance Road and Marine Parade, The Entrance (contd)

CONCLUSION

Amalgamation of the “vacant site” and “KFC site” is desirable in order to achieve optimal redevelopment of these properties. Council can assist in encouraging this amalgamation by offering various incentives to the owner(s) as discussed in this report.

These incentives will be assessed as part of the consideration of the Draft The Entrance Peninsula Planning Strategy.

- Height incentives (subject to further investigation of appropriate heights for the site during the evaluation of The Entrance Peninsula Planning Strategy).
- Building envelope flexibility (subject to further investigation of appropriate building envelopes for the sites through the evaluation of The Entrance Peninsula Planning Strategy).
- Relaxation of site use restrictions.

Attachment 1

Locality Plan

Enclosure

Lot Amalgamation – Case Studies

285 Central Coast Transport Action PlanF2004/06677 RCB

SUMMARY

Reporting on an Audit Report on the Central Coast Transport Action Plan in response to Notice of Motion No 139 asked by Councillor Eaton at the Ordinary Meeting held on 26 March 2008 and a Notice of Motion No 229 asked by Councillor Pavier at the Ordinary Meeting held on 29 May 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At the Ordinary Meeting held on 26 March 2008, Councillor Eaton asked as part of Notice of Motion 139, the following:

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

That staff also report to Council a separate report on the key issues surrounding the delay of the infrastructure outlined in the transport action plan.”

Also, at the Ordinary Meeting held on 28 May 2008, Councillor Pavier asked as part of Notice of Motion 229, the following:

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

That staff investigate the Central Coast Transport Action Plan as it was previously advertised and publicly exhibited to follow up on the following issues with regards to the plan:

- a The funding (how much has been set aside over the years).*
- b What has been implemented.*
- c Any task forces to be created or discussion groups that were to be formed.*
- d How long has it been on the Council website.”*

In relation to Councillor Pavier's Notice of Motion dated 28 May 2008, the table contained within this report provides details of the funds spent, projects implemented and taskforces created. The Plan has been on Council's website since 2006.

Central Coast Transport Action Plan (contd)

THE CENTRAL COAST TRANSPORT ACTION PLAN

The NSW Government released the Central Coast Transport Action Plan in July 2002.

The Plan proposed increasing the funding for Central Coast roads to approximately \$225m over the ten year period from 2002. Details of expenditure are contained in the following table.

The following is a summary of the works, programs and strategies contained in the Plan relating to Wyong Shire, as released in July 2002.

The information under the 'Project' heading is as detailed in the Action Plan document. The item numbers are as listed in the Transport Action Plan. Missing numbers are projects not related to Wyong Shire.

	Project	Current Status
1	<p>NORTH WARNERVALE RAILWAY STATION - \$19 MILLION</p> <p><i>An Easy Access railway station, bus interchange and commuter car park will be built as part of the North Warnervale District and Town Centre.</i></p> <p><i>This station is scheduled to be completed in 2007.</i></p>	<p>Development Application lodged 21 February 2005 for Stage 1 – Station only. Council received a Species Impact Statement in December 2007 which was forwarded to the Department for Environment and Climate Change (DECC) for comment. To date no approval has been received from DECC. Refer to NOM 189 - 14 May 2008.</p> <p>Funding for continuation of planning for the station was allocated in 2007-08. In respect of 2008-09, advice has been received that the State Government budget includes the railway station as a project that will go to tender during the coming financial year, however, in accordance with the tender process the values are not publicly available.</p>
3	<p>TUGGERAH RAILWAY STATION UPGRADE - \$10 MILLION</p> <p><i>Public transport and other links to the station will be improved by a bus interchange and about 200 additional commuter car parking spaces. The 200 car parking spaces proposed are in addition to the 450 existing car parking spaces.</i></p> <p><i>Work will start after 2004.</i></p>	<p>The Ministry of Transport (MOT) in July 2007 had requested Council to project manage the design and construction of the project. Due to the large number of projects being supervised by Council's Contract Section at the time, Council advised the MOT that it was unable to assist.</p> <p>The MOT has now commissioned the Department of Commerce (DOC) to be Project Manager. An inception meeting was held on 28 March 2008 with the MOT, DOC and Council.</p> <p>Total project cost is estimated at approximately \$4 million. \$250,000 was budgeted for 2007-08 financial year with the remainder being spread over 2008-09 and 2009-10 financial years. \$1 million has been allocated for 2008-09.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
5	<p>WYONG RAILWAY STATION EASY ACCESS UPGRADE - \$1 MILLION</p> <p><i>An additional lift will be provided at Wyong station, meaning all platforms will then have Easy Access facilities.</i></p> <p><i>This work will start after 2004.</i></p>	Rail Corp supervised this project. It was completed mid 2005.
8	<p>CYCLEWAYS - \$5 MILLION</p> <p><i>About \$5 million will be spent completing, expanding and improving the local cycleway network. Projects will include:</i></p>	
8b	<p>* <i>Chain Valley Bay, Karignan Creek to Carters Road: This cycleway links two communities by a far shorter route than road and connects to an existing cycleway between Lake Munmorah and Chain Valley Bay. Complete in 2003.</i></p>	This project was completed in 2004/2005.
8c	<p>* <i>Wilfred Barrett Drive to Noraville: Road shoulder improvements will act as road cycle lanes between The Entrance North and Noraville. Complete after 2004.</i></p>	3.5 kms have been completed. There were no works last year and only a short distance proposed for 2007-08. It had been proposed to do about 1 km each year for the next 3 years. Progress was initially satisfactory, however for last couple of years there has been little to no funding from the RTA.
8f	<p>* <i>Tuggerah Lake to Wyong Road: This proposed off-road cycleway will run parallel to Chittaway Road, linking the popular off-road cycleway around the southern side of Tuggerah Lake to the on-road cycle lanes on Wyong Road at Berkeley Vale. Complete after 2004</i></p>	Completed 2003-04.
9	<p>BIKE LOCKERS AT RAILWAY STATIONS PROGRAM, INCLUDING OURIMBAH, WARNERVALE, NORTH WARNERVALE</p> <p><i>\$0.12 million. Complete by 2005 (Except North Warnervale).</i></p>	Lockers were installed at Ourimbah and Warnervale railway stations in December 2006.

Central Coast Transport Action Plan (contd)

	Project	Current Status
<p>10</p> <p>10b</p>	<p>PACIFIC HIGHWAY WORKS</p> <p>Lisarow to Ourimbah:</p> <p><i>Upgrade of the highway between Lisarow and Ourimbah to the F3 Freeway will reduce congestion, improve travel times and safety.</i></p> <p><i>Planning will commence immediately for dual carriageways. This will include community consultation and environmental assessment in preparation for construction starting in 2004.</i></p> <p><i>The project will be delivered in stages, targeting priority areas first. Early identification of improvements to the highway at Ourimbah will be undertaken to assist traffic flow during peak periods and help ease congestion at the Chittaway Road intersection.</i></p> <p><i>Construction will start after 2004.</i></p>	<p>The RTA completed construction of Stage 1 (Dog Trap Road, including the intersection at the Pacific Highway) in July 2007. Stage 2 (Burns Road to Glen Road) construction contract has just commenced, with its anticipated completion date in 2010.</p> <p>The works recently completed only marginally improve traffic flows along the Highway. Improvements will only be realised once works on the highway south of the Chittaway Road roundabout are completed</p> <p>The RTA is not intending to do any works at the Pacific Highway/Chittaway Road intersection. The RTA anticipates that the roundabout will provide adequate service for the next 10 to 15 years.</p> <p>\$10 million was allocated in 2007-08. \$18 million has been allocated for 2008-09.</p> <p>The treatment of Burns Road is still being discussed with the RTA.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
10c	<p>Tuggerah to Wyong:</p> <p><i>An upgrade of the highway to dual carriageway will improve an important connection along Tuggerah Straight to Wyong.</i></p> <p><i>Planning has commenced, with services and utilities scheduled to be relocated in 2003.</i></p> <p><i>Construction will start in 2004.</i></p>	<p>Four lanes of the Pacific Highway between Anzac Road and Mildon Road were opened to traffic on 4 April 2008. The tender for construction of Stage 2 (Mildon Road to Johnson Road) was awarded to Nace Constructions, the company that constructed Stage 1. Stage 2 construction commenced on 28 April 2008. It is anticipated to be completed by the end of 2009.</p> <p>The Stage 1 works have improved safety on the Highway but done little to improve traffic delays. Delays still exist at the Wyong Road intersection. Traffic flows will only improve once the Wyong Road intersection is upgraded and improvements through the Wyong Township are carried out.</p> <p>\$12million was allocated in 2007-08. \$13 million has been allocated for 2008-09.</p> <p>The RTA has agreed that the Pacific Highway/Wyong Road intersection is strategically important. However, there remains no commitment from the RTA for construction of the intersection.</p> <p>\$250,000 has been allocated for 2008-09 to start planning for the intersection.</p>
10d	<p>Wyong Town Centre Study:</p> <p><i>Funding will be provided for a study into how best to upgrade the Pacific Highway through Wyong. The study will involve close consultation with Wyong Council and the Central Coast Transport Task Force. Options for improvements will be developed over the next 18 months. Funds will be allocated for improvement works when a preferred option has been identified.</i></p> <p><i>Study to be completed in 2004.</i></p>	<p>The first round of concept plans was exhibited in November 2006. Council made a submission on the exhibited plans.</p> <p>It is understood that the RTA has carried out additional investigations. To date the results of those investigations have not been forwarded to Council. Despite numerous requests, the RTA is unable to provide a date when the revised "Concept Plans" will be exhibited.</p> <p>It is now nearly 18 months since the original "Concept Options" were exhibited.</p> <p>Recent advice from the RTA is that it is seriously looking at the preferred route for the Pacific Highway being through the Wyong Town Centre.</p> <p>\$500,000 has been allocated for 2008-09 for the "Wyong Town Centre Study – Planning".</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
14	<p>SPARKS ROAD - \$10 MILLION</p> <p><i>Sparks Road will be upgraded in stages in conjunction with the proposed residential and industrial development in North Warnervale after 2007.</i></p>	<p>The RTA has prepared concept plans for 4 and 6 lane options. Adjustments will most likely be required to the proposed intersections once the future adjoining developments have been finalised.</p> <p>Funding of the works includes funding from the Section 94 Contributions Plan for the Warnervale Town Centre and Wyong Employment Zone. Discussions are proceeding with the RTA and DOP in regards to the funding issues</p> <p>Timing of works will be determined by developments in the Warnervale area.</p> <p>\$100,000 was allocated in 2007-08 for planning.</p>
	<p>OTHER INITIATIVES:</p> <p>TRANSPORT ACTION PLAN TASK FORCE</p> <p><i>The General Managers of Gosford and Wyong Councils will be invited to join representatives of Transport NSW (now Ministry of Transport), the Roads and Traffic Authority (RTA) and Sate Rail Authority, the Rail Infrastructure Corporation, Planning NSW and the Premier's Department on the Task Force. The Task Force will facilitate consultation with local communities, and advise on priorities. It will report to the Minister for Transport and the Mayors of Gosford and Wyong. To be established by end of 2002.</i></p>	<p>The Task Force was set up in late 2002. Only a few meetings were held, with the last meeting held on 25 May 2004. On 30 June 2005 Council received correspondence from the Director General of the Department of Infrastructure, Planning and Natural Resources advising that the Task Force Group had been disbanded.</p> <p>Following representations to the Minister of Roads in December 2005, a group consisting of the General Managers from Wyong and Gosford Councils together with senior Roads and Traffic Authority staff was set up in February 2006, to set the RTA's priorities. A working group consisting of RTA officers, Council Directors and Senior Transportation Engineer was set up. The last meeting was held in July 2007. It is understood that another meeting is to be held shortly to finalise the priorities.</p> <p>There is however no longer a "combined government" group (Transport Task Force), representing the Ministry of Transport, Roads and Traffic Authority, Rail Corp, the Rail Infrastructure Corporation, Department of Planning and the Premier's Department to "help with implementation of Connecting the Central Coast" - Transport Action Plan as identified on Page 3 of the document.</p> <p>Disbandment of the Taskforce is contrary to the intention of the Action Plan in having a group overseer and help implement the Action Plan. Such a Taskforce was intended to also expedite projects and improve communication between State Government Departments and Local Councils.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
	<p>New Rail Carriages for Central Coast Trains</p> <p><i>A contract will be signed later this year for 40 new outer-suburban carriages for the CityRail network. In response to local calls for extra capacity on Central Coast trains, more than half of the carriages – 22 in total – will service the Central Coast.</i></p> <p><i>Funding to be determined. No date identified</i></p>	<p>The first of the new carriages was put into operation on the Central Coast on 8 April 2008. A total of 40 carriages will be in operation by Mid 2009.</p>
	<p>Sydney-Newcastle Rail Upgrade Investigations</p> <p><i>The NSW Government is continuing work to upgrade the Sydney-Newcastle rail line to improve the reliability of passenger and freight rail operations, and to improve travel times between Sydney, the Central Coast and Newcastle.</i></p> <p><i>\$2m 2002-03.</i></p>	<p>Railcorp are continually upgrading the line between Sydney and Newcastle to improve performance and reliability. This includes many smaller projects such as replacing timber sleepers with concrete ones. Expenditure is well in excess of that identified in the plan.</p> <p>It is understood that the State Government has abandoned the idea of a High Speed train between Sydney and Newcastle.</p>
	<p>Investigate Central Coast bus network improvements</p> <p><i>Investigation to include better local services and possible new cross-regional express services to provide more direct services and reduce travel times. New, high-quality bus shelters will be constructed to identify the stops used by these new services, with timetable information at each stop.</i></p> <p><i>Funding to be determined. To start by 2004.</i></p>	<p>Following the Unsworth Report into Bus Servicing in NSW, the Ministry of Transport (MOT) has negotiated 2 new contracts for the Central Coast, one with Busways, the other with Red Bus Company.</p> <p>The MOT has commenced assessing bus routes/ servicing etc for the Central Coast. However due to delays in preparing the Sydney servicing arrangements, the MOT has not fully been involved with the Central Coast. For the same reason, there has been a lack of information and opportunities for Council to be involved in the planning of the bus servicing and determination of bus routes. The Ministry anticipates that consultations will be carried out for the Central Coast early in 2009 with revised servicing arrangements implemented late 2009.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
	<p>Expressions of Interest for F3 Freeway express bus service</p> <p><i>The NSW Government will call for Expressions of Interest, seeking proposals from bus companies to trial limited-stop services on the F3 Freeway between the Central Coast and Sydney. If successful and well patronised, services could become permanent in the morning and afternoon peak periods.</i></p> <p><i>Funding to be determined. No date identified.</i></p>	<p>The MOT has advised that an express bus service from the Central Coast to Sydney Airport via North Ryde was operated by The Entrance Red Bus until December 2004. The service was poorly patronised and ultimately discontinued by the operator.</p> <p>Long distance bus services (such as Central Coast to Sydney) are de-regulated, and as such any accredited operator can choose to start a service on this route, However none have elected to do so since the withdrawal of Red Bus.</p> <p>It would appear that the Government is not intending to assist in funding such a service or call for Expression of Interest.</p>
	<p>New bus stop signage program</p> <p><i>\$0.6m. Date to be determined.</i></p>	<p>Council made a submission for funding. However, it is understood that this program has been disbanded.</p> <p>It has been replaced with another program – “Country Passenger Grants Infrastructure Program”. The Central Coast is not eligible for this program.</p> <p>It appears that Council is not going to receive any funding from the bus stop signage program or any similar program.</p>
	<p>Real-time bus information trial</p> <p><i>\$0.12m. Date to be determined.</i></p>	<p>The MOT previously advised that two trials of a Public Transport Information and Priority System (PTIPS) had been conducted on northern Sydney bus routes and the Liverpool - Parramatta T-way. The technology was to be rolled-out on strategic bus corridors in the metropolitan and outer-metropolitan area following the introduction of the Tcard ticketing system and strategic corridors. However with the Tcard problems in Sydney, the future date for the system to be implemented on the Central Coast is unknown.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
	<p><i>Innovative Transport Solutions fund</i></p> <p><i>An innovative Transport Solutions Fund will provide support for innovative transport projects proposed by local groups and individuals. The Central Coast Transport Task Force will recommend priorities for the fund, which will be administered by Transport NSW.</i></p> <p><i>\$2m, 2003 onwards.</i></p>	<p>Several local projects were funded for the first couple of years such as "walking bus" trial and transport guides. Since the cessation of the Transport Taskforce the Innovative Transport Solutions Fund has been superseded by the state-wide Ministry of Transport's Local and Community Transport Program. This programme provides funding and logistical support for transport disadvantaged (eg isolated, unemployed etc) groups.</p> <p>Many worthwhile projects such as the "Walking Bus" and preparation of Transport Access Guides were funded and completed by the Innovative Transport Solutions Fund.</p> <p>Some recent projects funded by the Ministry of Transport's Local and Community Transport Program include the Budgewoi Cinema Bus (school holidays) and Young Mother's with Babes (Horizons).</p> <p>In 2007-08, \$40,000 was allocated for the Central Coast.</p>
	<p><i>Voluntary Travel Behaviour Change program</i></p> <p><i>The Central Coast has been chosen to pilot Voluntary Travel Behaviour Change programs aimed at reducing car use without limiting people's travel needs. The program is to assist households and workplaces make more informed choices about their travel. This is done by providing up-to-date and personalised information on transport options to encourage use of public transport, walking, cycling, ridesharing and more efficient use of cars (doing 3 or 4 things on each trip, for instance).</i></p> <p><i>\$0.8m, to start in 2004.</i></p>	<p>The MOT has advised that two Travel Smart programs were conducted by the Department of Planning, one in Woy Woy, the other in Ermington. The program was considered successful. It reduced the kilometres travelled by up to 23%. However, there was no significant increase in the use of public transport.</p> <p>The DOP/MOT does not know if the program will be continued/extended.</p>

Central Coast Transport Action Plan (contd)

	Project	Current Status
	<p>Traffic Management, Bus Priority and Pedestrian Facilities Provision</p> <p>Of the \$30m identified for the above works about \$6m will be spent providing bus priority measures on the road network. Roads earmarked for this work include the Pacific Highway, The Entrance Road and Brisbane Water Drive.</p> <p>\$30m. No date identified.</p>	<p>Consultants carried out a study for the RTA to identify bus priority improvements required. Improvements carried out to date include the bus lane on the Highway north of Wyong CBD (approx \$1.2m).</p> <p>Traffic management works carried out to date include The Entrance Road through Long Jetty, Oakland Ave, Pacific Highway at Roper Road and Pacific Highway/ Mataram Road Intersection.</p>
	<p>F3 Freeway to Sydney Orbital route selection study</p> <p>\$3.5m (Fed govt funding). Complete by 2004</p>	<p>The study was exhibited in August 2003. Council submitted comments. On 6 May 2004 the Federal Government announced that the preferred corridor had been chosen. The preferred corridor is 8 km long, mostly in tunnel, and connects the F3 Freeway at Wahroonga to the M2 Motorway at Pennant Hills Road Interchange. A review of this study was carried out by the Federal Government in April 2007. Council made a submission on the review of the study requesting that it commence planning for a second connection between the F3 and F7. The review recommended that planning commence for a second connection between the F3 and F7.</p>

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

286 Activities of the Development Assessment Unit

F2004/07830 JD:JD

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of May.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	22	5,692,206	14	3,653,500
Industrial	7	770,000	7	995,800
Residential	98	8,775,603	82	8,377,902
Other	18	3,117,732	9	809,361
Total	145	18,355,541	112	13,836,563

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	1	5
Industrial	2	2	2	6
Residential	2	4	3	28
Rural	1	1	-	-
Total	5	7	6	39

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

The mean (average) turn-around time in calendar days for three priority applications determined during the month was 90 days. These Development Applications were a commercial development of Bulky Goods and a Restaurant at Long Jetty, Use of a Warehouse at Wyong and Alterations and Additions to an Existing Building at Wyong. The bulky goods and restaurant development at Long Jetty involved extensive negotiations with the Roads and Traffic Authority (RTA), the residents of the area and the applicant. As a result of these negotiations and amendments to the design, Council was able to support the development. As a consequence, however, the determination time for this application reflects the length of negotiation and has distorted the overall performance. The remaining priority applications were determined in 44 days.

The mean (average) turn-around time in calendar days for development applications determined during the month was 32 days.

Other Approvals and Certificates

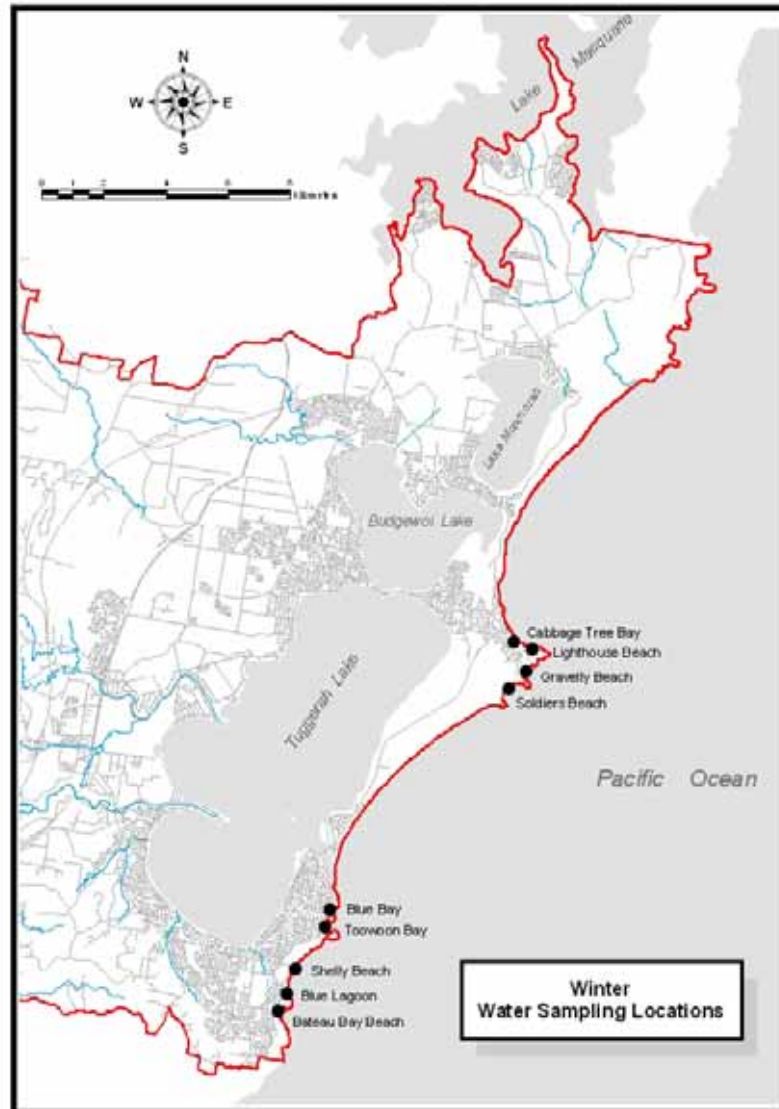
Type:	Number Determined:
Trees	49
Section 149 D Certificates	15
Construction Certificates	60
Complying Development Certificates	19

Enclosure

***Graphs – Development Applications Lodged and
Development Applications Determined***

287 Results of Water Quality Testing for Bathing Beaches (Attachment 1)

Winter Water Sampling Locations



WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

287 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for beaches in Wyong Shire.

RECOMMENDATION

That the report be received and the information noted.

Primary Recreation Water Quality Monitoring Program

Wyong beaches are regularly monitored for swimming safety in accordance with the *NHMRC Guidelines for Recreational Water Use* (1990). These guidelines allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

The Beachwatch program is inactive during the non-bathing (Winter) months. The ocean beaches adjacent to the outfalls are required to be monitored 5 times a month throughout the year by the NSW DECC ocean outfall licences for Norah Head and Wonga Point. Although Council is not required to report on all beaches during the winter, sampling has been reduced to once a month. If the monthly results are unusual, further follow up sampling is triggered.

Results of Water Quality Testing for Bathing Beaches (contd)

Summary of Results for May 2008

In May, most Ocean Outfall beaches were rated as 4 star – good water quality/safe for swimming. Only one sampling location received a 3 star rating – fair water quality/safe for swimming

Table 2: OCEAN BEACHES – May 2008

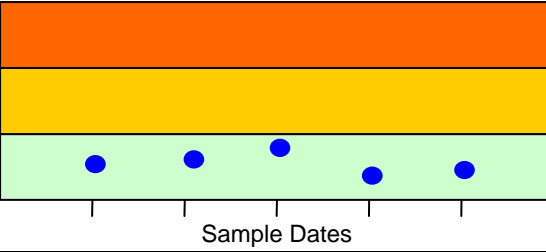
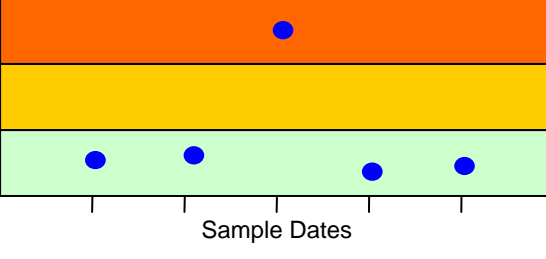
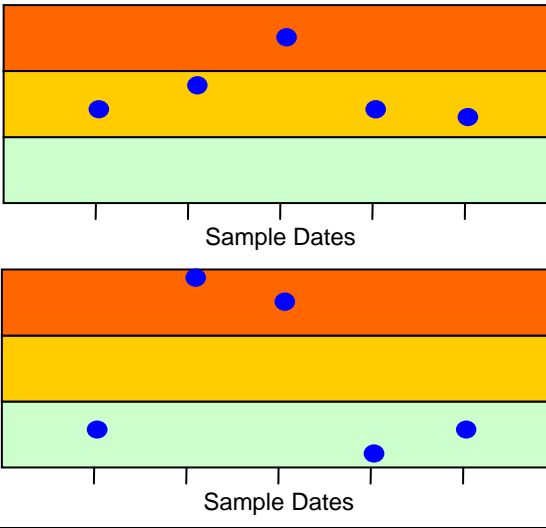
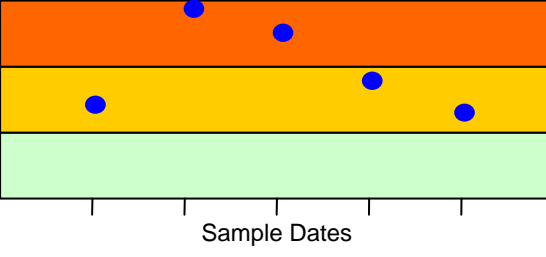
LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	Site is safe for swimming
Outfall Norah Head	***	Site is safe for swimming
Gravelly Beach	****	Site is safe for swimming
Lighthouse Beach	****	Site is safe for swimming
Shelly Beach	****	Site is safe for swimming
Toowoan Bay	****	Site is safe for swimming
Blue Bay	****	Site is safe for swimming
Blue Lagoon	****	Site is safe for swimming
Bateau Bay	****	Site is safe for swimming
Wonga Point	****	Site is safe for swimming

Attachment 1
Attachment 2

Winter Water Sampling Locations (1 page)
Table 1: NHMRC Star Rating Interpretation (1 page)

Results of Water Quality Testing for Bathing Beaches (Attachment 2)

Table 1: NHMRC Star Rating Interpretation

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis, with all dots falling within the green zone. The x-axis is labeled 'Sample Dates'.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. One dot is in the orange zone, and four dots are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
**	Poor: NHMRC indicates swimming at site is not recommended. Or The median of all samples is low, but two samples exceeded the NHMRC maximum safe value for swimming.	 <p>The graphic shows two horizontal bar charts, each divided into three colored zones: orange (top), yellow (middle), and green (bottom). The x-axis is labeled 'Sample Dates'. The first chart shows one blue dot in the orange zone and four blue dots in the yellow zone. The second chart shows two blue dots in the orange zone and three blue dots in the green zone.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. Two dots are in the orange zone, two dots are in the yellow zone, and one dot is in the green zone. The x-axis is labeled 'Sample Dates'.</p>

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

288 **Park Beach, The Entrance**

F2004/00644

SUMMARY

Report regarding Notice of Motion by Councillor Best at the Ordinary Meeting of Council held on 13 February 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 13 February 2008, Council resolved as follows:

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

- 1 That Council review the environmental, social and engineering benefits naturally created with the establishment of the new lake beach adjoining The Entrance Memorial Park as a result of the June 2007 long weekend storm event.*
- 2 That subject to the review, Council consider promoting the establishment of this beach through dredging replenishing when necessary."*

The temporary beach that has established as a consequence of the previous year June floods is likely to disappear as the estuary channel re-establishes its normal flow paths. Council has considered the environmental, engineering and social benefits of undertaking works to halt this process and maintain a permanent beach at this location.

Environmental Benefits:

The Estuary Channel has natural flow paths, different to those generated by the 2007 floods. The beach adjoining the Memorial Park is a transient phenomena, destined to disappear as the dominant channel flows are re-established. These dominant flows are most efficient, effecting the flushing of the entrance channel and the stability of the surrounding channel shorelines.

Park Beach, The Entrance (contd)

Council recently engaged an independent consultant to produce a report that included technical advice on the establishing of a beach at this southern shoreline. A copy of this report has been provided to the Councillors for information. The report advised against undertaking such action. This advice is repeated with the following excerpt:

"4 BEACH ALONG SOUTHERN SHORELINE

Council officers have advised that a proposal is currently under consideration for the creation of a permanent beach fronting a portion of the southern shoreline, on the basis that a low tide beach has currently established there and is popular with some sections of the community. As noted earlier, the flood tide dominates the southern channel the majority of the time. This current typically runs upstream hard up against the existing rock shelf/seawalls which is reasonably efficient hydrodynamically. In our opinion it would be difficult to maintain a beach along the southern shoreline as this is not a natural permanent feature of the entrance compartment. On this basis, we recommend against the creating of a permanent beach on the southern shoreline. (Worley Parsons, 2008)"

Council's consultant has determined that establishing a permanent beach in this location would impact the flow of the dominant flood tide. The dominant tide is an efficient path for water flow at this location. That is, the estuary would naturally tend to revert to flow through this area. The new beach would require continuous maintenance using dredge soil and would divert the flood tide to other sections of the estuary channel. This poses the potential to exacerbate erosion in those other areas.

Such a permanent beach would not be a natural system. The continual upkeep required to sustain the beach would create inherent cost in green house gas emissions due to the constant dredging activity.

Council's Estuary Management Plan, allows for the current, limited dredging works to mitigate flood impact. The gazetted plan does not include any proposal for the creation or maintenance of an artificial beach in this area.

There is therefore no environmental benefit in establishing and/or maintaining a new lake beach in this location.

Engineering Benefit:

The dominant flood tide is an efficient path for water flow at this location. Changing this flow by the construction of a permanent beach would create an obstacle in the path of that flow, requiring constant upkeep and diverting flows to other sections of the estuary. The natural tendency would be for the estuary to return to that most efficient flow path, thereby acting to remove the installed beach.

Park Beach, The Entrance (contd)

Any works to install a beach in this location would require continual maintenance. Currently Council expends approximately \$300,000/per annum upon dredging activity in the Entrance Channel. The dredging soil is used to maintain a natural beach profile at the North Entrance Beach. Construction of an artificial beach would have to be supplementary to these works, otherwise that section of North Entrance beach would continue to lose sediment. Additional funds would be required to maintain such a beach, with extended dredging works required.

Diversion of the dominant flood tide flow around this beach would create erosion at other sections of the channel. There would be inherent costs incurred to repair damage in those other areas. There are therefore no obvious engineering benefits in creating such a beach, however, there would be substantial costs in maintaining a beach in that location.

Social Benefit:

As stated, the temporary beach that has established as a consequence of the previous year June floods provides some level of social benefit. It provides a level of sheltered access that the adjoining surf beaches do not offer. The channel does however pose a safety risk. A maintained beach would require a manned lifeguard service.

Whether the increased tourism is generated by this permanent beach would warrant the costs contained in the works detailed in this report, is questionable. To test this case would require the implementation of detailed social survey, economic analysis and coastal hydrologic impact assessment. At present no funds are available to undertake such an investigation.

Council's review indicated that it is unlikely that the benefit to the community of installing such a beach would outweigh the environmental, engineering and financial disbenefits associated with the proposal. The financial cost to the Wyong Community of maintaining this beach would be:

- 1 Requirement for expanded dredging activity and stabilisation works against the dominant flood tide
- 2 Repair of adjoining areas destabilised by the diverted flood tide flow
- 3 Provision of services to the beach, such as lifeguards
- 4 Requirement for a consultant report to test the cost benefit analysis of such a beach to tourism at the Entrance.

It is recommended that the proposal to establish and maintain a new lake beach not be pursued.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

289 Pipeline Corridor Quarantine Zone Representations

F2006/01080 ED

SUMMARY

Advising of response received from the office of the Hon Frank Sartor, Minister for Planning to representations regarding the pipeline corridor.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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

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

- 1 That the new \$100 million Mangrove/Mardi Water Transfer Pipeline is a project of regional significance and is also recognised as infrastructure that is both economically and socially required for development of the Wyong Region, and the Pipeline is absolutely essential to the provision of the future water requirements of the greater urban areas of the Wyong Region and the Central Coast, and that Council make urgent representations to Planning Minister Sartor formally requesting that he cause such actions as may be within his powers and/or the powers of the Government of NSW to be taken to refuse the proposal for the establishment of a an underground long wall mining operation by longwall mining operations by Wallarah 2, due to the significant subsidence that will occur as a result of its proposed operations. On the grounds that any such mining operations will have unacceptable environmental, social, commercial, industrial and community development effects on the Wyong Region."*

Representations were made to the Hon Frank Sartor, Minister for Planning and a response from his office is attached.

Attachment 1

**Response from the Office of the Hon Frank Sartor MP
(1 page)**

Pipeline Corridor Quarantine Zone Representations (Attachment 1)



NEW SOUTH WALES

Office of the Hon Frank Sartor MP
Minister for Planning
Minister for Redfern Waterloo
Minister for the Arts

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

D08/1642

22 MAY 2008

Dear Mr Yates

I refer to your letter to the Minister for Planning, the Hon Frank Sartor MP which included Wyong Shire Council's resolution of 12 March 2008 in relation to the potential impacts of subsidence from the proposed Wallarah No. 2 coal mine on the Mardi to Mangrove pipeline. The Minister has asked me to reply on his behalf.

The Minister has noted Council's resolution and has forwarded a copy of your letter to the independent panel that is currently completing its inquiry into the future of coal mining in the Wyong LGA and the Department of Planning for further consideration.

Protecting the pipeline from any damage due to coal mining would be an important merit issue in the assessment of any future mining proposal in the LGA, and will require careful consideration.

Should you have any further enquiries on this matter the Minister has arranged for David Kitto, Director, Major Development Assessment to be available to assist. David may be contacted on telephone number 9228 6487.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Whan'.

Steve Whan MP
Parliamentary Secretary

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

290 Works in Progress Report – Water and Sewerage

F2004/07830 IC:DP

SUMMARY

Water supply and sewerage works in progress and completed for May 2008.

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the replacement of the 200mm diameter water main beneath the Pacific Highway at Charmhaven.

The existing 200mm AC water main conflicts with a new 1800 x 600mm concrete box drainage culvert being constructed as part of the RTA Pacific Highway upgrade for the Northlake's Shopping Centre development. Council staff have been working with the RTA to remove and replace the main to enable the construction of the culverts to proceed. The 200mm AC water main is approximately 33 years old and will be replaced with a new 200mm Class 20 UPVC pipeline and associated fittings. As asbestos cement has been identified as hazardous material, Council is required to adhere to the new WorkCover Legislation when working with AC waste to protect the health of Council's employees.

The work is being carried out by Water and Sewerage day labour staff on a cost sharing arrangement with the RTA and is due to be completed in late May 2008. Cost sharing will be based upon the age and replacement cost of the water main. Council's share of the cost is estimated to be \$12,000 and is being funded from the Water and Sewerage Capital Works programme for water main replacements.

Water Storage

As at 26 May 2008 the storage in Mangrove Creek Dam was 24.7% while the total system storage was 29.1%. Mardi Dam was at 97.5% and Mooney Dam 100%.

SEWERAGE

Work has commenced on the replacement of a section of sewer gravity main at Werrina Parade Blue Bay.

Works in Progress Report – Water and Sewerage (contd)

The sewer gravity main is approximately 39 years old and has been affected by tree root infiltration that has caused a number of blockages in the main resulting in a number of sewage overflows in the area. The sewer main is located beneath a number of mature Norfolk Island pine trees that are a declared protected species. The work consists of the replacement and lowering of approximately 30m of 150mm diameter asbestos cement sewer main with 150mm ultra polyvinyl chloride (UPVC) rubber ring jointed sewer pipe. As the trees are protected Council has been required to develop a replacement design that both protected the trees, their root system and local properties from damage and that would also not affect future redevelopment within the area. The new sewer pipe will be installed using a directional boring machine to bore beneath the trees to protect the root systems, maintain stability of the trees and not impact on existing development. Council will be removing part of the old AC main with the remaining sewer main to be left in place to protect the root system of the Norfolk Island pine tree.

The work, estimated to cost \$80,000, is being carried out by Council's Water and Sewerage day labour staff and contractors and is due for completion in mid-June 2008. The work is being funded from the Water & Sewerage Capital Works program.

PROCESS**Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 May 2008 to 31 May 2008, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 May 2008 to 31 May 2008, has met Environmental Protection Authority Licence requirements.

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, 16 June 2008****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	48,332	25.4	Up 265 ML
Mardi Dam	7400	7,284	98.4	Up 28 ML
Mooney Dam	4600	4,600	100.0	Unchanged
Total	202000	60,216	29.8	Up 293 ML

STORAGE:

- Total stored water volume has increased by 0.7% since last month.
- This day last year the volume stored as a percentage of total capacity was 8% lower.

HUNTER TRANSFERS:

- Hunter Water Corporation supplied 0 ML last week keeping this years supply at 41.2 ML.
- Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 80 ML.

GROUNDWATER BORES:

- Groundwater Bores supplied 5.1 ML last week increasing this year's supply to 75.7 ML.

WATER USAGE & RAINFALL

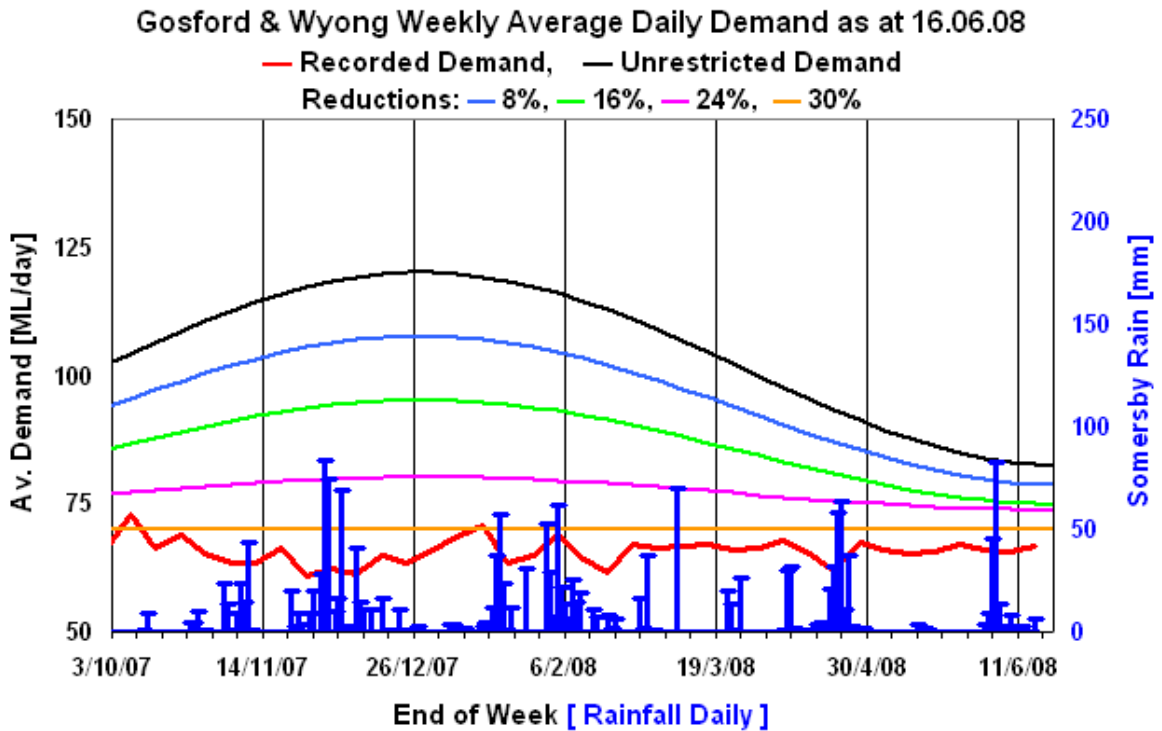
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	466	10	10	6
Previous week	459	164	132	75
Current week last year	476	98	94	72
This year to date	11,102	1,158	920	716
Same period last year	10,724	1,227	984	855

Week to date consumption was 466 ML, 2.1% less than the same week last year and 1.5% more than the previous week.

Consumption this year to date is 11,102 ML, 3.5% more than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 23 June 2008 is 490 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

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

291 **General Works in Progress Report**

F2004/07830 JEM

SUMMARY

General works in progress and completed works for the period April 2008 to May 2008.

RECOMMENDATION

That the report be received and the information noted.

ROADS AND DRAINAGE SECTION OVERVIEW

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
Lauren Avenue Lake Munmorah, Drainage Works (between Lakeway Drive and Anita Avenue)	552,500	80	June 2008	<p>Upgrading existing drainage. Works include new pipe work down Lauren Avenue across Anita Avenue and out onto the foreshore. Roadwork reinstatement required on completion of drainage.</p> <p>Drainage and reinstatement works on the foreshore, and in Anita Avenue now completed.</p> <p>Kerb and gutter installed, roadworks and reinstatement works now completed in Anita Avenue.</p> <p>Drainage works completed in Lauren Ave.</p> <p>Kerb and Guttering to be installed on eastern side of Lauren Ave and final road reinstatement to be completed by mid June.</p>

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	954,000	70	July 2008	<p>Upgrading of the existing gravel road (approximately 650m) to current standards including sealing of pavement, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting.</p> <p>All tree removal and pole relocation works are now completed</p> <p>Bulk earthworks on site including cutting of batters finalised.</p> <p>Pavement works are in progress with the subgrade works completed, with works now proceeding onto the sub base layer.</p>
Pollock Ave - Wyong Kooindah Boulevard to Jenson Road Road Reconstruction	1.1M	50	July 2008	<p>Road Reconstruction of existing road to current standards, including road widening and realignment works.</p> <p>Design works completed and approvals received.</p> <p>Service relocation works to continue.</p> <p>Drainage and shoulder works continuing.</p> <p>Pavement works on western end adjacent to Kooindah Waters Golf Resort now in progress.</p>

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
McLachlan Ave -Long Jetty The Entrance Road to Lindsay Street. Road and Drainage Reconstruction	1.9M	60	July 2008	<p>Upgrading existing road and drainage. Drainage works include new box culverts and pipes with kerb & gutter.</p> <p>Road upgrade includes full pavement reconstruction with traffic calming devices and concrete footpath.</p> <p>Drainage works in McLachlan Lane have been completed.</p> <p>Drainage and road works continuing in McLachlan Ave.</p> <p>Concreting works installing footpath, driveways and K and G have now commenced.</p>
Birdwood Drive - Blue Haven.	80,000	50	June 2008	<p>Upgrade of existing open drain between property numbers 22 and 24 Birdwood Drive.</p> <p>Works consist of concrete lining an existing grass channel, and will improve the drainage capacity of existing system.</p> <p>Concrete floor completed and works continuing on construction of walls.</p>

General Works in Progress Report (contd)**General Maintenance Work**

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

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

General Works in Progress Report (contd)

	North	South
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	Nil
Fencing		Nil
Vegetation control	Dooralong Jilliby Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace Lake Haven Toukley Chain Valley Bay South	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyang The Entrance Killarney Vale

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Contract No	Contract Description	Contract Status	% Completed
Contract CPA 94531	Consultancy for investigation and design of Link Road and trunk water main to Mardi Dam	Design and tender documentation of the Link Road and adjacent trunk water main complete. See CPA 127795 below for status of construction contract. Design and tender documentation for the trunk water main connection back to Mardi Dam is expected to be completed by August 2008 to allow construction as a separate contract.	70
Contract CPA 94559	Design and Documentation of Woongarra Sports fields	Part 5 approval has been sought under the provision of the new SEPP infrastructure. Detailed design and documentation has been reviewed. Subject to receiving planning approvals, it is anticipated that tenders can be called in July 2008. Construction is anticipated to commence October 2008, with completion by October 2009. Subject to weather and favourable growing conditions it may be possible to allow some summer competition on the fields by December 2009. Winter competition should be possible from April 2010. Estimated construction cost \$4.7M.	75

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
Contract CPA 94561	Dredging of Tumbi Creek	<p>Approximately 98% of dredging spoil has been disposed of to Buttonderry Landfill. Surveys have shown that storm events have deposited approximately 1000m3 of additional material into the dredged channel. Recent rain and minor flooding have further delayed work and it is believed that additional siltation of the dredged channel has occurred. All aquatic dredging works are now due for completion by the end of June 2008.</p> <p>Completion of the remaining site works including salt marsh establishment and restoration and any necessary rehabilitation of surrounding roads will be completed by July 2008. Environmental surveys and other related project works are expected to be completed by February 2009. Total project cost will be within budget of \$1.8M</p>	99 (dredging contract)
Contract CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Master plan	Development Approval for the upgrade of the entry and administration areas was issued on 17 March 2008. Detailed design and documentation is well advanced to allow tenders to be called by July 2008. Pre-construction works for Stage 1 commenced in early May 2008 with completion of all works programmed for April 2009.	40
Contract CPA 99940	Construction of Wadalba Sports Facility	Turf cover to playing fields was completed in October 2007. Some further slit drains and sand topdressing works will be done at the end of 2008 due to unavailability of specialised subcontractor. Winter sports have commenced on the fields from April 2008. The field was officially opened on 29 March 2008. Approximate contract value is \$6M.	99
Contract CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues only have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
Contract CPA 110431	Mardi Landfill Remediation – Investigations Only	The final report for the Mardi Landfill site has been finalised as per Council's independent contaminated lands auditor's comments. The consultant will prepare a Remedial Action Plan (RAP) for the site. Remediation works on the site will be a separate future contract based on the recommendation of the Stage 2 report and completion of the detail design works. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2010/2011.	22
Contract 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 (Men's' Shed) and Design only for Building AA (Family and Children's' Services).	Tenders for the work were called during April and closed on 1 May 2008. A report on the tenders has been prepared and will be submitted to Council in June 2008. Site works are programmed to commence in July 2008 for completion in February 2009. Project Value is \$2.5M.	95 (pre-construction)
Contract CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	Work is continuing on the installation of the synthetic capping liner with all batters now being lined, top soiled and mulched. Work is progressing on the new amenities building for the new AFL/Softball Oval on the southern side of the site with the building now at lock-up stage. Work has also progressed on the refurbishment of the existing amenities building at Pat Morley oval. Contract completion date is expected to be October 2008, with sports fields being available for play by April 2009 for winter sports of soccer and AFL (subject to suitable turf establishment conditions). Estimated contract value is \$12M.	50

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
Contract CPA 116884	Construction of underground tank for oval irrigation – Halekulani Oval, Budgewoi.	Connection of roof water from community hall to tank has been completed. Pump has been installed. Connection to existing irrigation system and commissioning to be completed by end of May 2008 to allow limited irrigation initially. The 100kl tank will be supplemented with treated effluent from future pipeline to the Budgewoi Soccer Club. This will allow all fields to then be irrigated. Contract value is \$63,000, with funding from the State Government Water Saving Fund administered by DECC.	95
Contract CPA 117144	Design and Construct the Toukley Reclaimed Effluent Treatment Plant Augmentation	Contract awarded to Water Treatment (Australia) Pty Limited on 29 February 2008. Initial investigation and design is currently underway. The Concept Design is currently being reviewed by Council. Anticipated completion date for design is July 2008. Anticipated start date for works on site is August 2008, with completion by March 2009. Estimated project construction cost \$2.2M.	20
Contract CPA 127795	Construction of Link Road and Water Main, Watanobbi to Warnervale	Tenders for construction were called 9 October 2007 and closed 13 December 2007. In November 2007 the Department of Planning issued a circular regarding proposed changes to S94 funding arrangements which indicated that the Link Road is no longer eligible for funding from this source. Council staff have been seeking urgent advice from the Department but to date have received no response. Evaluation of tenders has been suspended and the tender validity period has now expired. Assessment of planning approval under Part 5 is continuing but most other pre-construction activities have been put on hold.	0

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
Contract CPA 130590	Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to Bonacci Group Pty Ltd on 31 January 2008. Initial investigations commenced and concept designs received and reviewed. Anticipated completion of design and tender documentation by September 2008. Subject to development approval being granted, construction expected to commence in October 2008 and be completed by June 2009. This will be separately reported. Estimated Project construction cost \$8M, with this consultancy costing \$530,000.	25
Contract CPA 130591	Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to SMEC Australia P/L on 1 April 2008. Initial investigations commenced and concept designs expected shortly. Anticipated completion of design and tender documentation by September 2008. Construction is expected to commence November 2008 and be completed by May 2009. Estimated Project construction cost \$2M, with this consultancy costing \$265,000.	10
Contract CPA 136486	Investigation, Design and Documentation of Toukley Sewerage Treatment Plant Inlet Works Upgrade	Contract awarded to Maunsell Australia P/L on 1 April 2008. Initial investigations commenced, draft REF received for review and initial concept designs expected shortly. Anticipated completion of design and tender documentation by September 2008. Construction is expected to commence January 2009 and be completed by December 2009. Estimated Project cost \$2.0M.	10
Contract CPA 137955	Construction of Intersection Upgrade at Minnesota and Warnervale Roads	Construction work commenced on site in April and is progressing satisfactorily. Work includes new traffic lights outside new school. Work is expected to be completed by end of August 2008. Estimated cost \$1.5M.	20
Contract CPA 141675	Widening of Culverts and footbridge at Mataram Road, Shared Pathways and associated Road Construction	Tenders have been called for the provision of the works and closed on 27 March 2008. Tenders are being reviewed. Temporary pedestrian access has been installed to the culvert on the southern side of Mataram Rd. It is anticipated construction will commence in July and be completed by end of October 2008. Estimated cost \$ 1.2 M.	0
CPA/145543	Construction of Buff Point Shared Pathway, Stage 1	Contract awarded 13 May 2008 and work has commenced. Target completion 30 June 2008. Estimated Project construction cost \$150,000.	2%

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
CPA/145812	Killarney Vale Shared Pathway (West)	Contract awarded 19 May 2008 & commencement due on 2 June 2008. Target completion 30 June 2008. Very recent RTA funding. Estimated Project construction cost \$100,000.	0%
CPA/145813	Bridges for Killarney Vale Shared Pathways	Contract awarded 23 May 2008 & commencement due on 2 June 2008. Target completion 30 June 2008. Very recent RTA funding. Estimated Project construction cost \$80,000.	0%
CPA/145982	Buff Point Shared Pathway, Stage 1 (Matumba Section)	Contract awarded 20 May 2008 & commencement due on 10 June 2008. Target completion 30 June 2008. Estimated Project construction cost \$50,000.	0%
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Council resolved that the General Manager be authorised to execute any contract arising out of the acceptance of the proposal by LMS. Finalisation of the Agreement that will form the basis of the contract has been a protracted process between Council, Council's legal representatives and the contractor. No site works have commenced or are possible until the Agreement is finalised and executed in accordance with the Council resolution. Agreement has now been reached with the contractor, and is expected to be executed by the end of June 2008 allowing works to be undertaken on site.	5
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address 5 year work programme for TETC include: <ol style="list-style-type: none"> 1 Installation of five pedestrian ramps to lower end of The Entrance Road to be completed by September 2008. 2 Replacement of lights to Fountains: Lights and electrician are available. Currently being installed, anticipate completion by 30 May 2008. 3 Second batch of tile samples have been received from Ryowa, Japan. Have received advice that only high friction finish is now manufactured. Under review. 4 Visitor Information Signs: Quotations have been received and contract let. Work is planned to be completed prior to end of June 08. 5 Quotes for replacement timber to decks under sails have been obtained. The work will be undertaken in 2008-09 budget. 6 Sub-distribution boards to Memorial Oval: Existing DBds require replacing and work is planned for July 2008. 	90

General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
F2007/02014	Construction of under ground tank for oval irrigation Wadalba Community School	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system subject to further design input. Contract value \$68,000.	90
F2007/01491	Construction of under ground tank for irrigation of playing fields, Wyong Hockey Centre	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system subject to further design input. Contract value \$68,000.	90
F2008/00868	Construction of under ground tank for irrigation Wyong Leagues club	Construction of tank has been completed. Associated drainage works and connection to existing irrigation system to be completed by June 2008. Contract Value \$49,000.	80

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
Contract CPA/104754	Construction of Ourimbah Creek Upper Weir Fish Ladder	Contract works in Defects Liability Period until 17 August 2008.	100
Contract CPA/98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Contract works in Defects Liability Period until 28 September 2008.	100

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

292 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit
Q029 – Cessnock City's Performing Art Centre Design and Cost (Information provided to Councillors at a briefing held on 4 June 2008)	Councillor Eaton	23 April 2008	Shire Planning
Q034 – Cost to the Ratepayer of Operating the Conduct Committee (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Best	28 May 2008	General Manager's Unit

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
<p>Q035 – Rolling Works and Road Issue at Chittaway Bay</p> <p>(A response will be submitted to Council at the 9 July 2008 Ordinary Meeting)</p>	Councillor Pavier	28 May 2008	Shire Services
<p>Q036 – Lack of Lighting in the Bill Sohler Oval Carpark</p> <p>(A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)</p>	Councillor Eaton	11 June 2008	Shire Services
<p>Q037 – Lack of Timer Lighting in the Sohler Oval Grandstand</p> <p>(A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)</p>	Councillor Eaton	11 June 2008	Shire Services
<p>Q038 – Street Lighting on Toukley Bridge</p> <p>(A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)</p>	Councillor Welham	11 June 2008	Shire Services
<p>Q039 – Shared Pathways in the Blue Haven/San Remo Areas</p> <p>(A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)</p>	Councillor Welham	11 June 2008	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
470 – Ferry Service between Wyong and The Entrance <i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report.
009 – Fairer Beach Access for Dog Owners <i>That Council review its policies associated with beach access for dogs to provide responsible dog owners greater and fairer use of our Shire's beaches particularly during low usage periods.</i>	Shire Planning	23 January 2008	A briefing will be held on 2 July 2008.
138 – Affordable Housing Summit <i>That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.</i>	Shire Planning	26 March 2008	Project plan developed. Tentative date for summit 15 July 2008.
140 – Mowing and Maintenance of Open Space and Park Areas <i>Report to be provided on the adequacy of the current scheduling and targets achieved.</i>	Shire Services	26 March 2008	Date of reporting to Council has been rescheduled from 25 June to 23 July 2008 to allow time for briefing to be conducted prior to meeting date.
157 – Corridor for Future Rail Track Upgrades <i>Request Cityrail to confirm it no longer requires wider corridor in places like Ourimbah and the decision for future track upgrades and improved services such as fast train.</i>	Shire Planning	9 April 2008	Awaiting a response from Railcorp.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>179 - Briefing to Explain Calculation of Development Levies</p> <p><i>Council to convene an urgent briefing on how Section 94 Contributions are calculated.</i></p>	Shire Planning	23 April 2008	A briefing will be held on 2 July 2008
<p>227 – Wallarah 2 Funding</p> <p><i>A further report to be provided on whether the funds, previously set aside, for the examination of the State investigation into the Wallarah 2 Coal Mine and loader are adequate given the expert fields of study that will be required to be examined.</i></p>	Shire Services	28 May 2008	A report will be submitted to Council at the 9 July 2008 Ordinary Meeting.
<p>228 – Management Plan Newsletter</p> <p><i>That a report be produced on,</i></p> <p><i>a the most cost effective way of distribution (ie with rate notices etc) be examined.</i></p> <p><i>b whether the Member for Dobell (given the Federal Government contribution) would like to participate and to what extent.</i></p> <p><i>c that political comment be invited from the Mayor (of the day), Estuary Management Deputy Chair and the Member for Dobell (should he contribute).</i></p> <p><i>d the timing of the first newsletter.</i></p>	Corporate Services	28 May 2008	Awaiting response from the Member for Dobell.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008	<p>A report will be presented to the briefing session on 6 August 2008.</p> <p>The report will provide an outline of possible ward boundaries.</p>

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>232 – Surf Club Renewal Program</p> <p>1 <i>A written report be reported back to Council by 23 July 2008 on the following;</i></p> <p><i>a Councils priority on Surf Life Saving buildings.</i></p> <p><i>b That the report be based on the source of fund costings and availability of grant funding.</i></p> <p><i>c The constraints may be encountered on existing buildings and redevelopment.</i></p> <p>2 <i>That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.</i></p>	Shire Services	28 May 2008	A report will be submitted to Council at the 23 July 2008 Ordinary Meeting and a briefing will be scheduled.
<p>254 – Recent and Extraordinary Price Increases and Effect on Council's Budget and Works Program</p> <p><i>That Council report on recent significant and projected extraordinary price increases in steel, concrete, oil and other raw materials and the effect of these increases on Council's budget and works program.</i></p>	Shire Services	11 June 2008	A report will be submitted to Council at the 13 August 2008 Ordinary Meeting.
<p>256 – Proposed Changes to Council's Community Benefit Grants Procedures</p> <p><i>That the Community Benefits Grants policy and procedures be modified to include identification and funding of major events, based on the demonstrated following criteria;</i></p> <p><i>a injecting more than \$500K into the local economy</i></p> <p><i>b benefit for the whole Central Coast</i></p> <p><i>c other sponsors besides Council</i></p> <p><i>That the following events be determined as "major events" and allocate a line item in the Management Plan for these events:</i></p> <p><i>a Arrive Alive Central Coast Pro Surfing Titles</i></p> <p><i>b F1 Superboats.</i></p> <p><i>c The Central Coast Country Music Festival.</i></p>	Corporate Services	11 June 2008	A report will be submitted to Council at the 13 August 2008 Ordinary Meeting.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>257– Proposal to Reconstitute the NSW Coast Council Program</p> <p><i>That Council call on the State Government to reconstitute the NSW Coastal Council to assist:</i></p> <p>1 <i>NSW coastal councils to deal with climate change and sea level rise(s) effects.</i></p> <p>2 <i>Coastal councils in updating coastal planning regulations.</i></p>	Corporate Services	11 June 2008	Awaiting response from the Department of Environment and Climate Change (DECC).
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	Awaiting response from the Department of Local Government (DLG).
<p>260 – Toukley "Taj Mahal"</p> <p><i>That staff urgently report to Council on the site known locally as the "Toukley Taj Mahal" and located at the gateway to Toukley at the bridge. The report should advise what options Council may have to force completion of these building works and/or their demolition.</i></p>	Shire Planning	11 June 2008	A report will be submitted to Council at the 25 July 2008 Ordinary Meeting.
<p>261 – Impact on Retail Parking – Wyong</p> <p>1 <i>That further to the likely impacts of the Roads and Traffic Authority's Pacific Highway upgrade through Wyong and the current critical shortage of carparking in and around the town centre, staff provide a full report on Council's 5 December 2007 confidential briefing that scoped carparking options and initiatives for the precinct.</i></p> <p>2 <i>That Council now determine whether such a report should be shared with the community in open Council or limited to a confidential reporting session.</i></p>	Shire Planning	11 June 2008	A report will be submitted to Council at the 13 August 2008 Ordinary Meeting.

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WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

Shire Planning Department

Answers to Questions Without Notice

Q032 – Preferred Route for the Pacific Highway

Asked by Councillor Eaton at the Ordinary Meeting held on 14 May 2008
F2004/07589

“Can Council seek confirmation from the RTA that the preferred route for the Pacific Highway through Wyong is through the town centre?”

The Roads and Traffic Authority (RTA) has confirmed that it is seriously looking at the preferred route for the Pacific Highway being through the Wyong town centre.

The RTA was unable to provide a date for the public exhibition.

Answers to Questions Without Notice (contd)

Q033 – Cabbage Tree Bay Sea Wall

Asked by Councillor Best at the Ordinary Meeting held on 14 May 2008
CPA/13545

“Mr General Manager, Council made an announcement in February 2008 that it would be proceeding to build a toe drainage sea wall in Cabbage Tree Bay and that construction would commence approximately June 2008. Could staff provide information on progress to date?”

The detailed design for the proposed toe-drainage structure at Cabbage Tree Harbour is complete. Consultants are currently finalising the required environmental documentation necessary to obtain relevant approvals and this has delayed the original timeframe by several weeks. The environmental documentation will form part of the tender documents as it indicates the necessary safeguards required to build the structure in an environmentally sensitive high energy beach environment subject to tides and waves. As the project has been developed in conjunction with the Departments of Lands and the Department of Environment and Climate Change (DECC), it is hoped that no delays will occur with the required approvals under the Part V assessment.

Arrangements have already been made to go to tender for the construction and this will be managed by the Contracts and Special Projects Unit. Whilst some time may be saved by partially overlapping the approvals and tender process, construction is now expected to commence in late November 2008.

Council formally wrote to DECC on 31 January 2008 outlining its resolution to proceed with construction of the toe-drainage structure subject to 50/50 funding being provided by the State Government and requesting financial assistance for the sum of \$565,000. As of 12 June 2008, Council received a formal offer from DECC confirming that Council has been successful in gaining the requested financial assistance.

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

293 Notice of Motion – The Entrance Long Jetty Strategy Meeting

CPA/105639

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

“As a result of recent discussions on the Entrance/Long Jetty Strategy, a special planning opportunity with unique features exists between three strategic land holders in the Entrance. Those features should be explored with a view to reduce duplication of resources and to maximize community assets.

- 1 *That Council facilitates a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council to discuss planning options for a precinct having immense interest across many areas of importance - retail shopping, transport, entertainment, sport (both active and passive), residential and tourism.*
- 2 *That options of discussion, not be limited but certainly to include;*
 - * *Road Closures*
 - * *Carparking*
 - * *Bus Interchange*
 - * *Height Limits*
 - * *Joint Shared facilities such as toilets/grandstands*
 - * *Time frames*
 - * *Residential/commercial/Entertainment*
- 3 *That the Mayor chair the meeting with interested Councillors/Senior Staff and the above key stakeholders and report back on the progress or otherwise of the meeting.”*

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

**294 Notice of Motion – Funding of Public Radiation / Oncology
 Service for the Central Coast**

F2004/08724 KMF/RLG

Councillors K M Forster and R L Graham have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 they will move the following Motion:

- "1 That Council notes with dismay the State Government's failure to once again fund a public radiation / oncology service for the Central Coast.*

- 2 That Council write to the Member for Dobell, Mr Craig Thomson, requesting his immediate support for a public radiation / oncology service on the Central Coast and that this be given high priority for Federal funding."*

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

295 Notice of Motion – Wyong Pool Maintenance Policy

F2005/02391

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

"That Council as a matter of policy commit to the long term retention of Wyong Pool and reverse the current policy of minimal maintenance pending closure consequential to the building of a Warnervale aquatic facility."

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

296 **Notice of Motion – Invitation to Consulate General to Address
Wallarah 2 Mine Project**

F2006/01080

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

"That Council invite the South Korean Consulate General to urgently address Council in public session on the Korean Government's plans via KORES for the Wallarah 2 Mine project and to hear Council and community views thereon."

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

297 Notice of Motion – Education Program into Toddler Drowning

F2004/06027

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

- "1 *That as drowning is the leading cause of accidental death of children below the age of five years and further to staff advice that Wyong Shire has approximately 10,000 backyard pools, Council review effectiveness of its current swimming pool audit program, which has only achieved 140 pool inspections with almost 50% failing to comply with pool safety requirements.*

- 2 *That to assist staff in delivering this important compliance / education program, staff report to Council on the likely benefits of redeployment of Council's professional lifeguards from their winter / off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education."*

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

298 Notice of Motion – Long Jetty Cafe

F2008/01347

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

- "1 *That Council receive a briefing on the possibility of benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.*

- 2 *That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty."*

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

299 Notice of Motion – Open and Transparent Council

F2006/00856

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

"That staff report to Council on the appropriate process for Council to consider in seeking to open Council's closed briefing sessions to the public and that any such public briefings be held in Council's Civic Centre Chamber."

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WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

300 Notice of Rescission - Wyong Community Recreation Association

F2008/00352 KMF, RLG, BJP

At the Ordinary Meeting of Council held on 11 June 2008 it was resolved as follows;

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

That consideration of the Rescission Motion be deferred until the next meeting of Council on 25 June 2008.”

Council, at the Ordinary Meeting held on 28 May 2008 gave consideration to a confidential report no W013 regarding Wyong Community Recreation Association.

At that meeting, Council resolved as follows:

- “1 That the report be received and the information noted.*
- 2 That the governance model as described in the report be adopted.*
- 3 That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4 That Council enter into legal agreements with WYCRA and LeisureCo for:*
 - a Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
 - b WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*
 - c Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
 - d WYCRA to continue to operate Bingo in the long term in order to repay Council’s loans.*
- 5 That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.*
- 6 That the Loan Agreement with WYCRA be executed.*
- 7 That Council authorise the Mayor and the General Manager to sign and seal all documents.”*

25 June 2008
To the Ordinary Meeting of Council

Notice of Rescission - Wyong Community Recreation Association (contd)

A Rescission Motion was received from Councillors K M Forster, R L Graham and B J Pavier to be moved at the Ordinary Meeting of Council as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:

- 1 That the report be received and the information noted.*
- 2 That the governance model as described in the report be adopted.*
- 3 That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4 That Council enter into legal agreements with WYCRA and LeisureCo for:*
 - a Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
 - b WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*
 - c Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
 - d WYCRA to continue to operate Bingo in the long term in order to repay Council’s loans.*
- 5 That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.*
- 6 That the Loan Agreement with WYCRA be executed.*
- 7 That Council authorise the Mayor and the General Manager to sign and seal all documents.”*

Should the above Rescission Motion be carried, further notice is given that Councillors K M Forster, R L Graham and B J Pavier will move the following motion:

“MOVE

That this matter be deferred pending a full briefing on all legal advice that Council has received on this matter.”

WYONG SHIRE COUNCIL

25 June 2008
To the Ordinary Meeting of Council

301 Notice of Rescission – Schedule of Ordinary Meetings 2008

F2006/02282

Council, at the Ordinary Meeting held on 12 December 2007 gave consideration to a report regarding Schedule of Ordinary Meetings 2008.

At that meeting, Council resolved as follows:

“That the schedule of meeting dates proposed for 2008 be adopted.”

The following resolution was considered at Council’s Ordinary Meeting held on 9 April 2008.

“That the amended meeting dates proposed for 2008 be adopted.”

A Rescission Motion has been received from Councillors K M Forster, R L Graham and B J Pavier to be moved at the Ordinary Meeting of Council to be held on 25 June 2008, as follows:

“MOVE that the following resolutions carried at the Ordinary Meeting of Council held on 12 December 2007 in relation to 10 September 2008 only and 9 April 2008 be rescinded:

That the schedule of meeting dates proposed for 2008 be adopted.

That the amended meeting dates proposed for 2008 be adopted.”

Should the above Rescission Motion be carried, further notice is given that Councillors K M Forster, R L Graham, B J Pavier will move the following motion:

“MOVE

- 1 That Council vary its Code of Meeting Practice and not hold the Ordinary Meeting scheduled for 10 September 2008.*
- 2 That Council not hold briefings on the first and second Wednesday of September 2008.”*