
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, 28 NOVEMBER 2007, COMMENCING AT 5.00 PM

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

492 Disclosures of Interest

F2006/02282 ED:MR

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

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

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

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

493 Proposed Inspections

F2006/02282 ED:MR

SUMMARY

Inspections proposed to be held on 28 November 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
28 November 2007	Proposed Dog Kennel at 5 Old Maitland Road, Kangy Angy	Director Shire Planning
28 November 2007	Berkeley Road - Road rehabilitation, realignment and drainage works	Director Shire Services
28 November 2007	9 Hansens Road, Tumbi Umbi – Home Business	Director Shire Planning
28 November 2007	Eloora Road, Toowoan Bay	Director Shire Services
28 November 2007	Memorial Park Toilets, The Entrance - Improvements to public toilets adjacent to Tourist Information Centre including new skylights, tiling and fixtures	Director Shire Services
28 November 2007	Karinya Childcare Centre, Toukley – observe programmed activities and facilities	Director Shire Services
28 November 2007	Lake Haven Leisure Centre Upgrade to Gymnasium	Director Shire Services
28 November 2007	Budgewoi Tourist Park – Entry/signage capital works to date, locations of future capital works	Director Shire Services
28 November 2007	Proposed Telecommunications Tower at 287 Pacific Highway, Lake Munmorah (DA 1155/2007)	Director Shire Planning

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 28 November 2007 be received and the information noted.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

494 Proposed Briefings

F2006/02282 ED:MR

SUMMARY

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

Date	Briefing	Description	Time	Presented by
5 December 2007	Workshop	Various Issues	12.00 noon – 6.00 pm	General Manager
12 December 2007	DCP – Chapter 66 Subdivision	DCP – Chapter 66 Subdivision	11.00 am – 12.00 noon	Senior Policy Development Planner and Manager Planning – Legal and Policy
12 December 2007	Energy Efficiency	Energy Efficiency	12.00 noon – 1.00 pm	Senior Terrestrial Ecology and Sustainability Officer with consultant
12 December 2007	Sustainability Workshop	Sustainability Workshop	1.00 pm – 3.00 pm	Senior Terrestrial Ecology and Sustainability Officer with consultant

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

495 Address by Invited Speakers

F2006/02282 ED:MR

SUMMARY

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

RECOMMENDATION

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

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

496 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 14 November 2007.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 14 November 2007 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 14 NOVEMBER 2007,
COMMENCING AT 5.05 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 (JOINED THE MEETING AT 5.15PM), R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

- * KIDS DAY OUT WAS HELD AT OURIMBAH CAMPUS RECENTLY AND COUNCIL AS A SPONSOR HAS RECEIVED A CERTIFICATE OF APPRECIATION.
- * THE MAYOR AND GENERAL MANAGER TOGETHER WITH THE MAYOR AND GENERAL MANAGER OF GOSFORD CITY COUNCIL RECENTLY MET THE HON TONY KELLY MINISTER FOR ECONOMIC REGIONAL DEVELOPMENT TO DISCUSS BUSINESS CENTRAL COAST AND STRATEGIES FOR ECONOMIC GROWTH ON THE CENTRAL COAST.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 471, 479 AND 490 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

464 Disclosures of Interest

F2006/02282 ED:MR

475 - ANNUAL RENT REVIEW OF COUNCIL COTTAGES

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO ONGOING INTERACTION WITH THE GROUP AND HAVE NOT BEEN INFLUENCED BY THEM."

478 - PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECIPIENT OF FUNDS FOR KIDS DAY OUT, LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON ATTENDS THE TUGGERAH LAKES SECONDARY COLLEGE, THE ENTRANCE CAMPUS AND MAY BE INVOLVED IN THE PROGRAM NOTED ON THE BUSINESS PAPER LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

479 - STOP KOREAN COAL MINING

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

479 - STOP KOREAN COAL MINING (CONTD)

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT AS MAYOR HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE ALONG WITH THE FORMER MAYOR COUNCILLOR BOB GRAHAM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO ROLE IN THE DECISIONS OR ACTIONS OF THE GROUP AND THEY HAVE HAD NO INFLUENCE ON ME IN MY DECISION ON THIS MATTER."

484 - MINUTES OF THE CULTURAL DEVELOPMENT GRANTS PANEL – 12 OCTOBER 2007

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND ALSO HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 9.15 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.16 PM.

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

465 Proposed Inspections

F2006/02282 ED:MR

THE DIRECTOR SHIRE PLANNING ADVISED THAT ITEM NO 2 ON LIST OF PROPOSED INSPECTIONS, NO 2 DALGETY ROAD HAS NOW BEEN DELETED.

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

That the amended report on inspections to be conducted on Wednesday, 28 November 2007 be received and the information noted.

466 Proposed Briefings

F2006/02282 ED:MR

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

That the report be received and the information noted.

467 Address by Invited Speakers

F2006/02282 ED:MR

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

- 1 That the amended report on Invited Speakers be received and the information noted.***
- 2 That standing orders be varied to allow each item to be dealt with following the speaker's address.***

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

468 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

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

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

W016 – Wyong Community Recreation Association.

- 2 That the reason for dealing with the Report No W016 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**
- 3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

469 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 31 October 2007 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 14 November 2007 (contd)

470 Notice of Motion – Ferry Service between Wyong and The Entrance

CPA/105639 SG

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

- 1 That the Mayor highlight through media releases that Council has released The Entrance Strategy for public comment.**
- 2 That as part of the media releases highlight be made of the transport component of that strategy calling for a ferry service between Wyong and The Entrance and other possible lakeside destinations.**
- 3 That Council investigate government public transport subsidies for such a service.**
- 4 That Council investigate and report on wharf and passenger infrastructure required for such a service.**
- 5 That a report be brought back at the conclusion of the exhibition period of The Entrance Strategy with a view to Council then calling for expressions of interest.**

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

AGAINST: COUNCILLORS BEST, FORSTER, ROSE AND STEWART.

471 Notice of Motion - Strategic Direction of Fire Services

F2004/07102 MR

COUNCILLOR ROSE JOINED THE MEETING 5.15PM

MR ADAM TROY, REPRESENTING THE VOLUNTEERS FROM THE RURAL FIRE SERVICE, ADDRESSED THE MEETING AT 5.16 PM, ANSWERED QUESTIONS AND RETIRED AT 5.30 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.56 PM AND RETURNED TO THE CHAMBER AT 5.58 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.06 PM.

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

- 1 That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.**

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 2 *That Council note with concern the apparent direction of the Rural Fire Service towards consolidation and amalgamation of local services and request it to advise Council and the community of its plans in this respect as a matter of urgency.*
- 3 *That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.*
- 4 *That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.*
- 5 *That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.*

An AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor WELHAM:

- 1 *That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.*
- 2 *That Council continue to support the Rural Fire Service in the role it plays in protecting our property and lives.*
- 3 *That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.*
- 4 *That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.*
- 5 *That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

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

- 1 That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.**
- 2 That Council continue to support the Rural Fire Service in the role it plays in protecting our property and lives.**
- 3 That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.**
- 4 That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.**
- 5 That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.**

472 Notice of Rescission – Central Coast Water Corporation

F2004/08792 MR

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.40 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.58 PM AND RETURNED TO THE CHAMBER AT 8.59 PM.

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

That the following resolution carried at the Ordinary Meeting of Council held on 31 October 2007 be rescinded:

- 1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:*
 - a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.*
 - b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- c *To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2 *That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
- 3 *That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
- 4 *That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
- 5 *That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
- 6 *That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
- 7 *That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, GRAHAM AND VEUGEN.

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

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

473 RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay – Request to rescind part of Resolution of 14 December 2005

RZ/06/2005 JLO

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

- 1 ***That Council rescind item 7 of resolution 615 of 14 December 2005 for preparation of Draft LEP Amendment No. 172 to Wyong Local Environmental Plan (WLEP) 1991 as follows:***
 - 7 ***That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.***
- 2 ***That the land to be transferred from the Department of Lands to Council be transferred in fee simple (as part of the Deed of Agreement between The NSW Department of Lands and Wyong Shire Council) and be transferred into Council ownership after Gazettal of dLEP Amendment No. 172, or the site being sold (being the date of exchange of contracts), whichever occurs first.***

474 Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road

DA/563/1993/A PF

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

- 1 ***That Council agree to dedicate part of Lot 3 DP 618884 and part of Lot 63 DP 262025 Enterprise Drive Berkeley Vale as public road at no cost to Council.***
- 2 ***That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.***
- 3 ***That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan of dedication and associated instruments of transfer that will allow the land in Item 1 to be dedicated as public road.***
- 4 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the plan of dedication and associated instruments of transfer that will allow the land in item 1 to be dedicated as public road.***

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

475 Annual Rent Review of Council Cottages

F2004/07036 SB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.03 PM AND RETURNED TO THE CHAMBER AT 9.04 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO ONGOING INTERACTION WITH THE GROUP AND HAVE NOT BEEN INFLUENCED BY THEM."

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

- 1 That the weekly rent of Council owned cottages shown as Recommended Rent for 2007/2008 in Attachment 1 to this report be approved.***
- 2 That increased rentals apply after the statutory period of 60 days notification to the tenants.***
- 3 That the amount of the concessions of \$52,340.08 per annum for community groups be brought to account in Council's accounting records as a donation.***

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

AGAINST: COUNCILLOR VEUGEN.

476 Renewal of Lease to Department of Commerce for Telecommunications Network at Berne Street Reservoir, Bateau Bay - Part of Lot 37 DP 228117

F2004/08386 JMT

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

- 1 That Council lease part of Lot 37 DP 228117 Berne Street, Bateau Bay to Department of Commerce for the purpose of maintaining and operating a telecommunications network generally on the same terms and conditions that currently apply.***

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 2 *That the term of the Lease to Department of Commerce be up to a maximum of 10 years at a commencing rent of \$6,380 per annum exclusive of GST, subject to annual 5% increases.*
- 3 *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Department of Commerce.*
- 4 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Department of Commerce.*

477 Local Government Election – September 2008

F2007/01531 ED

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

- 1 *That Council make formal representations to Electoral Commission NSW and the local State and Federal Members of Parliament seeking their assistance in having the cost to be borne by Council, reduced.*
- 2 *That should item 1 above not result in a positive outcome, Council apply to pay the cost of the 2008 Local Government Election over four years.*
- 3 *That the Tony Sheridan Function Room at the Civic Centre, be offered to the Electoral Commission NSW as accommodation for the Returning Officer and principal polling place.*
- 4 *That due to the Electoral Commission's indicated costs, a maximum of 15 booths be established in each ward and that these booths be located as far as possible within Council owned premises.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

478 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECIPIENT OF FUNDS FOR KIDS DAY OUT, LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON ATTENDS THE TUGGERAH LAKES SECONDARY COLLEGE, THE ENTRANCE CAMPUS AND MAY BE INVOLVED IN THE PROGRAM NOTED ON THE BUSINESS PAPER LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

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

That an amount of \$8,945 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

479 Stop Korean Coal Mining

F2007/00729 SG

MR KEN SCALES, REPRESENTING STOP KOREAN COAL MINING (SKCM), ADDRESSED THE MEETING AT 6.07 PM, ANSWERED QUESTIONS AND RETIRED AT 6.37 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.07 PM AND RETURNED TO THE CHAMBER AT 6.11 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 6.59 PM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.12 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.07 PM AND RETURNED TO THE CHAMBER AT 6.11 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 7.01 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT AS MAYOR HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE ALONG WITH THE FORMER MAYOR COUNCILLOR BOB GRAHAM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO ROLE IN THE DECISIONS OR ACTIONS OF THE GROUP AND THEY HAVE HAD NO INFLUENCE ON ME IN MY DECISION ON THIS MATTER."

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

That an amount of \$1,300 be allocated to Stop Korean Coal Mining from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

POINT OF ORDER

COUNCILLOR PAVIER RAISED A POINT OF ORDER AGAINST COUNCILLOR BEST FOR COMMENTS HE MADE ABOUT HIS MOTIVES FOR MAKING AN AMENDMENT TO THIS ITEM.

THE MAYOR RULED THAT COUNCILLOR BEST WAS OUT OF ORDER.

POINT OF ORDER

COUNCILLOR BEST RAISED A POINT OF ORDER AGAINST COUNCILLOR VEUGEN FOR NOT KEEPING TO THE MOTION BY INTRODUCING THE SUBJECT OF HOUSE PRICES.

THE MAYOR RULED THAT THERE WAS NO POINT OF ORDER AS THIS TOPIC WAS RELEVANT TO THE DEBATE.

MOTION OF DISSENT

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

"I MOVE dissent from the Chairperson's ruling on the basis of that the Mayor is not being even, fair and without favouritism in the rulings of his office in the debate of this chamber in accordance with the Local Government Act".

The MOTION OF DISSENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

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

- 1 That Council note the composition of the steering committee of the Stop Korean Coal Mining group. A specific mention of a role of that Committee is Spokesperson Greg Best (26 July 2007 Minutes) and there is a further mention of Doug Eaton (2 October 2007 Minutes) attending that Committee.*

That as a direct result of Clause 1, Council raise concern about the possible failure in the set procedure of Local Government and other laws, Wyong Shire Council procedures and by laws/code of meeting practice, etc being followed and or adopted by the two respective members of the Committee, those being Greg Best and Doug Eaton, both councillors of Wyong Shire Council.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

Having regard to the above

- 2 *Council seek legal opinion on whether due process of declarations on items such as Community Improvement Grants, both at the paper and declaration stage on that item and the formal Council meeting has been adhered to.*

Further legal investigation

- 3 *That a meeting on Wednesday 7 November 2007, where Council resources were used, Greg Best did not clearly state his position as a member of the Stop Korean Coal mining group steering committee and his conflict of interest in regards to his relationship with Doug Eaton. Greg Best is CEO of Central Coast Group Training, where Doug Eaton is the Chairman of the Board, and is the campaign manager for Doug Eaton in the upcoming Federal Election.*
- 4 *That Council note the flyer produced by the Stop Korean Coal Mining, which was publicly distributed to ratepayers, (which is now tabled) outlining details of the anti coal mine event at the Wyong Civic Centre, the following statement: "At the end of the five minutes each candidate will be subjected to questions from the people in attendance. No Dorothy Dix questions (that is set questions from the forum floor) from accomplices designed to make the candidate look good ..."*

Yet this distributed flyer conflicts directly with set questions established by the Chairman of the Stop Korean Coal Mining Group sent out via email on the night of the debate at 5.40pm 7 November 2007.

Dear friends (reference to steering committee members) "Attached are some questions that should be asked tonight. Sorry you didn't get these earlier. Please ask at least one each plus the ones you have prepared. I'll print out a copy and bring it with me. Cheers! John (John Lewer)" with an urging to ask these set questions i.e. Dorothy Dix questions to the candidates

On the mailing email list of the Chairman, who asked one of the Dorothy Dix questions, is the moderator of the night, Greg Best and one of the candidates Doug Eaton and the Mayor, Warren Welham.

- 5 *That Council raises concern about the procedural fairness to our elected Federal Member of Parliament, Ken Ticehurst, ALP candidate Craig Thompson and Greens Candidate, Scott Rickard. The Council write to these people seeking their comments on the disadvantage that they may have felt on the night.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 6 *That Council note there is no listed written submission by the Stop Korean Coal Mining group to the recent Department of Planning and State Government Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA, and I table information in support of that claim.*
- 7 *That Council read back into the records of the Motion of Councillor Greg Best on 9 June 1999 (ref C064) which states “That the peak community group on coal related matters – the Minestop Group, be invited to give a response briefing at the regular quarterly briefings by COAL Operations Australia Ltd on mining and exploration matters”, which is still the same group now known as the Australian Coal Alliance – spearheading the community fight against KORES.*
- 8 *That Council note the minute of the Stop Korean Coal Mining Steering Committee held on 16 October 2007, and I quote “Members (members of the steering committee) expressed their surprise and disappointment at this response (of the Tuggerah Supa Centre), because we are all fighting for the same cause and it is in everyone’s best interests that we be united in our fight to stop the coal mine.’*
- 9 *That Council request, given the above minute of the Stop Korean Coal Mining group, the best interests of Council and the community are best served by a united front of opposition against the KORES coal mine proposal.*
- 10 *That as a result of Clause 9, Council believes that the monies identified by Councillors Best Eaton and Veugen should be held in reserve pending the aforementioned investigation and legal advice.*
- 11 *That Council reaffirm its support of the community based group the Australian Coal Alliance in our fight against the proposed coal mine in the Wyong Shire Valleys.*
- 12 *That a report comes before Council in due course on the above requested action.*

The AMENDMENT was put to the vote and declared CARRIED on the casting vote of the Mayor.

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

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

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

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

- 1 That Council note the composition of the steering committee of the Stop Korean Coal Mining group. A specific mention of a role of that Committee is Spokesperson Greg Best (26 July 2007 Minutes) and there is a further mention of Doug Eaton (2 October 2007 Minutes) attending that Committee.**

That as a direct result of Clause 1, Council raise concern about the possible failure in the set procedure of Local Government and other laws, Wyong Shire Council procedures and by laws/code of meeting practice, etc being followed and or adopted by the two respective members of the Committee, those being Greg Best and Doug Eaton, both councillors of Wyong Shire Council.

Having regard to the above

- 2 Council seek legal opinion on whether due process of declarations on items such as Community Improvement Grants, both at the paper and declaration stage on that item and the formal Council meeting has been adhered to.**

Further legal investigation

- 3 That a meeting on Wednesday 7 November 2007, where Council resources were used, Greg Best did not clearly state his position as a member of the Stop Korean Coal mining group steering committee and his conflict of interest in regards to his relationship with Doug Eaton. Greg Best is CEO of Central Coast Group Training, where Doug Eaton is the Chairman of the Board, and is the campaign manager for Doug Eaton in the upcoming Federal Election.**
- 4 That Council note the flyer produced by the Stop Korean Coal Mining, which was publicly distributed to ratepayers, (which is now tabled) outlining details of the anti coal mine event at the Wyong Civic Centre, the following statement: "At the end of the five minutes each candidate will be subjected to questions from the people in attendance. No Dorothy Dix questions (that is set questions from the forum floor) from accomplices designed to make the candidate look good ..."**

Yet this distributed flyer conflicts directly with set questions established by the Chairman of the Stop Korean Coal Mining Group sent out via email on the night of the debate at 5.40pm 7 November 2007.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

Dear friends (reference to steering committee members) "Attached are some questions that should be asked tonight. Sorry you didn't get these earlier. Please ask at least one each plus the ones you have prepared. I'll print out a copy and bring it with me. Cheers! John (John Lewer)" with an urging to ask these set questions i.e. Dorothy Dix questions to the candidates.

On the mailing email list of the Chairman, who asked one of the Dorothy Dix questions, is the moderator of the night, Greg Best and one of the candidates Doug Eaton and the Mayor, Warren Welham.

- 5 That Council raises concern about the procedural fairness to our elected Federal Member of Parliament, Ken Ticehurst, ALP candidate Craig Thompson and Greens Candidate, Scott Rickard. The Council write to these people seeking their comments on the disadvantage that they may have felt on the night.*
- 6 That Council note there is no listed written submission by the Stop Korean Coal Mining group to the recent Department of Planning and State Government Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA, and I table information in support of that claim.*
- 7 That Council read back into the records of the Motion of Councillor Greg Best on 9 June 1999 (ref C064) which states "That the peak community group on coal related matters – the Minestop Group, be invited to give a response briefing at the regular quarterly briefings by COAL Operations Australia Ltd on mining and exploration matters", which is still the same group now known as the Australian Coal Alliance – spearheading the community fight against KORES.*
- 8 That Council note the minute of the Stop Korean Coal Mining Steering Committee held on 16 October 2007, and I quote "Members (members of the steering committee) expressed their surprise and disappointment at this response (of the Tuggerah Supa Centre), because we are all fighting for the same cause and it is in everyone's best interests that we be united in our fight to stop the coal mine.'*
- 9 That Council request, given the above minute of the Stop Korean Coal Mining group, the best interests of Council and the community are best served by a united front of opposition against the KORES coal mine proposal.*
- 10 That as a result of Clause 9, Council believes that the monies identified by Councillors Best Eaton and Veugen should be held in reserve pending the aforementioned investigation and legal advice.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 11 *That Council reaffirm its support of the community based group the Australian Coal Alliance in our fight against the proposed coal mine in the Wyong Shire Valleys.*
- 12 *That a report comes before Council in due course on the above requested action.*

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

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

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

AT THE CONCLUSION OF DISCUSSION ON THIS ITEM THE MEETING WAS ADJOURNED AT 7.38 PM. THE MEETING RESUMED AT 7.48 PM WITH DISCUSSION ON ITEM 490.

480 Use of Chittaway Point Hall

F2004/11423 RIA

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

- 1 *That the Chittaway Point Hall be retained as a Community Facility.*
- 2 *That Council continue to support the Section 355 Committee of the Chittaway Point Hall in the promotion of the facility.*
- 3 *That the Chittaway Point Hall 355 Committee be advised accordingly.*

COUNCILLOR BEST NOTED THE WORK DONE BY THE MEMBERS OF THE 355 COMMITTEE AND EXPRESSED APPRECIATION FOR THAT WORK.

481 Public Presentation of 2006/2007 Audited Annual Financial Reports

F2007/00545 BMD

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

That the Audited Annual Financial Reports for 2006-07 be received and noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

482 Proliferation of Speed Zones

F2004/06696 AP: MD

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

- 1 That the response from the RTA in regard to the proliferation of speed zones across the Shire be noted.**
- 2 That, in regard to the request by the RTA for the reduction in speed limit on Sparks Road, Woongarra, that the RTA be advised that Council supports the proposal.**
- 3 That Council further request the RTA to consider reviewing speed zones along Sparks Road to the intersection with Albert Warner Drive.**

483 Term of Appointment of Mayors Elected by Councillors

F2004/06511 ED

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

That Council should have the flexibility of having a Mayoral term of 1 or 2 years.

An AMENDMENT was MOVED by Councillor ROSE:

That all Mayors be elected by popular election.

The MOTION lapsed for want of a SECONDER.

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

That Council advise the Ministerial Advisory Council that Councils should have the flexibility of having a Mayoral term of 1 or 2 years.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

**484 Minutes of the Cultural Development Grants Panel –
12 October 2007**

F2005/02419 ED

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND ALSO HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 9.15 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.16 PM.

THE DEPUTY MAYOR ASSUMED THE CHAIR.

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

That the reports and recommendations of the Cultural Development Grants Panel meeting held on 12 October 2007 be received and adopted.

THE MAYOR RESUMED THE CHAIR.

485 International Cities Town Centres and Communities Conference

F2004/06466 ED

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

That the report be received and the information noted.

486 Annual Report to the Minister for Local Government

F2007/00739 SG

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

487 Schedule of Bank Balances and Investments – September 2007

F2004/06604 HS

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

That the report be received and the information noted.

488 Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire

F2004/06939 ED

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

That the report be received and the information noted.

489 Review of NSW Legislation to Stop Graffiti Vandalism

F2004/07937 JM

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

That the report be received and the information noted.

490 Colour of Life Guards' Uniform

F2004/06257 DC

MR IAN VAUGHAN, REPRESENTING AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARDS ASSOCIATION, ADDRESSED THE MEETING AT 7.48 PM, ANSWERED QUESTIONS AND RETIRED AT 9.10 PM.

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

That the report be received and that the information be noted.

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

AGAINST: COUNCILLOR BEST.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

491 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED

Q111 – Sites in Council Caravan Parks

Councillor Eaton

F2007/01304

“Can Council issue a progress report on the transfer of affected sites within Council’s caravan parks?”

Q112 – Shire boundary alteration

Councillor Eaton

F2004/06544

“When will Councillors and the public be notified of the giveaway of land at the northern boundary of the Shire to Lake Macquarie Council and the associated boundary change?”

Q113 – Exemption from liability

Councillor Rose

F2004/05399

“Could a report be provided in relation to any exemption from liability to individual Councillors regarding flood liable land and land in the coastal zone, as provided by Section 733 of the Local Government Act, where they act contrary to a staff recommendation?”

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

**Q114 – Float trikes
Councillor Welham**

F2007/01635

“Could Council staff make representations to the State Member for Swansea, Mr Robert Coombes MP regarding the apparent non action of the State Authorities being the Civil Aviation Service Authority (CASA) and the Maritime Services Authority (MSA) in relation to the illegal float trike operation taking place at Sandy Beach, Lake Macquarie. In particular Council is aware of specific noise complaints regarding this activity which are the responsibility of CASA and MSA to follow up and control. Could Council staff report back on the outcome of these representations?”

**Q115 – Roadworks at Pacific Highway and Amy Close, North Wyong
Councillor Welham**

DA/1325/2005

“Could Council staff make urgent representations to the Roads and Traffic Authority regarding the confusing and misleading linemarking along the Pacific Highway at the corner of Amy Close where roadworks are being undertaken in conjunction with the Service station and KFC development at North Wyong? In particular that staff urge the Roads and Traffic Authority to require the contractor to remedy this dangerous traffic situation without further delay as the current unsafe situation has been ongoing for at least six weeks without rectification.”

**Q116 - Upgrade of Minnesota Road
Councillor Best**

F2007/01397

“Mr General Manager, on behalf of the good people of the greater Warnervale / Wadalba districts regarding the unacceptable state of Minnesota Road, both in terms of condition and safety particularly having regard to the escalation of traffic movements as a result of the soon to be opened Public School (corner Warnervale Road and Minnesota Road), could staff report on the future timelines for the upgrade of this important corridor?”

**Q117 – Additional Parking in Wyong
Councillor Best**

F2004/06676

“Mr General Manager, on behalf of Council staff and the residents and ratepayers of our Shire who frequently access the Hely Street Council facility, I believe it only fair and reasonable that Council address the provision of additional local parking as a priority. Can the General Manager report on assisting our staff and ratepayers with regard to these facilities?”

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.21PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.33PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W016 Wyong Community Recreation Association

F2004/10762

That having regard to the Governance and legal complexities of this sensitive issue Council refer this matter for expert advice to an urgent meeting of Council's Governance Committee while also seeking legal advice on our obligations and responsibilities.

W017 Land in Wyong

That staff action the resolution in accordance with the report

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

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.36 PM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

497 Notice of Motion - Air Quality

F2004/00152, F2004/06956 MR

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 28 November 2007 he will move the following Motion:

"Following the release of the State of the Environment Report (SOE) 2006/2007 Wyong Shire Council, with reference to Chapter 4 Air Quality and Climate Change.

That Council;

1 *Notes that (p59 SOE) the document states the air quality in Wyong Shire to be only fair, with trends of stable/declining for the future.*

1b *Notes the expenditure of \$52 Million dust removal machinery by Delta Electricity to be completed by December 2007*

and

2 *As a result of the following factors:*

(i) *projected population of 100,000 by the year 2031,*

(ii) *increase car dependency, coupled with a less than adequate public transport system for example NO NORTH WARNERVALE RAILWAY STATION,*

(iii) *climate change trends with increased bush fire potential and haze,*

(iv) *a proposed major coal loader facility and coal dust concerns/open rail car transport-silica concerns, associated with that facility to be housed north of the suburb Blue Haven,*

(v) *proposed air vents (west of Hue Hue Road) as a result of the KORES underground expected coal mine,*

(vi) *potential for further increased respiratory ailments such as asthma as a result of the above (i to v),*

28 November 2007
To the Ordinary Meeting of Council

Notice of Motion - State of the Environment Report 2006/2007

- a *Conducts a location mapping analysis on other locations for further air quality monitoring stations in the Shire.*
- b *That as part of the mapping exercise, considers suburbs such as Blue Haven and Warnervale as possible air quality monitoring station locations.*
- c *That following Council's investigations and findings on possible locations, that the report canvas, the how and by whom the monitoring stations should be provided and at what cost. Council should also, as part of this report, comment on the possible nexus of the proposed Coal mine/coal loader facility and whether some of these stations should, in the event that the mine goes ahead, be provided by KORES."*

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

498 Notice of Motion - Fraser Island Sandmining Case

F2007/00729

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 November 2007, he will move the following Motion:

"That Council obtain legal advice on the application of the Principles in the Fraser Island Sandmining case to the proposed Korean Coal Mine."

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

499 Notice of Motion - The Entrance Peninsula Strategy

CPA/105639

Councillor K M Forster has given notice that at the Ordinary Meeting of Council to be held on Wednesday 28 November 2007, she will move the following Motion:

"That during the period of the public exhibition and as part of the economic viability study, a review be undertaken as follows:

- a Of the viability of the 3(d) Tourist Business zoning within The Entrance Town Centre in relation to the zone objectives requiring predominantly tourism development.*
- b Of the potential to rezone land currently zoned 3(d) Tourist Business within The Entrance Town Centre to 3(a) Business Centre Zone, on the basis that the economic viability of the land will be substantially enhanced."*

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

500 Notice of Motion - Poll

F2007/01531 MR

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 28 November 2007 he will move the following Motion:

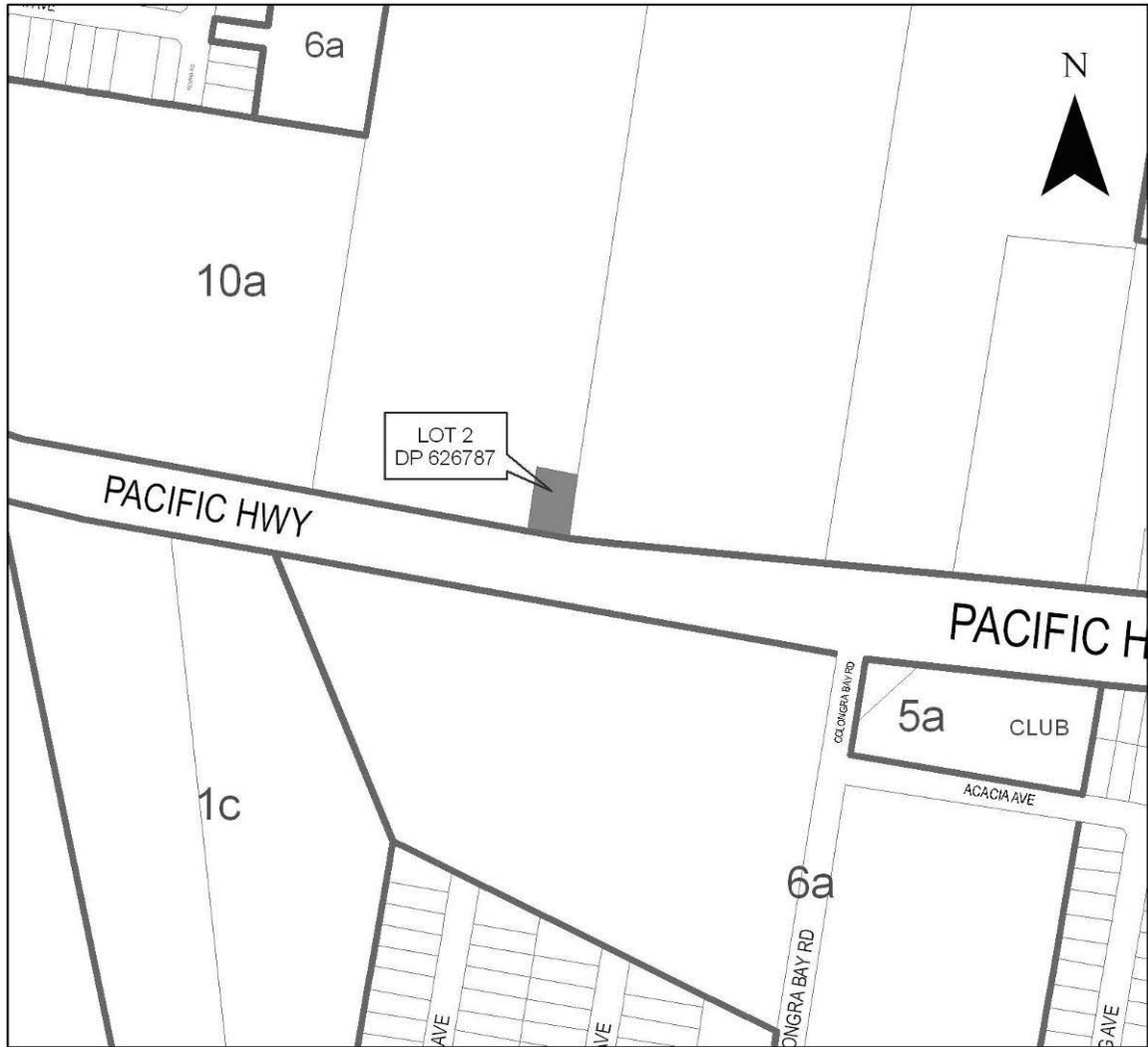
- “1 That Council at the upcoming September 2008 Local Government elections conduct a Shire wide poll that will allow our residents and ratepayers to voice their views on key community issues such as, but not limited to, the current Korean coal mining proposal, various strategic planning issues, sustainability, population growth, water supply and election of Mayor.*
- 2 That 1 above be subject to a thorough Council briefing and report by staff to Council on issues such as process, scheduling, suggested items for inclusion and costs.”*

COUNCILLOR'S NOTE

The suggested topics are only examples for discussion.

**501 Proposed Utility Installation at Lake Munmorah
(Attachment 1)**

Locality Plan



WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

501 Proposed Utility Installation at Lake Munmorah

DA/1155/2007 ARO:JD

SUMMARY

An application has been received by Council for a *utility installation* at 287 Pacific Highway, Lake Munmorah (hereafter referred to as 'the site'). The site is located within the 10(a) Investigations Precinct Zone where utility installations are permissible with development consent from Council. The proposed development is compliant with all relevant environmental planning instruments and policies and is therefore recommended for approval by Council.

Applicant	Divini Tsoi (C/O: Telstra Corporation Pty Ltd)
Owner	Telstra Corporation Pty Ltd
Application No	DA/1155/2007
Description of Land	Lot 2 in DP 626787, 287 Pacific Highway, Lake Munmorah.
Proposed Development	Utility Installation
Site Area	1339m ²
Zoning	10(a) Investigation Precinct Zone
Existing Use	Telstra Exchange
Employment Generation	No
Estimated Value	\$207,000

RECOMMENDATION

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2** *That those who made written submissions be advised of Council's decision.*

PRECIS

- * The proposed development is consistent with the objectives of the 10(a) Investigations Precinct Zone pursuant to the provisions of the Wyong Local Environmental Plan 1991 (WLEP) and is permissible with consent from Council.
- * The applicant has provided information which indicates that the proposed slimline tower will emit electromagnetic energy which will be no greater than 0.02% of, or 5,000 times less than the standard set by the Australian Communication Authority.

Proposed Utility Installation at Lake Munmorah (contd)

- * The proposal was placed on public notification for a period of 14 days in accordance with Development Control Plan 2005 (DCP 2005) Chapter 70 – Notification of Development. Two submissions were received during the exhibition period, one against the proposal and one in favour.

INTRODUCTION

The site is legally described as Lot 2 in DP 626787 and is currently used as a telecommunications exchange by Telstra with associated equipment housing facilities. The site is relatively level with a cluster of large (approximately 25m high) pine trees along the southern and eastern boundaries. The site is bounded by the Pacific Highway to the south, a wholesale and retail landscaping business to the east and a rural property to the north and west. The nearest residential dwelling is located approximately 45m to the north-west, with the nearest substantial residential areas at approximately 280m to the south, 330m to the north-west and 400m to the east.

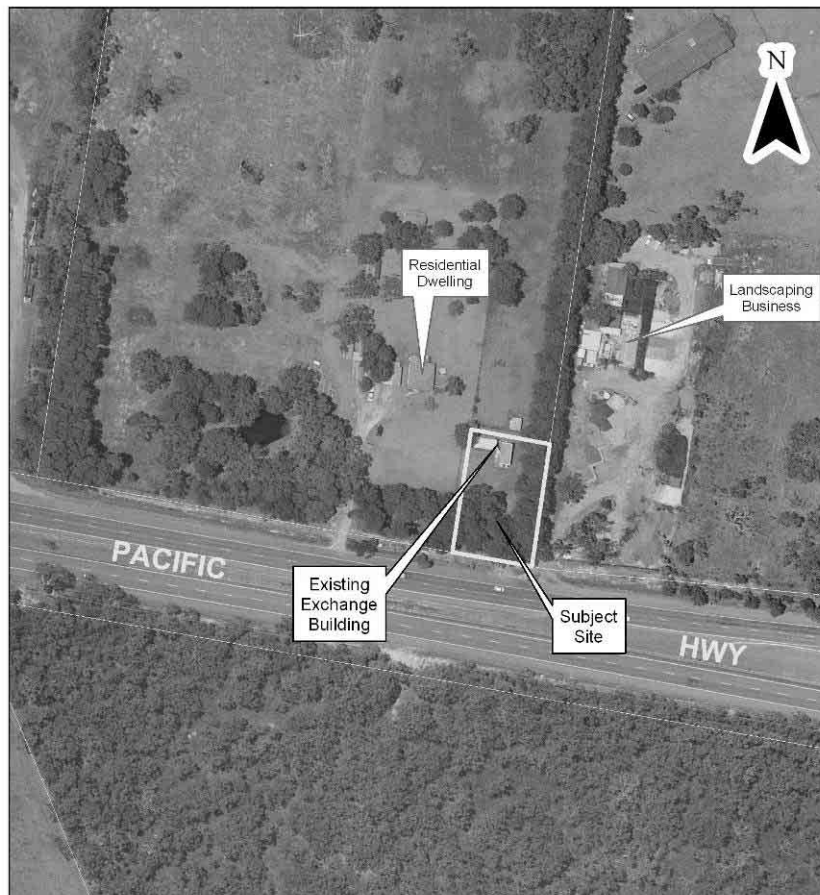


Figure 1: Site Location Map

Proposed Utility Installation at Lake Munmorah (contd)

The applicant seeks development consent pursuant to Section 80 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for a *utility installation* comprising the following:

- * One x 30 metre high slimline monopole structure;
- * Three panel antennas (each 2.6m long), turret mounted on the monopole at an elevation of EL 30m;
- * One external equipment shelter coloured 'Pale Eucalypt';
- * Underground fibre optic and power route connecting the services to the proposed telecommunications compound and;
- * Installation of ancillary equipment such as feeder cables, cable ladder and cable trays on the proposed monopole and within the new equipment shelter.

PERMISSIBILITY

The site is zoned 10 (a) Investigations Precinct Zone pursuant to the provisions of WLEP. The proposal for which development consent is sought (ie a utility installation) is permissible subject to being consistent with the objectives of the 10 (a) Investigations Precinct and furthermore requires development consent from Council.

The objectives of the 10 (a) Investigation Precinct Zone are as follows:

- “(a) to protect native vegetation, maintain ecological processes and biological diversity within land that is under investigation for conservation purposes, and*
- (b) to protect rural land that, after detailed environmental investigations, may be suitable for ecological conservation or future urban development, and*
- (c) to prohibit development that it is likely:*
 - (i) to lead to the premature and sporadic subdivision of land, or*
 - (ii) to inhibit the potential for urban expansion in selected areas, particularly the urban fringe, or*
 - (iii) to prejudice the present environmental quality of the land, or*
 - (iv) to generate significant additional traffic or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, and*

Proposed Utility Installation at Lake Munmorah (contd)

- (d) *to ensure that any interim development is carried out in a manner that minimises risks from natural hazards, minimises degradation of environmental values, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of rural areas, and*
- (e) *to allow mining to occur in an environmentally acceptable manner."*

The proposed utility installation does not have a detrimental impact upon the native vegetation, ecological process and biological diversity of the land in question, nor does it inhibit the potential for urban expansion of the locality. Therefore, the proposed development is deemed to be compliant with the relevant provisions of the 10 (a) Investigation Precinct Zone objectives.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The proposal has been assessed against the relevant provisions of the following environmental planning instruments and policies:

- * Telecommunications Act 1997 (Commonwealth)
- * State Environmental Planning Policy No 71 – Coastal Protection
- * ACIF C564:2004 – Deployment of Mobile Phone Network Infrastructure
- * Residential Development Strategy

ECOLOGICALLY SUSTAINABLE PRINCIPLES

As detailed under the EP&A Act, Ecologically Sustainable Development can be addressed through the implementation of the following principles:

- a) *the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

The proposed development has been assessed in a precautionary manner in accordance with Council's requirements, incorporating satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible, and is deemed to be consistent with these objectives.

- b) *inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;*

The proposed development is unlikely to have any significant adverse impact on the environment and will not decrease the environmental quality for future generations.

Proposed Utility Installation at Lake Munmorah (contd)

- c) *conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;*

The proposed development does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. Accordingly, it is considered that the proposed development will not adversely affect biological diversity or ecological integrity.

- d) *improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services.*

This goal requires polluters to pay for containment, avoidance or abatement of the effect of pollution, as well as requiring the users of goods and services to pay for costs of these services. As such, it is considered that the proposed development is unlikely to generate pollution.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C and s149 of the EP&A Act, other statutory requirements and Council's policies, the assessment has identified the following key issues which are elaborated upon for Council's information.

THE PROVISIONS OF RELEVANT PLANS AND POLICIES (s79C(1)(a)(i-iv)):

ACIF C564:2004 – Deployment of Mobile Phone Network Infrastructure

The above code operates under the authority of Part 6 of the Telecommunications Act 1997 to provide information in regard to the health risks related to radiofrequency electromagnetic radiation exposure. The objectives of this code are:

- “1 *to apply a precautionary approach to the deployment of radio communications infrastructure;*
- 2 *to provide best practise processes for demonstrating compliance with relevant exposure limits and the protection of the public;*
- 3 *to ensure relevant stakeholders are informed and consulted before radio communications infrastructure is constructed;*
- 4 *to specify standards for consultation, information availability and presentation;*

Proposed Utility Installation at Lake Munmorah (contd)

- 5 *to consider the impact on the well being of the community, physical or otherwise, a radio communications infrastructure; and*
- 6 *to ensure Council and community views are incorporated into the radio communications infrastructure site selection."*

The Australian Communications and Media Authority (ACMA) sets standards that limit human exposure to electromagnetic emissions (EME) under Section 376 (2) of the Telecommunications Act 1997 and Section 162(3) of the Radio Communications Act 1992. The ACMA adopted the Australian Radiation Protection and Nuclear Safety Agency Standard as the mandatory standard for human exposure to EME from mobile base stations. The applicant has provided information which indicates that the proposed tower will emit EME no more than 0.02% at a distance up to 500m from the antennas on the proposed tower.

With regard to public participation, the proposal was advertised in accordance with DCP 2005 Chapter 70. Of the two submissions received by Council, neither raised concerns in regards to the emissions and the perceived associated health risks from the development.

Residential Development Strategy

The site in question has been identified as land for potential future urban release under Council's Residential Development Strategy. The land is located within Precinct No 2, Chain Valley Bay, which has been identified as a long term release area. Given that the projected EME emissions are no greater than 0.02% of the Australian Standard, the proposed utilities installation would not have a detrimental impact on the potential rezoning and subdivision of Precinct No 2.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):***The relationship to the regional and local context and setting.***

The proposal, by its very nature, is required to be one of the tallest structures in the area to ensure comprehensive mobile phone coverage. As such, the only way to ameliorate the impact of such an installation is to locate it away from areas of natural scenic beauty.

Proposed Utility Installation at Lake Munmorah (contd)

The location of the utility installation is considered appropriate as it will be situated amongst the existing vegetation on site with only the top 5m of the tower protruding above the tree canopy. It is also well separated from any significant residential area.

In terms of distant views, only the top 5m of the tower will be visible from the surrounding areas due to the extensive existing vegetation on the site. Furthermore, at ground level, the proposed equipment shelter will integrate visually with the existing buildings on the site and will be further shielded from the Pacific Highway by the existing vegetation. Overall, the proposed development will have a minimal visual impact.

*The **access, transport and traffic** management measures.*

Access to the site is provided from an existing driveway off the Pacific Highway. This access is considered adequate for the construction phase and ongoing maintenance of the proposed utility installation.

*The impact on the **public domain** (recreation, public open space, pedestrian links).*

The proposed development will not have an impact on public recreation opportunities in the locality nor impede on the management of the public spaces in the area.

*The impact on **utilities** supply.*

Connection to water and sewer is not required for this proposal. No upgrades to the power infrastructure are necessary for the proposed development.

*Any effect on the **flora and fauna**.*

The site is vegetated by pine trees along the southern and eastern boundaries. The proposed development will require the pruning of approximately two trees to allow sufficient clearance for the tower.

*Any risks from **natural hazards** (flooding, tidal inundation, bushfire, subsidence, slip etc).*

The site is located within an area designated as bushfire prone. It is considered that the presence of the utility installation will not increase the potential for bushfire in the locality and can be easily accessed if the need for defence from a bushfire arises.

*Whether the development provides **safety, security and crime prevention**.*

The proposed development will be located within an existing fenced compound which will provide adequate security.

Proposed Utility Installation at Lake Munmorah (contd)

*Any **social impact** in the locality.*

The proposed development will provide enhanced digital mobile telephone and wireless broadband coverage within the locality. Typically, other mobile carriers will co-locate antennae on this type of tower in the future subject to the relevant consents, further enhancing the mobile telephone coverage for the area.

A condition of any approval would be a requirement to maintain the infrastructure in a graffiti free state.

*Any impacts of **construction** activities (construction site management, protection measures).*

All construction work will take place in accordance with the Building Code of Australia and all relevant Australian Standards. It is not anticipated that the construction of the utility installation will have a detrimental impact on the environment.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

*Whether the **proposal fits in the locality**.*

The proposed development is consistent with the objectives of the 10(a) Investigations Precinct Zone and is deemed to fit within the desired amenity of the locality.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

*Any **submission from the public**.*

The application was advertised in accordance with DCP 2005 with two submissions being received. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act. Of the two submissions received, only one was an objection to the proposed development.

One objection was received from a nearby leisure village and was related to the potential interference with existing communication infrastructure including radio and television reception. The ACMA grants exclusive rights to broadcasting licences for individual broadcast frequencies to TV, radio, wireless internet and mobile phone operators to ensure non-interference between networks. As such, there is no significant risk of signal interference between the different communication services.

Proposed Utility Installation at Lake Munmorah (contd)

One submission was received in support of the proposed development from a nearby resident. The submission emphasised the poor reception of mobile telephones within the locality.

Any submission from public authorities.

The site is located within a Mines Subsidence District and was subsequently referred to the Mines Subsidence Board for assessment. Pursuant to Section 91 of the EP&A Act, the Mines Subsidence Board has granted concurrence for the proposed development subject to conditions which will be incorporated into any approval.

CONCLUSION

The proposed *utility installation* will significantly improve mobile phone services within the locality. The proposal will not have a detrimental effect on the surrounding environment and will emit EME well below the current accepted standard. It is recommended that Council grant approval to the proposed development pursuant to Sections 80 (1) and 80A of the EP&A Act.

Attachment 1 ***Locality Plan (1 page)***

Enclosure ***Development Plans***

**502 Proposed Subdivision of the Old Farm Site, Mardi
(Attachment 1)**

Locality Plan



WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

502 Proposed Subdivision of the Old Farm Site, Mardi

DA/781/2006 EB

SUMMARY

Council does not have the statutory power to consent to the proposed development in its current form due to outstanding objections and concerns raised by Integrated Development Approval Bodies. Under the legislative framework of the Environmental Planning and Assessment Act (EP&A Act), the Integrated Approval Bodies must provide general terms of approval prior to Council approving the development application. The Mine Subsidence Board (MSB) and the Department of Environment and Climate Change (DECC) have not provided their concurrence to the application in its current form.

Applicant	Transnational Investments C/- DBL Property
Owner	Transnational Pastoral P/L
Application No	781/2006
Description of Land	Lot 101 DP 604655, Lot 1 DP 554423, Lot 1 DP 120512, Lot 1 DP 229970, Lot 1 DP 228871, Lot 41 DP 123953, Lot 36 DP 755249, Lot A DP 396415 Old Maitland Road ('The Old Farm')
Proposed Development	Subdivision from 8 lots to 21
Site Area	Approx. 223 ha
Zoning	Part 1(a) Rural; Part 7(a) Conservation; and Part 5(a) Special Uses "Water Catchment".
Existing Use	Grazing; and one existing dwelling-house on Lot A

RECOMMENDATION

- 1** *That the application be referred to the General Manager for determination having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it and Council's statutory obligations under the Environmental Planning and Assessment Act 1979, Council favours refusal of the application subject to the reasons for refusal outlined in the report.*

- 2** *That those who made written submissions be advised of the decision.*

PRÉCIS

- * A large amount of information that the applicant has failed to provide, remains outstanding despite repeated requests from Council.

- * The applicant has not responded to Council's most recent request nor provided an amended proposal to address Council's concerns.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- * The draft Local Environmental Plan (LEP) amendment remains unsupported by the Department of Planning (DoP) and has failed to achieve Section 65 certification.
- * Whilst redevelopment of the site may be possible in principle, the current application fails to achieve Council's and the relevant State agency requirements.
- * Council has no ability to approve the application. The EP&A Act, 1979 requires refusal of consent.

VARIATIONS TO POLICIES**Wyong Local Environmental Plan 1991 (Wyong LEP)**

All proposed lots seek variation to Clause 14(2) - Minimum lot sizes, and consequently to Clause 16(1) - The ability to erect a dwelling-house on undersized lots. These variations are summarised below:

Proposed Lot	Zoning	Proposed Size Approx (ha)	Approx. Variation to Wyong LEP Sought
1	1(a)	10.22	49%
2	1(a)	1(a) = 10.5	47%
	7(a)	7(a) = 0.57	98%
3	1(a)	7.789	61%
4	1(a)	1(a) = 3.2	68%
	7(a)	7(a) = 6.09	84%
5	1(a)	1(a) = 4.06	80%
	7(a)	7(a) = 8.2	80%
6	1(a)	1(a) = 8.8	56%
	7(a)	7(a) = 2.66	93%
7	1(a)	1(a) = 8.35	58%
	7(a)	7(a) = 3.33	92%
8	1(a)	1(a) = 7.3	63%
	7(a)	7(a) = 5.98	85%
9	1(a)	10.63	47%
10	1(a)	14.5	27.5%
11	1(a)	1(a) = 13.9	30%
	7(a)	7(a) = 6.46	84%
12	1(a)	1(a) = 2	90%
	5(a)	5(a) = 5	-
	7(a)	7(a) = 15.25	62%
13	1(a)	1(a) = 3.89	81%
	7(a)	7(a) = 3.49	91%
14	1(a)	1(a) = 5.1	75%
	7(a)	7(a) = 2.784	93%
15	1(a)	1(a) = 6.66	67%
	7(a)	7(a) = 3.35	92%
16	1(a)	1(a) = 3.29	84%
	7(a)	7(a) = 7.45	81%

Proposed Subdivision of the Old Farm Site, Mardi (contd)

VARIATIONS TO POLICIES (contd)

Proposed Lot	Zoning	Proposed Size Approx (ha)	Approx. Variation to Wyong LEP Sought
17	1(a) 7(a)	1(a) = 5.9 7(a) = 1.792	70% 96%
18	1(a) 7(a)	1(a) = 7.98 7(a) = 0.079	60% 99%
19	1(a) 7(a)	1(a) = 0.35 7(a) = 6.075	98% 85%
20	7(a)	10.63	73.4%
21	7(a)	0.1463	Existing lot remains unchanged

**Approximate only, based on Council's calculation off the plan*

Table 1: Summary of lot sizes and variations proposed

INTRODUCTION

The Site

The site is located on the western side of Old Maitland Road, which extends roughly parallel with and to the west of the F3 Freeway. The site's elevation ranges from RL 100m along the southern boundary ridgeline; RL 87m in the north-west corner along a spur; and down to approximately RL 7m along Deep Creek on the valley floor. The cleared areas of the site are typically below RL 20m.

The central and eastern portions of the site are generally cleared undulating pasture lands which have been the subject of past clearing and grazing. The land then rises in the north, south and west. Several small watercourses and gullies are formed, running from these slopes to merge with Deep Creek in the north-east of the site. The watercourses over the cleared areas of the site appear to have been realigned in the past and have existing stream bank erosion problems due to realignment and current use.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The southern boundary of the site is defined by a ridge dividing the site from Mardi Dam, as well as an existing fire trail and the passage of 330kV transmission lines. As a result of this topography the site is outside the dam catchment and the proximity of the site to Mardi Dam is not apparent from within the site. The site is adjoined by State Forest to its west, and private holdings of 1(a) Rural zoned land to the north. The site comprises eight existing holdings with a total of 223 hectares of land as follows:

- * Total site area within 1(a) Rural Zone = 133.2 ha
- * Total site area within 7(a) Conservation Zone = 85 ha
- * Total site area within 5(a) 'Water Catchment' Zone = 5.3 ha

The valley floor is within the 1(a) zone, although some of the heavily vegetated areas of high conservation value are also included within the 1(a) zone. Existing Lot 1 DP 229971 in the south-western corner of the site adjoins the Mardi Dam and has been included in the 5(a) Special Uses – 'Water Catchment' Zone. Refer to Figure 2 below.

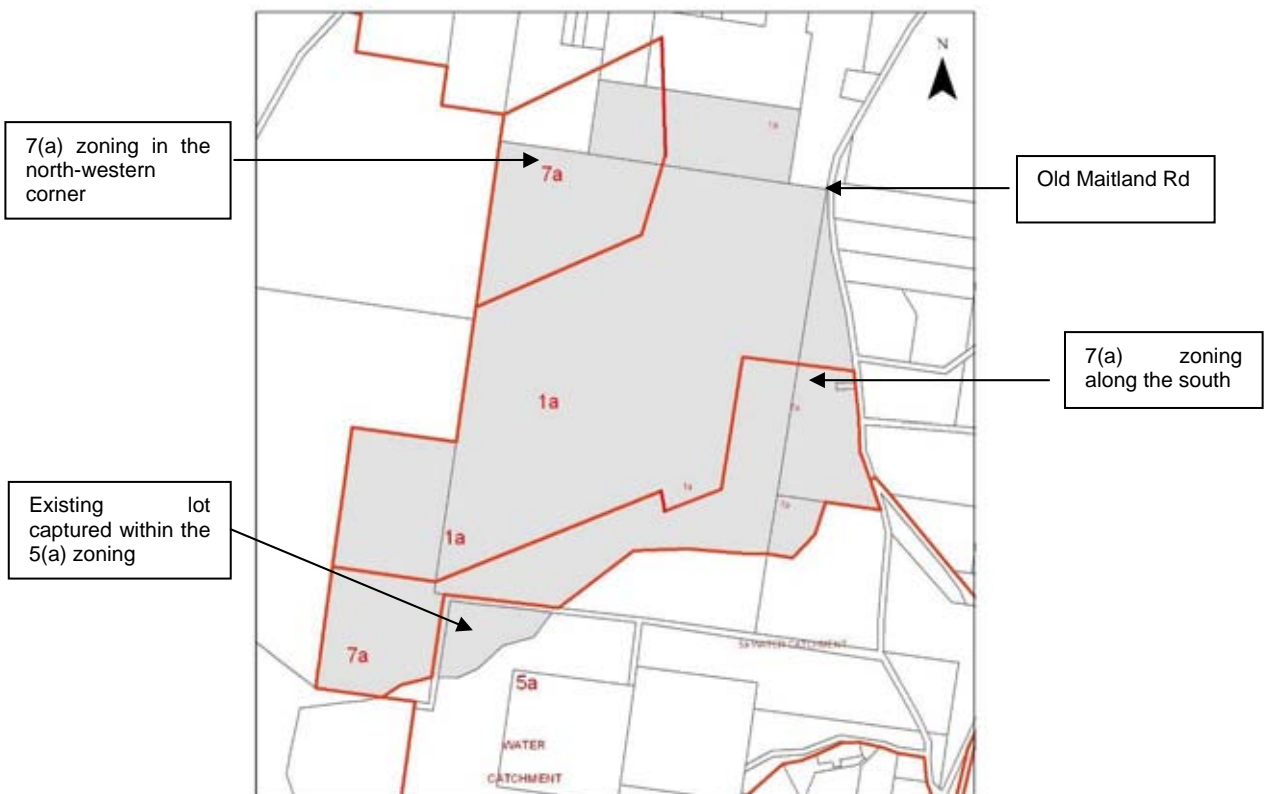


Fig 2: Zoning of the site

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The site is affected by local flooding; contains bushfire vegetation; contains two aboriginal sacred sites, and is within the southern extremity of the mine subsidence district in Wyong Shire. Deep Creek and a number of its tributaries traverse the site, converging in the north-eastern corner.

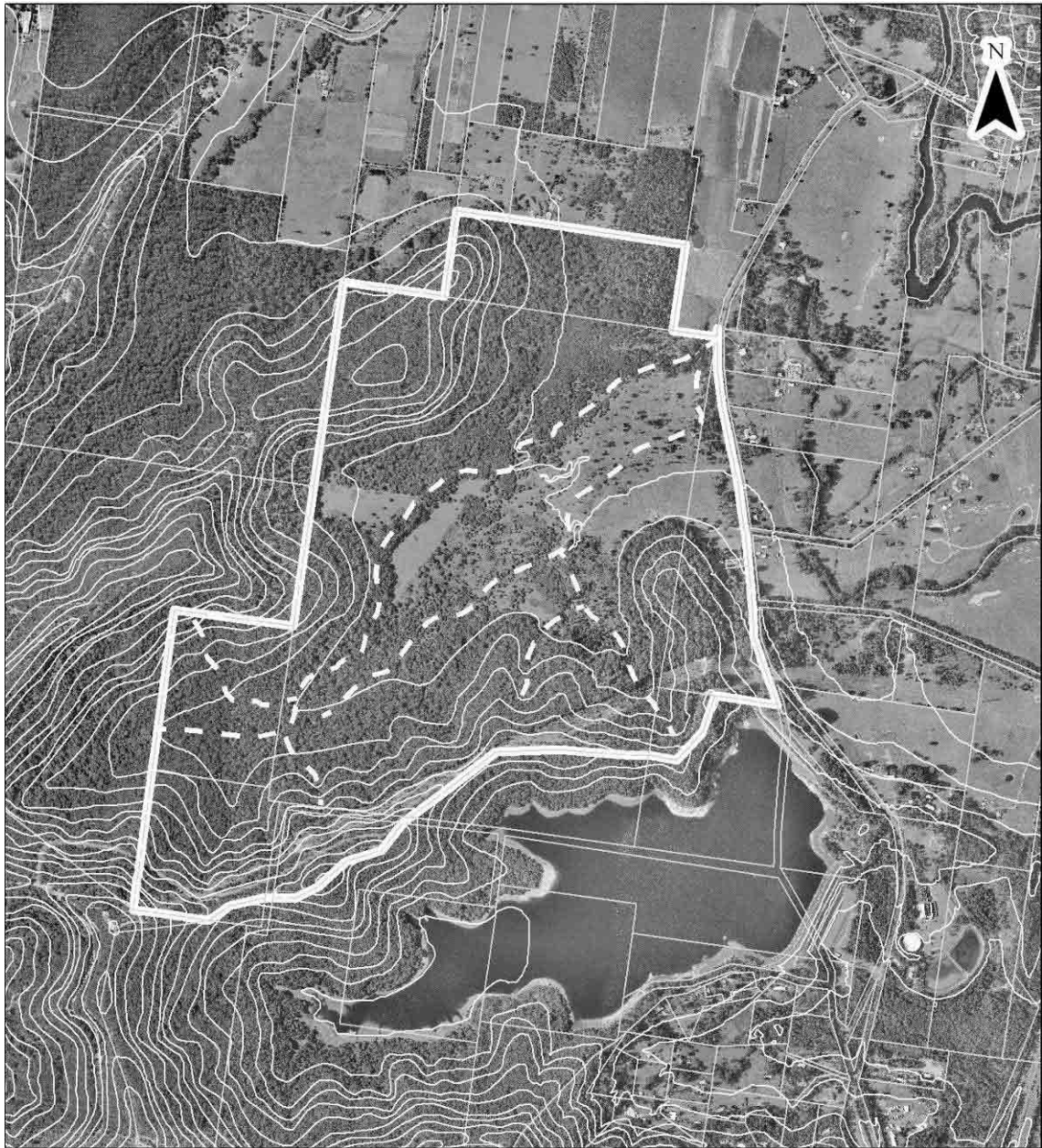


Fig 3: Aerial photograph of the site showing 10m contour lines and the approximate location of natural drainage features.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The Proposed Development

The current development application seeks to subdivide the site to provide a total of 21 lots from the existing 8 lots involving the following:

- * Proposed new lots range in size from 6.425 ha to 22.25 ha, with a mean size of 11.17 ha;
- * The proposal increases the number of split zone lots within the site from three to 15;
- * Eight of the proposed lots have building envelopes and asset protection zones within cleared areas of the site; and
- * The remaining 12 building envelopes, which will require clearing to varying degrees, are within partially to heavily vegetated areas of varying conservation significance.
- * One existing undersized lot within the site, which supports a dwelling-house and has access directly off Old Maitland Road, is to remain unchanged by the proposal (Lot A DP 396415).

The proposed layout provides one private access road extending from Old Maitland Road for approximately 1km westward along the valley floor, from which 18 of the lots will be accessed. The remaining two proposed lots (no 19 and 20) are proposed to have direct access from Old Maitland Road. Each of the 21 lots is proposed to have an individual on-site sewage management and on-site water storage tank.

Summary

The subdivision proposal relies on significant departures from Wyong LEP and is accompanied by an objection pursuant to State Environmental Planning Policy No 1 (SEPP 1). Due to the extent of the variations sought, Council does not have the authority to assume the Director-General's concurrence for these lot size variations if they were supported, and would have to refer the application to the Director General of the DoP for concurrence. However, there is no need to seek concurrence from the Director-General to determine the application by way of refusal.

Having regard for the Draft Central Coast Regional Strategy (CCRS) and the current zoning of the site, any application for development of the site at the present time must demonstrate a rural character, as well as consistency with the 1(a) and 7(a) zone objectives.

The proposal for subdivision in its current form does not demonstrate consistency with the zone objectives or adequate consideration of the environmental impacts of the development, nor does it demonstrate that the proposed configuration has planning merit.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The main concerns are summarised as follows:

- 1 The proposed subdivision design does not satisfactorily reflect the natural features and constraints of the site.
- 2 The proposed subdivision design does not maintain large holdings consistent with the zone objectives.
- 3 Some building envelopes are located within areas that have been identified as being of high conservation value.
- 4 The subdivision design increases the number of split-zoned parcels significantly, from three to 15, which results in potential for further subdivision in the future along the zone boundaries, and therefore allowing further fragmentation of environmentally sensitive land.
- 5 The subdivision design further fragments the 7(a) zoned portions of the site, which is contrary to the objectives of the zone and inhibits protection of sensitive land.
- 6 Tree removal for building envelopes, access ways, on-site sewage management and asset protection zones is unclear, although it appears from the location of building envelopes that unnecessary clearing will be proposed by the current design. Therefore Council cannot be certain of the impacts of the proposal.
- 7 The application is not supported by a well-founded SEPP 1 objection.
- 8 The specific constraints and limitations within each proposed lot have not been addressed to determine the most appropriate locations for disposal of effluent. Such limitations are likely to include existing vegetation, flooding, the presence of surface rocks, or slope.
- 9 The following information, which is required by Council to enable a thorough assessment and consideration of statutory matters in accordance with Section 79C of the Act, has not been provided:
 - * Updated flora and fauna report including an assessment of significance in accordance with Section 5A of the Act. This assessment must consider the significant number of threatened species, populations and communities that have been added to the Schedules of the Threatened Species Conservation Act in the last few years.
 - * Sufficient information to satisfy each integrated approval body.
 - * Clear illustration of the location of the access road, access ways within each lot, building envelopes, asset protection zones and effluent irrigation areas based on survey information and at a legible scale.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- * Survey detail of vegetation in the vicinity of the proposed access ways and building envelopes to demonstrate the extent of clearing proposed.
- * Details of proposed rehabilitation of the watercourse including hydraulic and hydrological calculations to support such works.
- * The proposed vehicular access for the site supported by a design layout, longitudinal section and cross-sections, and demonstration of compliance with the NSW Rural Fire Service (RFS) access design requirements.
- * Accurate information regarding proposed utility services, stormwater drainage collection and the treatment and rehabilitation of the watercourse with 20 year and 100 year ARI storm event contours.
- * An assessment of the agricultural potential of each proposed lot in comparison with the potential of the existing holdings to support any proposed 1(a) lot size variation.

The applicant has failed to submit the necessary technical studies, data and information for Council to complete a thorough assessment of the application. Due to this lack of information, the impacts and any benefits of the proposed development are not able to be quantified by Council.

Council is prohibited from approving the development by Section 91A(2) of the EP&A Act as the relevant State Agencies have failed to support the application and provide General Terms of Approval. Council can only determine the application by way of refusal. The applicant has been given the opportunity to withdraw the application.

The Current Subdivision Application

- * Development Application lodged May 2006.
- * June 2006 - Referred to Mine Subsidence Board (MSB), RFS, Energy Australia, DoP and Department of Natural Resources (now DECC), National Parks and Wildlife Service (NPWS).
- * June and July 2006 – MSB, RFS and DECC forwarded correspondence to Council requesting further information from the applicant.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- * August 2006 – Letter to the applicant outlining Council's and the Integrated Bodies' main issues and concerns, and requesting additional information from the applicant to address those concerns and the deficiencies in the information provided with the development application.
- * October 2006 - An amended plan was submitted to address DECC's and RFS' initial concerns. This resulted in minor changes to the location of some building envelopes and some lot boundaries.
- * October 2006 – DECC advised it still did not support the proposal and required additional information.
- * November 2006 – RFS issued a conditional bushfire safety authority.
- * November 2006 – Meeting with applicant in which the applicant stated they were reluctant to provide the information requested by Council, claiming much of it is unnecessary at the subdivision stage. The applicant also sought commitment of support for the proposal from Council and DoP before proceeding to provide any additional information.
- * November 2006 – MSB advised it did not support the proposal.
- * December 2006 - The development application was placed on hold pending the outcome of the state rezoning panel meeting – at which the applicant was seeking to obtain DoP support for the draft LEP.
- * May 2007 - The rezoning panel upheld its decision not to issue a Section 65 Certificate, and assessment of the current development application was therefore resumed.
- * A letter was sent to the applicant in August, reiterating Council's concerns with the application and advising the applicant to either withdraw the current application or provide Council with a timeframe for the submission of an amended design supported by the required technical and planning information within 14 days. It was stated in the letter that should no response be received within this period, Council would proceed to determine the application.
- * An additional 14 days was granted to the applicant to respond.
- * No additional information was lodged with the development application.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- * 15 October 2007 – A meeting was held with the Mayor, the applicants and Council staff. The meeting covered the issues with the development application, as well as the progress with the draft LEP. It was agreed at this meeting that the report to Council regarding the determination of the development application would be held over for a month to the second meeting in November.
- * 29 October 2007 – Correspondence was forwarded to the applicants from the Mayor, in part reaffirming Council's previously adopted position of support for the development of the site.

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING POLICIES

- * Wyong LEP 1991
- * SEPP No 1 – *Development Standards*

THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

State Environmental Planning Policies

SEPP (Application of Development Standards) 2004

Under this draft SEPP the proposed variations to the Wyong LEP lot sizes could not be permitted. Only a maximum of one undersized lot, which is no less than 90% of the required minimum lot size, may be permitted.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

Draft Central Coast Regional Strategy (CCRS)

The State Government released the Draft CCRS early in 2007. The draft CCRS is a strategic document which guides the overall philosophy for development in the Central Coast. Of particular relevance to the subject site is that the strategy commits Council to restrict urban development west of the F3 freeway, with one of its key objectives being "*protecting land west of the F3 freeway from further development*". Opportunities for new rural-residential development are to be limited to those already provided in the Region and any opportunities identified in the North Wyong Structure Plan.

Any proposal to develop the subject site must therefore demonstrate a rural character to be consistent with the draft Strategy and to ensure that no precedent is created with respect to allowing urban or rural-residential development west of the freeway. The proposed variations to lot sizes are substantial and it has not been satisfactorily demonstrated by the applicant that these lot sizes are appropriate or consistent with the zone objectives. The issue of setting an undesirable precedent if the lot sizes were to be supported by Council has been highlighted in submissions from the public.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

Wyong Residential Development Strategy (RDS)

This Strategy, adopted 2002, provides that "*there is currently potential for a further 456 one ha lots in areas zoned 7(c) at Ourimbah, Berkeley Vale and Jilliby. The current supply of rural-residential land is adequate for demand for one hectare lots for up to ten years.*" This supports the Draft CCRS policy to utilise existing rural-residential opportunities in 7(c) zones before investigating any opportunities in new areas such as the subject site.

Wyong Valleys Planning Strategy

The Wyong Valleys Planning Strategy and Planning Study investigated the biophysical, social, cultural and economic attributes of the valley areas in Wyong Shire and were adopted by Council in June 1998. The Strategy identified guidelines and policies with respect to the environment, covering issues such as water catchments, agriculture, rural living, tourism, rural industries, rural landscape management, the social environment, environmental management practices for flora and fauna, and bushfire management. The Strategy makes reference to the subject site, identifying it as one of 4 locations that held high opportunities for closer rural settlement:

"Areas of land which were given a high suitability rating have been identified on the strategy plan. It should be noted that these areas are limited in extent and there is no intention to continue to identify new sites when this future supply of land is exhausted in the Wyong Valleys. The Strategy not only intends to provide a limited number of rural living areas in order to provide particular lifestyle opportunities. These types of lifestyles typically require a greater sense of privacy and space than those which exist in urban areas. Whilst this form of development is frequently defined as rural residential, the strategy is seeking to provide quality rural living opportunities rather than providing for traditional 1 hectare rural residential subdivision. The introduction of an average lot size approach to subdivision will encourage a range of lot sizes to be provided within the cluster areas. This will enable a more sympathetic subdivision pattern to be integrated within the landscape of the area. If subdivision is permitted down to 1 hectare in these rural clusters, Council will need to establish detailed performance criteria for development proposals. Broad scale mapping has been used to identify rural cluster areas and detailed mapping will need to occur before any decisions are made on the final density and pattern of development in such areas."

Proposed Subdivision of the Old Farm Site, Mardi (contd)

However, the minimum subdivision requirements of the current zones are to be maintained in these areas in the meantime to allow Council to prepare the necessary detailed planning studies. Ultimately, such a change in minimum lot sizes for the locality would require an LEP amendment.

Whilst the upcoming comprehensive LEP review may present Council with a timely opportunity to implement some of the actions recommended by the Strategy; the Draft CCRS has quashed this opportunity. A State Government s117 Direction requires that any proposed LEP amendment must be consistent with the Draft CCRS, which indicates no opportunities for new rural-residential lots or development west of the freeway. It would therefore be recommended that Council not utilise any resource to pursue further planning studies regarding the suitability of rural lands west of the freeway for some time.

REFERRALS**Integrated Development Referrals**

In accordance with Section 91A of the EP&A Act, before Council can grant development consent for integrated development, it must obtain the general terms of approval from each relevant approval body; and the development consent issued by Council must be consistent with those general terms of approval from each relevant approval body. If an approval body informs Council that it *will not* grant an approval that is required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.

Department of Primary Industries

The application is defined as "integrated development" under the EP&A Act as it requires approval from the MSB under Section 15 of the Mine Subsidence Compensation Act 1961. In accordance with this Section, the Board may refuse to approve an application if it is of the opinion that the land may subside if the coal and shale in the land were extracted by underground methods. In the latest correspondence from the MSB, it has advised Council that it does not support the current subdivision proposal:

"The subdivision has been considered by the Development and Rezoning Liaison (DARZL) Committee. Information received from the Department of Primary Industries – Mineral Resources (DPI-MR) indicates there are economic coal reserves beneath the site in two seams. The Department anticipates total extraction and this will result in a vertical subsidence of around 3 metres.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The Mine Subsidence Board cannot support approval of the subdivision in its current form as it does not take into account the effect on flood levels at the property. The developer would need to satisfy the Board that access to, and protection of improvements from flooding, has been addressed prior to further consideration of any subdivision. The anticipated mine subsidence will result in levels of strain and tilt that are likely to result in damage to structures. Therefore the Mine Subsidence Board's surface development guidelines would limit the number and type of structures that can be constructed on the site."

The anticipated subsidence on the site is likely to have significant implications in terms of flooding within the site as well as the suitability of sites for new development.

The MSB, as an integrated approval body, has refused to provide General Terms of Approval for the development, which means that Council must refuse the application in accordance with the EP&A Act.

DECC – Environmental Water

The application is defined as "integrated development" under the EP&A Act as it requires approval from DECC (formerly Department of Natural Resources) under Part 3A of the Rivers and Foreshores Improvement Act 1948. DECC advised Council that it is unable to assess the application any further until the following requested information has been supplied by the applicant:

- * *"Location and details of all watercourses that exist on site (including condition and stability of the bed or banks of all watercourses and details of any works that are required to repair or maintain stability),*
- * *Full details of all works (eg roads, drainage, stormwater management, infrastructure provision, etc) proposed within 40 metres of any watercourse.*
- * *DNR expects that riparian buffer zones are provided along the existing watercourse, and that these buffer zones are appropriately restored and managed. The purpose of these riparian buffer zones is to maintain stability and function of the watercourse, as well as to provide ecological corridors for local native flora and fauna. DNR expects that all works are excluded from these riparian buffer zones, except necessary ancillary infrastructure, and that they are appropriately restored with native plants endemic to the site. Any asset protection zone or other requirement for bush fire control should be located outside any riparian buffer zone. The DNR expects that the proposal incorporates stormwater detention and management to ensure post-development stormwater flows equal pre-development flows, and that any stormwater generated from the proposal will be disposed of into any watercourse safely."*

Proposed Subdivision of the Old Farm Site, Mardi (contd)

As this information has not been submitted by the applicant, DECC does not support the subdivision proposal.

DECC, as an integrated approval body, has refused to provide General Terms of Approval for the development, which means that Council must refuse the application in accordance with the EP&A Act.

NSW RFS

The development is defined as "integrated development" under the EP&A Act as it requires approval from the NSW RFS under Section 100B of the Rural Fires Act 1997. The NSW RFS has issued a conditional Bushfire Safety Authority for the proposal, subject to the following conditions:

- * *"Access is to comply with Section 4.3.2 Planning for Bushfire Protection 2001.*
- * *The locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Fire hydrants shall be positioned so that maximum of 70m from the furthestmost part of any future building is provided.*
- * *Residential development for each lot shall be confined to the building envelopes and proposed Asset Protection Zones defined on the site plan prepared by Martens and Associates dated 19.9.2006.*
- * *Any future development application lodged for this subdivision under Section 79BA of the EP&A Act will be subject to the requirements as set out in Planning for Bushfire Protection 2001.*
- * *A 'right of way' easement is to be provided over any proposed lots providing access to the existing fire trail system. No construction or impeded access to the existing fire trail system will be permitted."*

The information provided by the applicant is not adequate to enable Council to determine the likely impacts of compliance with the RFS conditions. For example, sufficient detail of the proposed access road has not been provided, and the building envelopes and Asset Protection Zones (APZs) have not been marked on the site to assist site assessment in respect to the amount of vegetation that will be impacted.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

Other Referrals

DECC - NPWS

The subject site is known to contain two aboriginal sacred sites. Whilst the current application does not seek to destroy or physically affect the sites, the development application was referred to the NPWS seeking comment. Council has received no response from the Department, despite Council's follow-up.

An archaeological survey was carried out in 1999 in consultation with the Darkinjung Aboriginal Land Council. The 2 archaeological sites that exist on the land are an art site under a sandstone overhang (site 1103) an axe-grinding groove (site 1104). It was recommended that the sites be periodically monitored by Darkinjung to assess the post-development impact from potential increased visitation.

The proposed subdivision does not propose any works in the immediate location of these identified sites.

DECC – Hunter-Central Rivers Catchment Management Authority (CMA)

Any proposed clearing will require separate approval from the Hunter-Central Rivers CMA under the Native Vegetation Act 2003, in addition to development consent from Council. However, the extent of clearing proposed under the current application is not legible from the information submitted with the development application. The applicant has not sought consent from the CMA for clearing.

ECOLOGICALLY SUSTAINABLE PRINCIPLES

Additional information is required to be submitted to Council in relation to stormwater drainage, watercourse rehabilitation, impact on vegetation, etc to demonstrate consistency with the principles of ecologically sustainable development. The information required is outlined in the recommendations.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act and other statutory requirements, Council's policies and Section 149 Certificate details, tables comparing the proposed development with the requirements of the key plans and policies have been attached to this report. The assessment has identified the following key issues, which are elaborated upon for Council's information:

Development Control Plan (DCP) 2005 Chapter 14 – Tree Management

In accordance with this Chapter, Section 2 provides that applications involving tree removal shall be accompanied by an Arborist Report; Section 3 provides a list of the required information for applications involving land clearing; and Section 5 provides that a vegetation management plan is required for proposed tree works that are of a type needing a comprehensive site-specific plan of management.

The subject site contains significant vegetation, threatened species and their habitat, as well as a number of watercourses. Despite some of the building envelopes being located within vegetated areas of the site, the application does not provide sufficient detail to enable Council to accurately determine the extent of clearing / tree removal or the impact on riparian zones. No Arborist report, updated flora and fauna report, or vegetation management plan has been provided.

DCP 2005 Chapter 65 – Domestic Wastewater Disposal in Non-Sewered Areas

The objectives of this Chapter are:

- 1 *To provide criteria for the assessment of the capability of land to accept on-site effluent disposal in non-sewered areas.*
- 2 *To ensure that in areas where sewer is not available, subdivision applications be accompanied by a soil permeability report which determines if the land is capable of accepting effluent in a satisfactory manner on a long term basis.*
- 3 *To consider potential environmental and health impacts prior to and in conjunction with development by assuring the provision of adequate areas on subdivided allotments for the safe disposal of domestic effluent where sewer is not available.*
- 4 *To regulate the design of on-site effluent disposal systems consistently throughout the Shire, but dependent on individual soil permeability and site constraints.*

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The proposed subdivision is accompanied by a report from a consulting engineer regarding on-site wastewater management. However, the characteristics and limitations of each lot and each specific location proposed for effluent irrigation have not been adequately addressed. It is vital that these issues be addressed at subdivision stage given the environmental sensitivity of the site; and given that effluent irrigation areas may be required to be relocated or adjusted to more suitable areas as a result of such assessment. Council must have certainty of the impacts of the proposal prior to issuing consent. It is therefore considered that the suitability of the proposed effluent irrigation areas within the lots has not been adequately addressed.

DCP 2005 Chapter 66 - Subdivision

In accordance with this Chapter, any application for subdivision must include the following documentation as a minimum requirement:

- * Site Analysis and Landscape Plan
- * Street and Services Plan
- * Lot Layout Plan
- * Soil and Stormwater Management Plan
- * Site Disturbance Plan
- * Vegetation Management Plan
- * Statement of Environmental Effects

It also provides that *'any application for subdivision must be able to demonstrate that it satisfies Council's objectives for quality development and environmental sustainability.'*

Council's draft version of Chapter 66 was on exhibition until 12 October 2007. The amended Chapter requires even more stringent submission requirements which incorporate a lot of the information requested by the State Agencies as up front requirements at lodgement.

The application fails to demonstrate quality development and environmental sustainability given the lack of detail and information provided. Furthermore, based on assessment of the information that has been submitted with the application it appears that the proposal is likely to have adverse environmental impacts, particularly as a result of clearing, site disturbance, fragmentation of significant lands and inappropriate lot sizes.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

SEPP No. 1 – Development Standards

The current subdivision proposal is accompanied by an objection pursuant to SEPP 1 to support the proposed variations to Wyong LEP lot sizes. A copy of this objection is provided in Attachment 5. The following assessment has regard for the case law approach established by the Land and Environment Court for SEPP 1 objections:

“First, is the planning control in question a development standard?”

Clause 14(2) provides standards in respect of ‘subdivision of land’; and is a development standard, as defined in the EP&A Act. If Council was to support the creation of lot sizes below the minimum standards, it must concurrently consider the variation to Clause 16(3) in terms of permitting a dwelling-house on each undersized allotment.

“Second, what is the underlying object or purpose of the standard?”

The purpose of Clause 14(2) is to allow subdivision of land which upholds the objectives of the applicable zone(s) and encourages suitable development. The proposed subdivision fails to address the impacts of the lot sizes on agricultural potential, and will result in fragmented land and adverse environmental impacts. The objectives of the zones will be achieved via strict compliance with the minimum lot sizes.

“Third, is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?”

The aim of SEPP 1 is to provide flexibility in the application of development standards in circumstances where strict compliance with those standards would be *“unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act”*. Strict compliance with Wyong LEP Clause 14(2) would not hinder the proper use or management of the 1(a) agricultural land or the orderly and economic use of the land. The proposed subdivision poses no environmental benefit given its likely ecological impacts and disturbance of significant vegetation.

“Fourth, is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?”

Proposed Subdivision of the Old Farm Site, Mardi (contd)

Based on the current number of lots and the potential for the existing 100-ha 1(a) lot to be subdivided in accordance with the minimum lot size required under Clause 14(2), a maximum of 12 dwelling-houses might be achieved within the overall site. This would be subject to further assessment and Section 79C considerations, which may prove that an even lesser number of dwelling-houses are achievable. Despite this, the current subdivision application proposes 21 lots, which do not respect the natural features and constraints of the site, and are likely to have adverse environmental impacts.

Strict compliance with the minimum lot sizes of Clause 14(2) would therefore likely have a *lesser* impact than the current proposal; and it therefore cannot be considered that strict compliance with the minimum lot sizes is unreasonable or unnecessary, or that the current proposal presents any environmental or public benefit above that which could be achieved by a complying proposal.

"Fifth, is the objection well founded? In relation to the fourth question, it seems to me that one must also look to see whether a development which complies with the development standard is unreasonable or unnecessary, as noted by Cripps J in the Hooker Corporation case."

The applicant's SEPP 1 objection fails to justify that a development which strictly complies with the minimum standards of Clause 14(2) would be unreasonable or unnecessary. It is acknowledged that the current lot configurations and zonings of the site do not accurately reflect the natural features, constraints and opportunities of the site and a better lot configuration could be achieved by re-subdivision of the parcels. However, it is possible that the lots could be reconfigured more appropriately and still comply with the minimum lot sizes. It is considered likely that any such proposal would have a lesser impact than the subdivision currently proposed.

The objection is not considered to be well-founded. The following comments are made in respect of the applicant's current objection:

- * The objection argues that the existing lots could each support a dwelling, and that this would have far worse environmental impact than the proposed building envelopes under the current subdivision proposal. However, it is noted that whilst a dwelling-house is not *prohibited* on any of the existing lots under Wyong LEP, any such proposal would require a development application to be lodged with Council for merits assessment in accordance with Section 79C of the Act. It is highly unlikely that Council would support the erection of a dwelling-house on existing Lot 36 DP 755249, Lot 41 DP 123953, Lot 1 DP 229971 or Lot 101 DP 604655 due to access, vegetation and slope constraints and the likely environmental impacts a dwelling-house would have.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- * The objection argues that the site benefits from 13 'dwelling entitlements' derived from a calculation of the number of existing lots (7) plus subdivision potential of existing Lot 1 DP 554423 which has an area of 100ha of 1(a) zoned land (potentially 5 lots). However, this does not automatically translate into 'entitlements' for dwellings.
- * The objection provides that "*the subject site offers very little in the way of useable agricultural land, with cleared areas generally limited to the valley floor. To date that land has only been used for limited grazing.*" In order to facilitate future development of the 1(a) zoned land in accordance with the zone objectives, proposed lots must be appropriate in size and characteristics to maintain / improve their agricultural potential. The agricultural potential, or lack of, has not been addressed in sufficient detail to justify the proposed undersized 1(a) lots.
- * The objection describes the proposed subdivision as a 'rural-residential village'. Any development west of the freeway must clearly demonstrate rural character in order to be consistent with the zone objectives and the Draft CCRS.
- * Justification for the proposed subdivision pattern (ie how it responds to the natural features of the site) has not been provided.

Wyong LEP 1991

The existing zone boundaries do not correlate with the natural features of the site or its areas of conservation significance. However, the current subdivision proposal does not appropriately respond to the features and constraints of the site either, and does not represent an appropriate use of SEPP 1. There is no environmental benefit proposed by the current subdivision application.

The site comprises 1(a), 5(a) and 7(a) zones, the objectives of which are discussed below:

1(a) Rural Zone

The objectives are:

- a to protect, enhance and conserve agricultural land in a manner which sustains its efficient, sustainable and effective agricultural production potential, and
- b to facilitate development requiring a rural or isolated location or associated with agricultural pursuits, and rural industry, provided that it is unlikely to:
 - i prejudice the present environmental quality of the land within this zone, or
 - ii generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- iii prejudice the intent of the objective specified in paragraph (a), or
- iv have an adverse impact on the region's water resources.

The 133 ha 1(a) zoned portion of the site is proposed to support 18 new building envelopes as a result of the current subdivision layout. Some of these envelopes are located within the cleared areas of the valley floor; however some appear to be located within vegetated areas which have been identified as having high conservation value. The location of building envelopes within the high conservation value areas is not consistent with objective (a) above given this will require vegetation clearing, and has the potential to disrupt threatened species and the identified wildlife corridor. Furthermore, the applicant has not addressed the impact of the proposed undersized 1(a) lots on their agricultural potential, in accordance with objective (a).

5(a) Special Uses Zone ('Water Catchment')

The objectives are:

- a to cater for the provision of community and public facilities and services, and
- b to provide for any other development of land within this zone, with the consent of the Council, provided that:
 - i the other development is ancillary to or related to the current or future use of the land for the purpose of a community or public facility or service, and
 - ii the other development does not adversely affect the current or future usefulness of the land for the purpose of those facilities or services.

The 5(a) zoned land is proposed to be incorporated in one of the lots (no 12). No development is proposed within the 5(a) zoned portion given it has high conservation value and natural constraints.

7(a) Conservation Zone

The objectives are:

- a to restrict the type and scale of development which will be carried out on land possessing special aesthetic, ecological or conservation values to that compatible with such environments, and

Proposed Subdivision of the Old Farm Site, Mardi (contd)

- b to allow such development where:
- i it can be demonstrated that it can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of the land referred to in the objective specified in paragraph (a), and
 - ii it is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species, and
 - iii it is unlikely to have an adverse impact on the region's water resources.

The 7(a) zoned portion of the site exists in the north-western corner and along the south, generally containing the upper slopes of the site. The 7(a) zones contain vegetated areas which are predominantly of high conservation value. Two building envelopes (no 9 and 20) are proposed within the south-eastern 7(a) zone. The location of these building envelopes is not consistent with the zone objectives given the required vegetation clearing, and the potential to disrupt threatened species habitat and scenic quality of these lands. Furthermore, the proposed subdivision sees the 7(a) zoned land fragmented from being within 5 separate lots at present to 16 separate lots, contrary to the zone objectives. This is considered not worthy of Council support.

Clause 14(2)

Subdivision within the 7(a) Conservation Zone is permissible under Clause 14(2), with a minimum lot size of 40 ha.

Subdivision within the 1(a) Rural Zone is permissible under Clause 14(2), with a minimum lot size of 20 ha.

None of the proposed lots meet the minimum area requirement. The proposed lot sizes and variations are summarised in table 1 under Variations to Policies.

Split-Zoned Parcels

The proposal increases the number of split-zoned lots from three to 15. Whilst it is no longer prohibited under Wyong LEP to create additional split-zoned parcels of land, this practice is undesirable. Clause 14(3) of Wyong LEP regarding split-zoned land does not apply in this instance given that the total 7(a) zoned land and the total 1(a) zoned land of the parent property meets the respective minimum lot sizes.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

EP&A Act

Section 5A

No Assessment of Significance in accordance with Section 5A of the *EP&A Act* has been submitted with the current application. The Section 5A assessment is required to determine whether the development is likely to have a significant impact on threatened species, populations or communities or their habitats. These assessments would need to take into account the significant number of threatened species, populations and communities that have been added to the Schedules of the *Threatened Species Conservation Act* since the last surveys were conducted for this site in 1998-1999. The 5A assessments would have to be completed in accordance with the current legislation, ie a '7 Part Test'.

Without this detailed flora and fauna assessment, Council has no certainty as to the extent of impacts that are likely from the development. To determine the application by way of approval without this certainty would be an invalid determination.

The likely impacts of the development (s79C(1)(b)):

The relationship to the regional and local context and setting

The site represents a large rural holding of land on the western side of the freeway, and is one of just two sites previously identified as having potential for future rural-residential development in the Wyong Shire Valleys that is not within the water supply catchment. The other is located in Kangy Angy. The site is located within close proximity of the freeway interchange, the Westfield Shopping Centre and public transport nodes. However, the Draft CCRS maintains the State Government policy direction of focusing new development in those areas of opportunity east of the freeway, with no development proposed west of the freeway.

The access, transport and traffic management measures

Within the Site

The subdivision proposes an internal access road to be created via rights of carriageway over the affected properties, to benefit proposed lots 1-18. The precise location of the proposed access road in relation to the existing watercourse has not been provided, and no cross-sections or long-sections of the road design have been provided to demonstrate the grade, the extent of cut / fill required, and the road drainage.

Given that some of the building envelopes are located considerable distance from the proposed private access road, are in locations partially heavily vegetated and occur near spurs, details of the precise location of each access way to building envelopes is also required, including details of any cut / fill and any tree removal. These details have not been provided.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

External to the Site

Given that the direction of traffic generated by the subdivision is most likely to be south-bound along Old Maitland Road, Council would likely require the intersection of Old Maitland Road and the private access road to be provided with a north-bound auxiliary lane. A traffic assessment, to address the suitability of the proposed access road location and intersection treatment and the generation of traffic movements from the subdivision, has not been provided.

Any impact on utilities supply**Water Supply**

The site is not presently serviced by reticulated water supply, and it is proposed to maintain this arrangement for the proposed rural lots.

Sewage

The Wastewater Report prepared for the proposal recommends that each proposed lot will be capable of supporting a surface or sub-surface irrigation system, and recommends minimum 500m² irrigation areas. However, it is apparent that there are limitations with some sites with regard to slope, vegetation cover, flood levels and possibly the presence of surface rocks. The report recommends the following mitigation measures:

Limitation	Lot(s) potentially affected	Recommended Mitigation Measure
Mainstream flooding	1, 3, 5 (below the 1:100 level)	Where inadequate land areas available above the 1:20 yr level an elevated earth mound is to be constructed to mitigate the potential for effluent runoff during flood events.
Proximity to watercourses / drainage features	1, 2, 5, 8, 10, 15, 16, 17	Locate effluent disposal areas > 40m from creek and tributaries.
Slope > 6%	4, 5, 10, 11, 12, 19, 20	Sub-surface irrigation systems recommended.

Table 2: Irrigation area limitations

Proposed Subdivision of the Old Farm Site, Mardi (contd)

These limitations should be adequately addressed at the subdivision stage as it may require the redesign of lot layouts and building envelopes in order to ensure that effluent is disposed of in the most suitable locations, and if necessary provide for any Section 88B restrictions. This information would also indicate the extent of vegetation clearing that may be required for the effective operation of future on-site sewage management systems. The potential for effluent irrigation from those proposed lots located above the level of the Mardi Dam base (RL 27m) to impact the Mardi Dam water quality is another potential limitation, which has not been addressed.

Any effect on flora and fauna

No flora and fauna surveys have been undertaken for the current application.

From the previous surveys undertaken several years ago it is known that the site has a well developed floral and faunal species diversity and abundance. The site supported two threatened flora species (significant stands of *Melaleuca biconvexa* and *Syzigium paniculatum*) and five threatened fauna species (yellow-bellied glider, glossy black cockatoo, powerful owl, greater broad-nosed bat and eastern false pipistrelle) under the Threatened Species Conservation Act 1995. An additional three threatened flora species and 28 threatened fauna species were known to occur in the locality and their habitats were represented on the site.

Detailed information of the proposed works and building envelopes in relation to existing vegetation is necessary in order for Council to accurately assess the proposal, yet has not been provided. The locations of proposed building envelopes have not been pegged on the site for Council staff to accurately investigate the site and assess the likely impacts of the development.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc)

The site is affected by mine subsidence, mainstream flooding (1% AEP), localised flooding, bushfire, slope and significant vegetation.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

The subdivision layout fails to demonstrate that each proposed lot is capable of supporting a future dwelling in a suitable location with minimal impact on the natural environment. In particular, details of the precise location of building envelopes should have been provided, including any tree removal or site disturbance for envelopes, wastewater irrigation areas, access ways and asset protection zones; and details of the localised flooding within the site should have been provided in order for Council to ascertain the suitability of proposed building envelopes.

The suitability of the site for the development (s79C(1)(c)):

Whether the proposal fits in the locality

The agricultural potential of the site is a significant consideration in determining the suitability of proposed lots less than 20ha in the 1(a) zone. An assessment of the agricultural potential of each proposed lot and a comparison with the potential of the existing holdings have not been provided by the applicant to support the proposed 1(a) lot size variations.

Whether the site attributes are conducive to development

The applicant has submitted insufficient information and technical reports to demonstrate that the proposed development is able to maintain and conserve many of the key conservation and scenic attributes of the site.

Any submissions made in accordance with this Act or Regulations (s79C(1)(d)):

Four objections were received from members of the public during the notification period. The salient concerns raised and comments made were:

Proposed Subdivision of the Old Farm Site, Mardi (contd)

Concern	Council response
Will the proposed lot sizes require a rezoning?	Given the proposal's inconsistency with zone objectives as well as the extent of variations sought, it is not considered an appropriate use of SEPP 1.
The area is heavily vegetated and ecologically significant, and this also affords privacy to the properties to the north.	Noted. However, insufficient information regarding the proposed tree removal has been provided.
If Council supports this proposal then we ask that consideration be given to us to be able to subdivide our 25ha land to the same size?	This highlights the issue of setting an undesirable precedent with respect to lot size variations and compromising the objectives of the zones.
Increased stormwater runoff from the site leading to water quality impacts.	Insufficient information has been provided with respect to stormwater management within the site or the impacts on water quality.
The proposal will exacerbate the poor condition of roads in this area and the traffic congestion.	A traffic assessment has not been provided.
The proposal will involve unnecessary and unwarranted disturbance to native habitat and vegetation communities.	Building envelopes within the vegetated areas identified as high conservation value is not supported. Insufficient information has been provided regarding ecological impacts.
The proposal is inconsistent with the objectives of the 1(a) and 7(a) zones.	Agreed.
The small lot sizes could not support viable agricultural uses of the land, which is an objective of the 1(a) zone.	Noted. An assessment of the agricultural potential of existing and proposed lots has not been provided.
Domestic pets post-consent will affect the quality of the wildlife corridor and vegetation on the site.	Noted.
Some building envelopes are proposed in the heavily vegetated areas of the site.	Building envelopes within the vegetated areas identified as high conservation value is not supported. Insufficient information has been provided regarding ecological impacts.
The proposed lot sizes are uncharacteristic of the area.	The proposed lot sizes are inconsistent with the zone objectives and will result in very limited areas of useable land, which would be out of character with the area.

Proposed Subdivision of the Old Farm Site, Mardi (contd)

CONCLUSION

Council does not have the statutory power to consent to the proposed development in its current form due to the inadequate information lodged, outstanding objections and concerns of Integrated Development Approval Bodies. It is considered that the subdivision proposal in its current form is not worthy of Council support due to the likely impacts on native vegetation, the fragmentation of 7(a) zoned land, increase in split-zoned parcels, unresolved concerns of integrated approval bodies, and the lack of accurate and detailed information. Despite repeated requests, the applicant has not provided the necessary information to enable the application to be properly assessed, which has resulted in lack of certainty regarding the potential impacts on the environment from the development. It is recommended that the application be refused.

Attachment 1
Attachment 2

Locality Plan (1 page)
History (2 pages)

Enclosure

Proposed Lot Layout

Proposed Subdivision of the Old Farm Site, Mardi (Attachment 2)

History

Draft LEP Amendment No. 148

- 1 In 1997, the 223 hectare "Old Farm Site" at Mardi was purchased from the State Government by Transnational Investments. Their intention at that time was to develop the property into a high quality, rural-residential estate that would attract high level executives and their families to the area. This concept subsequently evolved to a more intense urban style development.

- 2 Council prepared a Local Environmental Study (LES) for the draft LEP to address issues such as habitat conservation, bushfire management and maintenance of non-urban character. The final LES for the draft LEP included a concept plan containing rural residential sized lots, urban lots, a total of 425 dwellings, 60 tourist units, a water storage dam, community facilities, restaurants/conference facility, shops and conservation areas.

- 3 Between 2003 and 2007 Council has applied to the DoP seeking Section 65 certification of the draft LEP on several occasions, yet has been unsuccessful on each. The main reasons cited by DoP for its non support of the draft LEP, dated 2 April 2007, are:

"The proposed draft amendment is not supported for the following reasons:

- * *The draft LEP is not strategically justified. It is inconsistent with the draft Central Coast Regional Strategy in that the site is not identified within a release area or within an area for future urban investigation. It involves areas west of the F3 that will not be considered for additional residential development potential during the life of the Strategy;*

- * *The inconsistencies with section 117 directions, particularly No 21 – Residential Zones, No 22 – Rural Zones and No 13 – Environmental Protection Zones have not been justified;*

- * *Council's Section 54 resolution is not consistent with the draft LEP forwarded for consideration;*

Proposed Subdivision of the Old Farm Site, Mardi (Attachment 2) (contd)

- * *The draft LEP proposes a form of rural residential development yet Council's Residential Development Strategy identifies sufficient supply of existing rural residential land for 10 years supply. The need for additional rural residential development is not justified by the local environmental study (LES);*
- * *The LES does not justify any of the proposed residential scenarios;*
- * *There are outstanding objections from the Department of Environment and Conservation, Department of Primary Industries, Roads and Traffic Authority and MSB;*
- * *The draft LEP and map are inadequate; and*
- * *There has been no additional information provided with this request for a certificate which satisfies the reasons given in the Department's previous refusal of a section 65 certificate for this plan."*

DoP also expressed concern regarding Council's persistence with this draft LEP:

"The Department is concerned that Council continues to pursue this draft LEP when the Department has clearly expressed its position in previously refusing to certify the draft LEP. Given this position, it is recommended that Council should resolve to not proceed with this DLEP and advise the applicant accordingly.

Council's strategic planning resources should be directed towards preparation of its new comprehensive LEP in accordance with the provisions of the final Central Coast Regional Strategy. In this regard, Council should commence review of its residential strategies in accordance with the actions contained in the Draft Strategy. Environmental investigations on this site are premature at this time and should cease until the outcome of the review is known. In doing so Council should ensure that this proposal is not included in the draft comprehensive LEP."

- 4 A meeting was held with DoP on 3 May 2007, which the applicant also attended. DoP made clear to the landowners that it would not support a rural residential development on the land. This was confirmed in writing:

"The Department would not support 7(c) rural residential development of the site, which is inconsistent with the draft Central Coast Regional Strategy, and the applicants were advised of this. The Department offered to confirm this in writing to the applicants however no such request has been made."

Despite the latest advice from DoP, Council has not yet formally resolved to extinguish the draft LEP.

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

503 Shire Strategic Vision Project "Our Shire – Our Future"

F2004/11115 DSS

SUMMARY

This report seeks to reinstate the Shire Strategic Vision process as a Key Focus Area in Council's Management Plan 2007/08 and proceed with its implementation.

RECOMMENDATION

- 1** *That Council commence a Shire Strategic Vision process generally in accordance with that outlined in this report.*
- 2** *That the Shire Strategic Vision process be designated a "Key Focus Area" under Wyong Shire's 2007/2008 Management Plan.*
- 3** *That an initial budget of \$50,000 be allocated to this project in 2007/2008, with subsequent allocations subject to normal budget processes.*

BACKGROUND

At the Council Meeting of 12 July 2006, Council considered Report No 267-Future Planning and Natural Resources Units' Work Program. This work program at the time included a project to formulate a Strategic Plan for the Shire entitled "*Foundations for 2025*". Council resolved in part:

- "a Deletion of Project 1 - Foundation for 2025:*
- i Councillors to be notified of the surplus funds arising to budgets.*
 - ii That the consent document and material compiled on this project to date be retained as valuable reference material.*
 - iii That the project be reviewed in late 2008."*

In addition, Council's 2005/06 Management Plan included a high priority "Key Focus Area" To "*Complete the Strategic Plan*" (2005/06 Management Plan; Volume 1, page 11). It was then not included in the 2006/07 Management Plan as a result of the resolution on the work program.

Shire Strategic Vision Project "Our Shire – Our Future" (contd)

Subsequently the need for a Shire Strategic Focus has become more pressing. The reasons for this include:

- * The Department of Local Government has released an Option Papers and held seminars since November 2006 aimed at requiring a "Community Strategic Plan" for all local governments through legislation. This is part of a broader approach to integrated planning and reporting for local government.
- * The lack of a Strategic Plan has been identified as an "extreme risk" as part of Council's Risk Management Program.
- * Council's Governance Committee has reinforced the need for a Strategic Plan to help direct many of Council's processes and programs (such as Asset Management Planning, Long Range Financial Planning and Land Use Planning etc).

In addition to the growing need for a Shire Strategic Vision, Council is in a much better position to proceed with formulation of a community based Shire Strategic Vision than it was 18 months ago due to a number of initiatives including, but not limited to:

- * Extensive consultation and visioning that has taken place with the community through projects such as:
 - The Community Plan
 - Sustainability Decision Making Framework
 - Quality of Life Indicators Study and Survey
- * Department of Local Government guidelines clarifying the format of the strategic planning process and important roles that this process will perform in the future.

PROJECT OUTLINE

It is proposed to proceed with establishing a Shire Strategic Vision process that complies with the pending Department of Local Government legislation and guides strategic planning and programs throughout the organization.

The objectives of this project are to:

- 1 Establish, in a robust and transparent fashion, the Shire's Strategic Vision that engages and inspires the Community having consideration for:

Shire Strategic Vision Project "Our Shire – Our Future" (contd)

- a First and foremost, a clear understanding of the Community's aspirations, life style and vision;
 - b Wyong's unique attributes and setting;
 - c Council's legal requirements to both State and Federal Governments, as well as the relevant visions of neighbouring Councils; and
 - d Optimistic, but achievable, outcomes.
- 2 Ensure that the Shire Strategic Vision arising from the project is integrated with and guides all future strategic planning and decision-making.
 - 3 Ensure that there is effective monitoring, reviewing and updating of the Shire's Strategic Vision in response to intelligence and feed back.
 - 4 Work, where practical, with existing systems, forms and structures to more fully integrate them with an inclusive strategic planning framework.

The entire process is based on the community's Vision and must incorporate directions in the State Plan "A New Direction for NSW" (2006). As such, it will inevitably include Visions in fields where Council has previously had little direct involvement (eg education and health). It is therefore essential that the Shire Strategic Vision serve as a blueprint for State and Federal agencies and the community as well as Council.

The basic steps in the Shire Strategic Vision process include:

- 1 Formulate a draft Shire Vision Statement through the community based on previous and current consultations. This Statement will then be tested as the process proceeds.
- 2 Compile a Shire Profile that is a document describing the Shire's current condition (and likely state in 20 years time) for the key components of the Shire Strategic Vision being:
 - i Environment;
 - ii Society; and
 - iii Economy.
- 3 Appreciation Process to compile the community's aspirations and Visions for what the Shire could be in 20 years across the key components.
- 4 Evaluate Options to identify the final community Vision.
- 5 Drafting a Shire Strategic Vision to bring together the proposed Vision for exhibition and further feedback from the community.

Shire Strategic Vision Project "Our Shire – Our Future" (contd)

- 6 Councillors drafting a four year Delivery Program following the September 2008 elections. This will enable the new Councillors to establish their four year rolling program for actions as to what they intend to undertake to stride towards the community based Shire Strategic Vision

As outlined, the Shire Strategic Vision process is grounded in the community. As such, a Community Liaison Group will be used to provide guidance and critical input, throughout the process. This Group will be expanded for key activities in the process to obtain wider community input across a greater range of stakeholders.

There will then be many processes that will be directed and guided by the Shire Strategic Vision. These include, but are not limited to the RCMG Work Programming, financial planning, asset management planning, land use planning, social planning etc.

The Department of Local Government model for integrated planning makes it clear that the Shire Strategic Vision is a process rather than a one-off set of documents. It therefore requires monitoring and feedback to refine, refresh and update the process in the years to come.

CONCLUSION

The current Council has an opportunity to identify all of the major Vision Options based on sound community consultation and input. Each new Council will then have the obligation to review these and identify how they can best assist the community in achieving its Strategic Vision.

The alternative, under current Council resolutions, would leave the process entirely to the next Council which will in turn have to establish the process once legislation is enacted. In the interim; however, the community, state government and Council will lack a focus on the Shire's Strategic Vision.

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

504 Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates

CPA/128126 JM

SUMMARY

Evaluation and selection of tenders for Contract CPA 128126 – Supply and Delivery Road Sealing Aggregates.

RECOMMENDATION

- 1 That Council accept Tender No 2 from Hanson Construction Materials Pty Ltd as the preferred supplier of road sealing aggregates for a period of 36 months commencing on 1 December 2007. The estimated annual expenditure against this contract is \$187,360 including GST (\$170,328, excluding GST) however, actual expenditure may vary with fluctuations in demand.**
- 2 That Council accept Tender No 3 from Metromix Pty Ltd as the second ranked supplier of road sealing aggregates for the period of 36 months commencing on 1 December 2007.**

BACKGROUND

Council consumes approximately 4,800 tonnes of road sealing aggregates on an annual basis. The material is predominantly used in conjunction with Emulsion for sealing of road pavement surfaces. Annual expenditure on the supply and delivery of road sealing aggregates is in the vicinity of \$190,000 and these costs include both product and associated haulage charges.

Current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractors are Hanson Construction Materials Pty Ltd (preferred) and Metromix Pty Ltd (second ranked).

Tenders were invited for the supply and delivery of road sealing aggregates for a period of up to 36 months. The conditions of Contract required fixed rates for the initial 12 month period of the contract. Rates for each of the two subsequent 12 month periods may be varied in accordance with the Consumer Price Index (CPI) variation clause stipulated in the Conditions of Contract.

The contract period of 36 months provides a risk balance to both Council and the contractor(s) through the contractor(s)' ability to amortise operating costs over an extended period and pass onto Council those efficiencies via competitive rates. Additionally, the extended period of contract operation enables further efficiencies to be developed over the course of the contract in improved trading relationships, communications lines and provisioning requirements.

Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates (contd)

The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, Council can rank tenders in order of price, quality, availability and conformance. This right has been enacted in the context of all recommendations.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

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

An addendum was issued to all prospective tenderers during the invitation period, a clarification of closing date (issued 29 August 2007).

Tenders closed at Council Chambers at 2:00pm on the 20 September 2007. Three tenders were received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold and weighted criteria:

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents.
- * Ability of Tenderer to supply and deliver required materials as and when required by the Principal.
- * Ability to manage environmental, operational and safety risk.
- * Previous performance with Council or other similar organisations.

Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates (contd)

Weighted Criteria

- * Price.
- * Payment term discounts offered.
- * Vehicular carrying capacity.

Tenders were evaluated by a three-member panel (two of which were from a unit other than the one managing the procurement process) with respect to the above threshold and weighted criteria.

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 Detailed weighted evaluation of shortlisted tender/s.
- 4 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

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

	Tender	Estimated annual cost (Ex. GST)	Status
1	Buttia Gravel Pty Ltd T/as Darcon Engineering	\$249,072	Submitted on time
2	Hanson Construction Materials Pty Ltd.	\$170,328	Submitted on time
3	Metromix Pty Ltd.	\$213,048	Submitted on time

Note: The estimated annual cost was derived by multiplying the tender rates offered by the usage of each grade of aggregate delivered to Charmhaven and Long Jetty Works Depot.

**Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates
(contd)**

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

Tender No 2 from Hanson Construction Materials Pty Ltd provided test results which failed the Roads and Traffic Authority (RTA) Specification 3151. Hanson Construction Materials Pty Ltd were contacted and advised Council they had submitted the incorrect test results as part of their tender response. They subsequently provided the correct test results which were validated by Council's Geotechnical Services section. The Tender Assessment Panel considers this error as a minor non conformance and progressed the tender through to the next stage of the evaluation process.

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

Weighted Evaluation

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

Tender	Lump Sum (Ex. GST)	Weighted Score	Evaluation
2 Hanson Construction Materials Pty Ltd	\$170,328	90	
3 Metromix Pty Ltd.	\$213,048	62	
1 Buttia Gravel Pty Ltd T/as Daracon Engineering	\$249,072	45	

Tender No 1 from Buttia Gravel Pty Ltd T/as Daracon Engineering, is the lowest ranked tender. Buttia Gravel Pty Ltd T/as Daracon Engineering operate a quarry based at Ardglen NSW, approximately 230 kilometres North West of Wyong Council's Administration Centre. The location of their supply point results in significant cartage costs to deliver materials into Wyong Shire. Given their offer is 46% more expensive than the highest ranked tender, it was the view of the Tender Assessment Panel that their offer is cost prohibitive to Council and was eliminated from further consideration.

Tender No 2 from Hanson Construction Materials Pty Ltd, is the highest ranked tender. Hanson Construction Materials Pty Ltd operates a quarry based at Brandy Hill (North of Newcastle), approximately 90 kilometres North West of Wyong Council's Administration Centre. Hanson Construction Materials Pty Ltd scored the highest in all price and non price criteria.

Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates (contd)

Tender No 3 from Metromix Pty Ltd, is the second ranked tender. Metromix Pty Ltd operates a quarry out of Martins Creek (North of Newcastle), approximately 102 kilometres North from Wyong Shire Council's Administration Centre. Metromix Pty Ltd scored second highest in both the price and non price criteria.

Below is a comparison of line item pricing offered by each supplier for delivery of various sized aggregates into Long Jetty and Charmhaven Works Depots as well as a comparison of current contract rates from Hanson Construction Materials Pty Ltd

	Charmhaven Depot per tonne (Ex GST) \$	Long Jetty Depot per tonne (Ex GST) \$
Hanson Construction Materials Pty Ltd current rates under Contract No 2497 (expires 30 Nov 2007)		
5mm	\$37.45	\$36.99
7mm	\$38.55	\$38.09
10mm	\$38.55	\$38.09
14mm	\$37.42	\$37.26
20mm	\$37.72	\$37.26

	Charmhaven Depot per tonne (Ex GST) \$	Long Jetty Depot per tonne (Ex GST) \$
Hanson Construction Materials Pty Ltd		
5mm	\$34.70	\$34.37
7mm	\$35.70	\$35.37
10mm	\$35.70	\$35.37
14mm	\$35.20	\$34.87
20mm	\$35.20	\$34.87

Metromix Pty Ltd		
5mm	\$45.54	\$47.23
7mm	\$44.04	\$45.73
10mm	\$44.04	\$45.73
14mm	\$39.04	\$40.73
20mm	\$39.04	\$40.73
Buttai Gravel Pty Ltd T/as Daracon Quarries		
5mm	\$51.30	\$52.50
7mm	\$51.30	\$52.50
10mm	\$51.30	\$52.50
14mm	\$51.30	\$52.50
20mm	\$51.30	\$52.50

Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates (contd)

Price analysis of new tendered rates supplied by Hanson Construction Materials Pty Ltd compared to contract rates submitted twelve (12) months ago indicate a price reduction of 8%.

Tenderer No 2 from Hanson Construction Materials Pty Ltd is the highest scoring tenderer and tender No 3 from Metromix Pty Ltd is the second highest scoring tenderer. Although the tender from Hanson Construction Materials Pty Ltd has a clear price advantage, the Tender Assessment Panel saw merit in progressing the offer from Metromix Pty Ltd through to the due diligence stage of the evaluation in order to have a back up source of supply. As a consequence both offers were progressed through to the due diligence stage of the evaluation.

Due Diligence

Tender No 2 from Hanson Construction Materials Pty Ltd is Council's incumbent supplier and they have successfully satisfied Council's requirements over the last three (3) years under contract No 2497.

Council had experienced past problems with dust mixed with aggregates, causing adhesion problems with the Cationic Emulsion. Hanson Construction Materials Pty Ltd has developed a washing process that has circumvented this problem. Council has exclusively used Hanson Construction Material Pty Ltd products for use with Cationic Emulsion over recent years with no significant problems.

References were provided for firms who hold major contracts with the Roads and Traffic Authority and other local government authorities for road sealing works. In all cases, referees considered service and product quality supplied by Hanson Construction Materials Pty Ltd to be of a satisfactory standard.

Metromix Pty Ltd are the supplier of road sealing aggregates to Council's current contractor for major sprayed bituminous surfacing works. Additionally, references were provided for firms who hold major contracts with the Roads and Traffic Authority and other local government authorities for road sealing works. In all cases, referees considered service and product quality supplied by Metromix Pty Ltd to be of a satisfactory standard.

All recommended Tenderers Occupational Health and Safety systems were considered compliant with the Contract.

Process Review

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

Contract CPA 128126 – Supply and Delivery of Road Sealing Aggregates (contd)

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the contract is an estimate based on previous year's usage. . Although the estimated value of the contracts is \$562,080 (\$187,360 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contracts. The total amount ordered under these contracts could therefore vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

Hanson Construction Materials Pty Ltd and Metromix Pty Ltd are Council's incumbent contractors, as a consequence there will be no impact on local employment opportunities.

CONCLUSION

Tender No 2 from Hanson Construction Materials Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. The Tender Assessment Panel concluded that the tender from Hanson Construction Materials Pty Ltd be accepted as the preferred tenderer of road sealing aggregates to Council for the period ending 30 November 2010.

Tender No 3 from Metromix Pty Ltd is the second highest scoring tender and meets all of Council's requirements for this contract. The Tender Assessment Panel concluded that their tender be accepted as the second ranked supplier of road sealing aggregates to Council for the period ending 30 November 2010. Council officers will only place orders with Metromix Pty Ltd in the event the preferred supplier "Hanson Construction Materials Pty Ltd" cannot supply.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

505 Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix

CPA/128127

SUMMARY

Evaluation and selection of tenders for Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix.

RECOMMENDATION

That Council accept Tender No 3 from Pioneer Road Services Pty Ltd as the preferred supplier of bituminous coldmix for a period of 36 months commencing on 1 December 2007. The estimated annual expenditure against this contract is \$52,888 including GST (\$48,080 excluding GST) however, actual expenditure may vary with fluctuations in demand.

BACKGROUND

Council consumes approximately 450 tonnes of bituminous coldmix on an annual basis. The material is used in the maintenance and repair of sealed road pavement surfaces. Annual expenditure on the manufacture, supply and delivery of bituminous coldmix is in the vicinity of \$53,000 and these costs include both product and associated haulage charges.

Current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractor(s) are Pioneer Road Services Pty Ltd (preferred) and Works Infrastructure (second ranked).

Tenders were invited for the manufacture, supply and delivery of bituminous coldmix for a period of up to 36 months. The conditions of Contract required fixed rates for the initial three month period of the contract. Rates for each subsequent (3) month periods may be varied in accordance with the rise and fall formula stipulated in the Conditions of Contract.

The contract period of 36 months provides a risk balance to both Council and the contractor(s) through the contractor(s)' ability to amortise operating costs over an extended period and pass onto Council those efficiencies via competitive rates. Additionally, the extended period of contract operation enables further efficiencies to be developed over the course of the contract in improved trading relationships, communications lines and provisioning requirements.

Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix (contd)

The rise and fall provision within the contract is based on an industry agreed approach, and is currently included in all Roads and Traffic Authority (RTA) contracts. It is a formula capturing movements in the bitumen general market price relative to the general market price at the time of tendering and applied at quarterly intervals. The inability of contractors to forecast the future price structure of crude oil, and hence bitumen, could result in tender prices being significantly higher under a fixed price provision as with the rise and fall formula included in the contract. The rise and fall formula provided for in the contract minimises the risk to Council.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

The invitation documents called for a schedule of rates tender, based on a detailed specification. The following addendum was issued to all prospective tenderers during the invitation period.

- 1 *Clarification of closing date (issued 29 August 2007).*
- 2 *Clarification of fixed price duration reference (issued 5 September 2007)*

Tenders closed at Council Chambers at 2:00pm on the 20 September 2007 with three tenders received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold and weighted criteria:

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents.
- * Ability of Tenderer to supply and deliver required materials as and when required by the Principal.
- * Ability to manage environmental, operational and safety risk.
- * Previous performance with Council or other similar organisations.

Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix (contd)

Weighted Criteria

- * Price.
- * Payment term discounts offered.
- * Access to supply point.

Tenders were evaluated by a three-member panel (two of which were from a unit other than the one managing the procurement process) with respect to the above threshold and weighted criteria:

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 Detailed weighted evaluation of shortlisted tender/s.
- 4 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

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

Tender	Estimated annual cost (Ex. GST)	Status
1 Bitupave Limited Trading as Boral Asphalt	\$64,050	Submitted on time
2 Downer Edi Works Pty Ltd.	\$64,485	Submitted on time
3 Pioneer Road Services Pty Ltd.	\$48,050	Submitted on time

Note: the estimated annual cost was derived by multiplying the tender rates offered by the usage of bituminous coldmix delivered to Charmhaven and Long Jetty Works Depots.

Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix (contd)

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

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

Weighted Evaluation

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

Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
3 Pioneer Road Services Pty Ltd	\$48,050	90
2 Downer Edi Works Pty Ltd.	\$64,485	60
1 Bitupave Limited Trading as Boral Asphalt	\$64,050	59

Tender No 3 from Pioneer Road Services Pty Ltd is the highest ranked tender. Pioneer Road Services Pty Ltd operates an Asphalt plant at Doyalson (within the Shire). Pioneer Road Services Pty Ltd scored the highest in all price and non price criteria.

Tender No 2 from Downer Edi Pty Ltd is the second ranked tender. Downer Edi Pty Ltd operates an Asphalt plant out of Teralba, in Newcastle. Tender No 3 from Bitupave Limited Trading as Boral Asphalt operates an Asphalt plant out of Carrington, in Newcastle. Due to haulage distances into Wyong Shire the Tender Assessment Panel were of the view both offers were cost inhibitive to Council and were eliminated from further consideration.

Below is a comparison of line item pricing exclusive of GST offered by each supplier as well as rates supplied by Council's incumbent preferred supplier, Pioneer Road Services Pty Ltd, under contract No. 2498 for delivery of coldmix into Long Jetty and Charmhaven Works Depots.

Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix (contd)

Tenderer	Rate Ex: Plant 7mm Coldmix	Delivered to Charmhaven Depot	Delivered to Long Jetty Depot
Pioneer Road Services existing rates under Contract 2498.	\$101.00	\$105.00	\$109.00
3 Pioneer Road Services Pty Ltd	\$101.00	\$105.00	\$109.00
2 Downer Edi Works Pty Ltd.	\$127.85	\$142.10	\$144.80
1 Bitupave Limited Trading as Boral Asphalt	\$130.00	\$141.00	\$144.00

Analysis of Council usage patterns over the last 12 months has indicated that Pioneer Road Services have successfully fulfilled Council requirements in 99% of instances.

A comparison of rates tendered indicated no change when compared to rates offered from 12 months ago, at the last price review under Contract No 2498.

Due Diligence

Tender No 3 from Pioneer Road Services Pty Ltd is Council's incumbent supplier and they have successfully satisfied Councils requirements over the last 3 years under Contract No. 2498.

References were provided from firms who hold major contracts with the similar work required by Council. In all cases, referees considered service and product quality supplied by Pioneer Road Services Pty Ltd to be of a satisfactory standard.

Pioneer Road Services Pty Ltd Occupational Health and Safety systems were considered commensurate with the nature of the Contract.

Process Review

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

Contract CPA 128127 – Manufacture, Supply and Delivery of Bituminous Coldmix (contd)

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the contract is an estimate based on previous year's usage. Although the estimated value of the contract is \$158,565 (\$52,855 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract. The total amount ordered under this contract could therefore vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

Pioneer Road Services Pty Ltd is Council's incumbent contractor, with their Asphalt plant based at Doyalson which is within the shire. The Asphalt plants for the other two tenderers are based outside the Central Coast region; as a consequence there will be no impact on local employment opportunities.

CONCLUSION

Tender No 3 from Pioneer Road Services Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. The Tender Evaluation Panel concluded that the tender from Pioneer Road Services Pty Ltd be accepted as the preferred tenderer for the Manufacture, Supply and Delivery of Bituminous Coldmix to Council for the period ending 30 November 2010.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

506 Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material

CPA/128143 JM

SUMMARY

Evaluation and selection of tenders for Contract No CPA 128143 – Supply and Delivery of Heavily Bound Pavement Materials for Surfaced Road Pavement.

RECOMMENDATION

That Council accept all tenders at the tendered schedule of rates for the supply and delivery of heavily bound pavement materials for a period of 36 months commencing on 1 December 2007 and that the Director, Shire Services be authorised to use the most economical, compliant and suitable material as each situation demands. The estimated annual expenditure against all contracts is \$358,000 including GST (\$325,454 excluding GST) however, actual expenditure may vary with fluctuations in demand.

BACKGROUND

Heavily Bound Pavement Material is specified by the Roads and Traffic Authority (RTA) in the construction and maintenance of RTA funded main roads. Heavily Bound Pavement Material is also suitable for use in Council's own local roads construction and maintenance works where this grade of product is warranted. Historically, the predominant source of this material has been produced from steel furnace bi-products, although other alternatives are now becoming available.

Council uses approximately 12,500 tonnes of Heavily Bound Pavement Materials for road construction and reconstruction works per annum. Annual expenditure on Heavily Bound Pavement Materials is in the vicinity of \$360,000; these costs include both product and associated haulage charges.

Council's current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractors are SCE Resources T/as Steelstone and Metromix Pty Ltd.

Tenders were invited for the Supply and Delivery of Heavily Bound Pavement Materials for Surfaced Road Pavements, for a period of up to 36 months on a schedule of rates basis. The conditions of Contract required fixed rates for the initial twelve (12) month period of the contract. Rates for each of the two (2) subsequent twelve (12) month periods may be varied in accordance with the Consumer Price Index (CPI) variation clause stipulated in the Conditions of Contract.

Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material (contd)

The contract period of 36 months provides a risk balance to both Council and the contractor(s) through the contractor(s)' ability to amortise operating costs over an extended period and pass onto Council those efficiencies via competitive rates. Additionally, the extended period of contract operation enables further efficiencies to be developed over the course of the contract in improved trading relationships, communications lines and provisioning requirements.

The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, tender conditions allow Council to use the supplier who provides the most economical, compliant and suitable material as each situation demands. This right has been enacted in the context of all recommendations.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

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

The following addendum was issued to all prospective tenderers during the invitation period.

- 1 Clarification of closing date (issued 29 August 2007).
- 2 Clarification of correct RTA Specification reference and extension of closing date by one (1) week (issued 12 September 2007).

Tenders closed at Council Chambers at 2:00pm on the 27 September 2007. Three tenders were received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold criteria:

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents. (This may entail pass / fail testing on behalf of Council's Soil Laboratory or other recognised testing bodies).

Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material (contd)

- * The Tender price, integrity of its structure, payment term discounts offered and pricing of individual schedule rates.
- * Previous performance with Council or other similar organisations.
- * Ability of Tenderer to supply and deliver required materials as and when required by the Principal.
- * Tenderers Quality Control process including where applicable, accreditation to recognised Australian Standards.
- * Occupational Health and Safety compliance, practices and documented procedures.
- * Environmental management practices and documented procedures.

Tenders were evaluated by a three-member panel (two of which were from a unit other than the one managing the procurement process) with respect to the above threshold criteria: 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 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

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

Tender	Estimated annual cost (Ex. GST)	Status
1 Boral Resources (NSW) Pty Ltd.	Various, Schedule of Rates	Submitted on time
2 Buttia Gravel Pty Ltd T/as Daracon Quarries.	Various, Schedule of Rates	Submitted on time
3 SCE Resources T/as Steelstone.	Various, Schedule of Rates	Submitted on time

Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material (contd)

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

The Tender Assessment Panel concluded all Tenderers conformed to all threshold criteria requirements and were progressed to the next stage of evaluation.

The following table sets out rates for each conforming tenderer over haulage distances that are indicative of the distance from the proposed source of supply to work sites within Wyong Shire. In addition rates supplied by Council's incumbent supplier SCE Resources T/as Steelstone under Contract No 2499 are shown for comparison purposes. All rates are exclusive of GST.

SCE Resources T/as Steelstone current rates under Contract No 2499		SCE Resources T/as Steelstone		Buttai Gravel Pty Ltd T/as Daracon Quarries		Boral Resources (NSW) Pty Ltd	
Source – Mayfield approximately 73 km North of Wyong Shire Council Administration Centre		Source – Mayfield approximately 73 km North of Wyong Shire Council Administration Centre		Source – Martins Creek approximately 103 km North West of Wyong Shire Council Administration Centre		Source – Peat's Ridge approximately 30 km West of Wyong Shire Council Administration Centre	
Indicative Haulage Distances	Price per tonne \$	Indicative Haulage Distances	Price per tonne \$	Indicative Haulage Distances	Price per tonne \$	Indicative Haulage Distances	Price per tonne \$
40 km	\$29.20	40 km	\$32.13	70 km	\$31.96	20 km	\$34.75
50 km	\$30.37	50 km	\$33.41	80 km	\$33.00	30 km	\$35.97
60 km	\$31.47	60 km	\$34.62	90 km	\$34.04	40 km	\$37.45
70 km	\$32.57	70 km	\$35.83	100 km	\$35.07	50 km	\$39.07
80 km	\$33.27	80 km	\$37.03	110 km	\$36.04	60 km	\$40.29

Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material (contd)

The following table sets out rates for delivery ex pit (Council collects materials) exclusive of GST and the type of Heavily Bound Pavement Material offered. In addition rates supplied by Council's incumbent supplier SCE Resources T/as Steelstone under Contract No. 2499 are shown for comparison purposes.

SCE Resources T/as Steelstone current rates under Contract No 2499		SCE Resources T/as Steelstone		Buttai Gravel Pty Ltd T/as Daracon Quarries		Boral Resources (NSW) Pty Ltd	
Source – Mayfield approximately 73 km North of Wyong Shire Council Administration Centre		Source – Mayfield approximately 73 km North of Wyong Shire Council Administration Centre		Source – Martins Creek approximately 103 km North West of Wyong Shire Council Administration Centre		Source – Peat's Ridge approximately 30 km West of Wyong Shire Council Administration Centre	
Price Ex Pit	\$22.00	Price Ex Pit	\$24.20	Price Ex Pit	\$22.00	Price Ex Pit	\$28.50
Product = Steelstone Mix 3		Product = Steelstone Mix 3		Product = Stabilstone		Product = 20DGB + 4% Stabilment	

Analysis of new rates tendered compared to contacted rates submitted 12 months ago has indicated a 10% increase in material costs.

Council requires multiple sources of supply of Heavily Bound Pavement Materials in order to ensure continuity of supply and to match various grades of Heavily Bound Pavement Materials to the differing types of road surfaces Council is required to maintain. The Tender Assessment Panel has therefore recommended that all conforming tenders be accepted and that the Director, Shire Services be authorised to use the most economical, compliant and suitable material as each situation demands.

Due Diligence

Tenderer No 3 from SCE Resources T/as Steelstone are Council's incumbent supplier and they have successfully satisfied Council's requirements over the last three years under Contract No 2499.

References were provided from representatives from Gosford City Council and Maitland City Council. In all cases, referees considered service and product quality supplied by SCE Resources T/as Steelstone to be of a satisfactory standard.

Tenderer No 2 from Buttai Gravel Pty Ltd T/as Daracon Quarries are a new supplier to Council and are based out of Wallsend in Newcastle. Referees were provided from two firms that have used the Stabilstone product provided from Buttai Gravel Pty Ltd T/as Daracon Quarries for RTA road reconstruction works at Erina and Newcastle. In both cases referees considered service and product quality supplied by Buttai Gravel Pty Ltd T/as Daracon Quarries to be of a satisfactory standard.

Contract CPA 128143 – Supply and Delivery of Heavily Bound Pavement Material (contd)

Tenderer No 1 from Boral Resources (NSW) Pty Ltd has been a long time supplier of Unbound and Modified Bases and Sub Base Materials to Council and have provided satisfactory service. This is the first time they have offered Council a compliant Heavily Bound Pavement Material. Reference checks were conducted on two firms who use 20 DGB + 4% Stabilment for local road construction works. In both instances referees considered service and product quality supplied by Boral Resources (NSW) Pty Ltd to be of a satisfactory standard.

All recommended Tenderers Occupational Health and Safety systems were considered to be compliant with the Contract.

Process Review

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

BUDGET

Because the Contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the contracts is an estimate based on previous year's usage. Although the estimated value of the contracts is \$1,080,000 (\$360,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contracts. The total amount ordered under these contracts could therefore vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

SCE Resources T/as Steelstone is Council's incumbent contractor, based out of Mayfield in Newcastle. Buttia Gravel Pty Ltd T/as Daracon Quarries is based out of Wallsend in Newcastle and will use Hunter Valley labour to fulfil requirements of the contracts. Boral Resources (NSW) Pty Ltd operates out of Peat's Ridge and will use Central Coast labour to fulfil requirements of the contract.

CONCLUSION

That Council accept all tenders at the tendered schedule of rates for the supply and delivery of Heavily Bound Pavement Materials and that the Director, Shire Services be authorised to use the most economical, compliant and suitable material as each situation demands.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

507 Contract CPA 128145 – Supply and Delivery of Type S Filter Sand

CPA/128145 JM

SUMMARY

Evaluation and selection of tenders for Contract CPA 128145 – Supply and Delivery of Type S Filter Sand.

RECOMMENDATION

That Council accept tender No 3 from Norgrath Pty Ltd T/As Roy Lamb The Sand Man as the preferred supplier of Type S Filter Sand for a period of 36 months commencing on 1 December 2007. The estimated annual expenditure against this contract is \$263,981 including GST (\$239,982, excluding GST) however, actual expenditure may vary with fluctuations in demand.

BACKGROUND

Council consumes approximately 12,000 tonnes of Type S Filter Sand on an annual basis. The material is primarily used in road and drainage construction works. Annual expenditure is in the vicinity of \$270,000 and these costs include both product and associated haulage charges.

Current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractors are Norgrath Pty Ltd (T/as Roy Lamb The Sand Man) ranked as the preferred supplier, Jolly Swagman Wildlife Sanctuary Pty Ltd (T/as Charmhaven Garden Centre) ranked as the second preferred supplier and Hanson Construction Materials Pty Ltd ranked as the third preferred supplier.

Tenders were invited for the supply and delivery of Type S Filter Sand for a period of up to thirty-six (36) months on a schedule of rates basis. The conditions of Contract required fixed rates for the initial twelve (12) month period of the contract. Rates for each of the two subsequent 12 month periods may be varied in accordance with the Consumer Price Index (CPI) variation clause stipulated in the conditions of contract.

The contract period of 36 months provides a risk balance to both Council and the contractor(s) through the contractor(s)' ability to amortise operating costs over an extended period and pass onto Council those efficiencies via competitive rates. Additionally, the extended period of contract operation enables further efficiencies to be developed over the course of the contract in improved trading relationships, communications lines and provisioning requirements.

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)

The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, Council can rank tenders in order of price, quality, availability and conformance. This right has been enacted in the context of this recommendation however, due to the non conforming nature of a number of tenders only one preferred supplier has been recommended in lieu of a panel.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

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

The following addendum was issued to all prospective tenderers during the invitation period.

Clarification of closing date (issued 29 August 2007).

Tenders closed at Council Chambers at 2:00pm on the 20 September 2007. Three tenders were received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold and weighted criteria:

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents. (This may entail pass / fail testing on behalf Council's Soil Laboratory or other recognised testing bodies)
- * Tendered price, integrity of its structure, payment term discounts offered and pricing of all individual items.
- * Ability to manage environmental, operational and safety risk.
- * Previous performance with Council or other similar organisations.

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)**Weighted Criteria**

- * Delivery vehicle carrying capacity.
- * Number of company owned vehicles.
- * Price.
- * Equivalent experience.
- * Lead time.
- * Access to supply point.

Tenders were evaluated by a three-member panel (two of which were from a separate unit other than the one managing the procurement process) with respect to the above threshold and weighted criteria:

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 Detailed weighted evaluation of shortlisted tender/s.
- 4 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

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

Tender	Estimated annual cost (Ex. GST)	Status
1 Blue Circle Southern Cement Limited T/as Blue Circle Ash	\$348,175	Submitted on time
2 M. Collins and Sons (Contractors) Pty Limited.	\$375,437	Submitted on time
3 Norgrath Pty Ltd T/as Roy Lamb The Sand Man.	\$211,185	Submitted on time

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)

Note: the estimated annual cost was derived by multiplying the tender rates offered by the usage of Type S Filter Sand delivered to Charmhaven and Long Jetty Works Depot. Analysis of Council usage of Type S Filter Sand over the last 12 months has concluded that 75% of all orders raised are for delivery to either Long Jetty or Charmhaven Works Depots. As a consequence, these price points are used as the basis to determine estimated cost to Council for comparison purposes only.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

Council's Geotechnical Services Section advises tender No 1 from Blue Circle Southern Cement Limited T/as Blue Circle Ash offered a product called Enviro-Agg Filter Material (ESA609). This product is a course by product of coal fired power stations. The product does not comply with the RTA Specification R32 covering Type S Filter Material. The material complies to the permeability requirement but not with Particle Size Distribution (PSD). The Tender Assessment Panel concluded this product did not meet threshold criteria requirements specifically "Conformance with the specification and requirements of the tender documents" and as such was considered non-conforming and eliminated from further consideration.

Tender No 2 from M Collins and Sons (Contractors) Pty Limited failed to provide certification test results as per the requirements of the tender schedules. M Collins and Sons (Contractors) Pty Limited indicated they are in the process of obtaining test results and would provide them to Council as soon as they are available. The Tender Assessment Panel agreed to progress the offer from M Collins and Sons (Contractors) Pty Limited into the weighted evaluation stage of evaluation subject to certification test results passing RTA standards.

Tender No 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man certification test results were inspected by Councils Geotechnical Service section and complied with RTA standards.

Both tender No 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man and tender No 2 from M Collins and Sons (Contractors) Pty Limited (pending confirmation of certification test results) satisfied threshold criteria requirements and were progressed to the next stage of tender evaluation.

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)**Weighted Evaluation**

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

Tender	Estimated annual cost (Ex. GST)	Weighted Evaluation Score
3 Nograth Pty Ltd T/as Roy Lamb The Sand Man.	\$211,185	93
2 M. Collins and Sons (Contractors) Pty Limited.	\$375,437	44

Tender No 2 from M. Collins and Sons (Contractors) Pty Limited is the lowest ranked tender. M. Collins and Sons (Contractors) Pty Limited are a haulage company operating out of Revesby in Sydney. They source their materials from a quarry in Elderslie NSW, approximately 140 kilometres South West of Wyong Shire Council's Administration Centre. The location of their supply point results in significant cartage costs to deliver materials into Wyong Shire. Given their offer is 77% more expensive than the highest ranked tender, it was the view of the Tender Assessment Panel that their offer is cost prohibitive to Council and was eliminated from further consideration. In addition, subsequent certification test results provided by M. Collins and Sons (Contractors) Pty Limited to Council failed to meet RTA standards.

Tender No 3 from Nograth Pty Ltd T/as Roy Lamb The Sand Man, is the highest ranked tender. Nograth Pty Ltd T/as Roy Lamb the Sand Man are a haulage company operating out of Kariong on the Central Coast. Their source of supply is Tollbulk Sands at Williamtown, approximately 89 kilometres North of Wyong Shire Council's Administration Centre. Nograth Pty Ltd T/as Roy Lamb The Sand Man were the highest ranked tenderer on all price and non price criteria.

Below is a comparison of line item pricing offered by each supplier for delivery of Type S Filter Sand into Long Jetty and Charmhaven Works Depots. In addition current rates are provided from Council's incumbent first ranked supplier Nograth Pty Ltd T/as Roy Lamb The Sand Man under Contract No. 2501 for comparison purposes.

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)

	Charmhaven – Depot per tonne (Ex GST) \$	Long Jetty – Depot per tonne (Ex GST) \$	Ex Supply Point per tonne (Ex GST) \$
Norgrath Pty Ltd T/as Roy Lamb The Sand Man current rates under Contract No 2501	\$20.70	\$21.64	\$12.04
3 Norgrath Pty Ltd T/as Roy Lamb The Sand Man	\$21.76	\$22.70	\$12.00
2 M. Collins and Sons (Contractors) Pty Limited	\$41.80	\$41.45	\$24.45

Analysis of previous years usage of Type S Filter Sand has indicated that Norgrath Pty Ltd T/as Roy Lamb The Sand Man has successfully supplied 100% of Council's requirements.

Analysis of price movements over the last 12 months have indicated a 5% price increase on new tendered rates. A comparison of rates tendered three years ago compared to new tender rates indicates a 17% increase in material costs.

Tenderer No 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man is the highest scoring tenderer and was progressed through to the due diligence stage of the evaluation.

Due Diligence

Tender No 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man is Council's incumbent supplier of Type S Filter Sand and have successfully satisfied Council's requirements over the last three years under Contract No 2501.

References were provided from firms who hold major contracts with the similar work required by Council. In all cases, referees considered service and product quality supplied by Norgrath Pty Ltd T/as Roy Lamb The Sand Man to be of a satisfactory standard.

Norgrath Pty Ltd T/as Roy Lamb The Sand Man Occupational Health and Safety systems were considered commensurate with the nature of the Contract.

Process Review

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

Contract CPA 128145 – Supply and Delivery of Type S Filter Sand (contd)

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the arrangement is an estimate based on previous years usage although the estimated value of the contract is \$791,943 (\$263,981 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract. The total amount ordered under this contract could therefore, vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

Norgrath Pty Ltd T/as Roy Lamb The Sand Man is Council's incumbent contractor. They are located at Kariong and employ Central Coast based labour.

CONCLUSION

Tender No 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. The Tender Assessment Panel concluded that the tender from Norgrath Pty Ltd T/as Roy Lamb The Sand Man be accepted as the preferred tenderer of Type S Filter Sand to Council for the period up to 30 November 2010.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

508 Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements

CPA/128146 JM

SUMMARY

Evaluation and selection of tenders for Contract No CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements.

RECOMMENDATION

- 1 *That Council accept all tenders at the tendered schedule of rates for the supply and delivery of unbound and modified base and sub base materials for a period of 36 months commencing from 1 December 2007 and that the Director, Shire Services be authorised to use the most economical, compliant and suitable material as each situation demands. The estimated annual expenditure against all contracts is \$1,200,000 including GST (\$1,090,909 excluding GST) however, actual expenditure may vary with fluctuations in demand.***

- 2 *That Council notes prices are subject to annual adjustments based on Consumer Price Index (CPI) movements.***

BACKGROUND

Council uses a variety of base and sub base materials for road construction and reconstruction works. Annual expenditure on base and sub base materials is in the vicinity of \$1.2 million. These costs include both product and associated haulage charges.

Council's current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractors are: D & J Quarries Pty Ltd, Metromix Pty Ltd, Hansons Construction Materials Pty Ltd, Boral Quarries (NSW) Pty Ltd and Concrete Recyclers (Group) Pty Ltd.

Tenders were invited for the Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements materials for a period of up to 36 months on a schedule of rates basis. The conditions of Contract required fixed rates for the initial 12 month period of the contract. Rates for each of the two subsequent 12 month periods may be varied in accordance with the Consumer Price Index (CPI) variation clause stipulated in the Conditions of Contract.

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

The contract period of 36 months provides a risk balance to both Council and the contractor(s) through the contractor(s)' ability to amortise operating costs over an extended period and pass onto Council those efficiencies via competitive rates. Additionally, the extended period of contract operation enables further efficiencies to be developed over the course of the contract in improved trading relationships, communications lines and provisioning requirements.

Council requires multiple sources of supply of base and sub base materials in order to ensure continuity of supply and to match various grades of sub base materials to the differing types of roads Council is required to maintain. The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, tender conditions allow Council to use the supplier who provides the most economical, compliant and suitable material as each situation demands. This right has been enacted in the context of all recommendations.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

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

The following addendum was issued to all prospective tenderers during the invitation period.

Clarification of closing date (issued 29 August 2007).

Tenders closed at Council Chambers at 2:00pm on the 20 September 2007. Four tenders were received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold criteria:

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents. (This may entail pass / fail testing on behalf Council's Soil Laboratory or other recognised testing bodies)
- * The Tender price, integrity of its structure, payment term discounts offered and pricing of individual schedule rates.
- * Previous performance with Council or other similar organisations
- * Ability of Tenderer to supply and deliver required materials as and when required by the Principal.
- * Tenderers Quality Control process including where applicable, accreditation to recognised Australian Standards.
- * Occupational Health and Safety compliance, practices and documented Procedures.
- * Environmental management practices and documented procedures.

Tenders were evaluated by a three-member panel (two of which were from a unit other than the one managing the procurement process) with respect to the above threshold criteria:

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 Due diligence checks on preferred tenderer/s.

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Assessment of Receipt

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

Tender	Estimated annual cost (Ex. GST)	Status
1 Buttia Gravel Pty Ltd T/as Daracon Quarries.	Various, Schedule of Rates	Submitted on time
2 Boral Resources (NSW) Pty Ltd.	Various, Schedule of Rates	Submitted on time
3 Hanson Construction Materials Pty Ltd.	Various, Schedule of Rates	Submitted on time
4 Metromix Pty Ltd.	Various, Schedule of Rates	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

Tender No 3 from Hanson Construction Materials Pty Ltd offered a range of sub base materials of which the 40mm FCR Road Base failed a conformance test result. This product line is currently not acquired by Council from Hanson Construction Materials Pty Ltd for this reason. It was the view of the Tender Assessment Panel that the non conformance be considered minor as all other product lines offered were conforming.

The Tender Assessment Panel concluded all Tenderers conformed to all threshold criteria requirements and were progressed to the next stage of evaluation.

The nature and variety of materials offered by Tenderers, as well as haulage distances, makes direct comparisons difficult for the majority of materials. It is recommended the Director, Shire Services be authorised to select the most suitable, compliant and economical material for each specific application.

The following tables set out those products offered by each conforming tenderer, with costs based upon delivery to the Charmhaven and Long Jetty Works Depots. All rates are exclusive of GST. In addition price schedules are displayed for rates offered by Boral Resources (NSW) Pty Ltd and Hanson Construction Materials Pty Ltd under Contract No 2502.

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Buttai Gravel Pty Ltd T/as Daracon Quarries offered pricing from two quarry sources as the Stockrington quarry may close during the tender period.

Buttai Gravel Pty Ltd T/as Daracon Quarries (option 1)				
Products	Source	Ex Quarry per tonne	C\haven Depot per tonne	L\ Jetty Depot per tonne
Sub Base Gravel	Stockrington Quarry	\$7.50	\$16.85	\$18.00
Wetmixed Sub Base Gravel	Stockrington Quarry	\$9.50	\$18.85	\$20.00
Basecourse Gravel	Stockrington Quarry	\$10.00	\$19.35	\$20.50
Wetmixed Base Course Gravel	Stockrington Quarry	\$12.00	\$21.35	\$22.50
1% Stabilised Basecourse Gravel	Stockrington Quarry	\$13.75	\$23.10	\$24.24
2% Stabilised Basecourse Gravel	Stockrington Quarry	\$15.75	\$25.10	\$26.25
3% Stabilised Basecourse Gravel	Stockrington Quarry	\$17.75	\$27.10	\$28.25
4% Stabilised Basecourse Gravel	Stockrington Quarry	\$19.75	\$29.10	\$30.25
5% Stabilised Basecourse Gravel	Stockrington Quarry	\$21.75	\$31.10	\$32.25

Note: Daracon's Stockrington Quarry is located off Dog Hole Rd, Stockrington, approximately 75 kilometres North West of Wyong Shire Council.

Buttai Gravel Pty Ltd T/as Daracon Quarries (option 2)				
Products	Source	Ex Quarry per tonne	C\haven depot per tonne	L\ Jetty Depot per tonne
Sub Base Gravel	Buttai Quarry	\$10.00	\$20.65	\$21.00
Wetmixed Sub Base Gravel	Buttai Quarry	\$12.00	\$22.65	\$23.00
Basecourse Gravel	Buttai Quarry	\$11.00	\$21.65	\$22.00
Wetmixed Base Course Gravel	Buttai Quarry	\$13.00	\$23.65	\$24.00
1% Stabilised Basecourse Gravel	Buttai Quarry	\$14.75	\$25.40	\$25.75

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Buttai Gravel Pty Ltd T/as Daracon Quarries (option 2) (contd)				
Products	Source	Ex Quarry per tonne	C\haven depot per tonne	L\ Jetty Depot per tonne
2% Stabilised Basecourse Gravel	Buttai Quarry	\$16.75	\$27.40	\$27.75
3% Stabilised Basecourse Gravel	Buttai Quarry	\$18.75	\$29.40	\$29.75
4% Stabilised Basecourse Gravel	Buttai Quarry	\$20.75	\$31.40	\$31.75
5% Stabilised Basecourse Gravel	Buttai Quarry	\$22.75	\$33.40	\$33.75

Note: Daracon's Buttai Quarry is located off George Booth Drive, Buttai approximately 75 kilometres North West of Wyong Shire Council.

Boral Resources (NSW) Pty Ltd				
Products	Source	Ex Quarry per tonne	C\haven Depot per tonne	L\Jetty Depot per tonne
DGB20	Peat's Ridge	\$17.50	\$26.89	\$26.15
Council Mix	Peat's Ridge	\$16.50	\$25.89	\$25.15
20 FCR	Peat's Ridge	\$16.00	\$25.39	\$24.65
40 FCR	Peat's Ridge	\$14.50	\$23.89	\$23.15
MS 75	Peat's Ridge	\$17.00	\$26.39	\$25.65
50-150mm Spalls	Peat's Ridge	\$23.00	\$32.39	30.65
Blue Metal Dust	Peat's Ridge	\$9.00	\$18.39	\$17.65
Incorporate 1% stabilment by weight = \$7.00. Each additional 1% = \$2.00				

Boral Resources (NSW) Pty Ltd rates under Contract No 2502				
Products	Source	Ex Quarry per tonne	C\haven Depot per tonne	L\Jetty Depot per tonne
DGB20	Peat's Ridge	\$18.70	\$29.13	\$28.14
Council Mix	Peat's Ridge	\$13.75	\$24.18	\$23.19
20 FCR	Peat's Ridge	\$14.30	\$24.73	\$23.74
40 FCR	Peat's Ridge	\$13.31	\$23.74	\$22.75
MS 75	Peat's Ridge	\$14.62	\$27.05	\$26.07
75-150mm Spalls	Peat's Ridge	\$20.74	\$30.96	\$31.08

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Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Hanson Construction Materials Pty Ltd				
Products	Source	Ex Quarry per tonne	C\haven depot per tonne	L\ Jetty Depot per tonne
DGB 20mm Road Base	Kulnura	\$16.00	\$23.20	\$22.87
DGS 20mm Road Base	Kulnura	\$15.00	\$22.20	\$21.87
DGS 40mm Road Base	Kulnura	\$15.00	\$22.20	\$21.87
75mm FCR Road Base (Minor road base)	Kulnura	\$10.00	\$17.20	\$16.87
80-350mm Rock Spalls	Kulnura	\$21.50	\$28.70	\$28.37
Incorporate 1% cement by weight = \$3.00. Each additional 1% = \$2.50				
Incorporate 1% lime by weight = \$2.75 Each additional 1% = \$2.25				

Hanson Construction Materials Pty Ltd rates under Contract No 2502				
Products	Source	Ex Quarry per tonne	C\haven depot per tonne	L\ Jetty Depot per tonne
DGB 20mm Road Base	Kulnura	\$16.50	\$23.97	\$23.51
DGS 20mm Road Base	Kulnura	\$15.40	\$22.87	\$22.41
75mm FCR Road Base (Minor road base)	Kulnura	\$9.90	\$17.37	\$16.91

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Director's Report
Corporate Services Department

Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Metromix Pty Ltd				
Products	Source	Ex Quarry per tonne	C\haven depot per tonne	L\Jetty Depot per tonne
DGB20 (RTA 3051 Table 1)	Teralba	\$16.00	\$24.00	\$27.25
DGS20 (RTA 3051 Table 1)	Teralba	\$15.00	\$23.00	\$26.25
NGB20-2c (off stock pile)	Teralba	\$15.00	\$23.00	\$26.25
NGB20-2c (1% modified)	Teralba	\$18.50	\$26.50	\$29.75
NGS20	Teralba	\$13.00	\$21.00	\$24.25
20mm Sub Base	Teralba	\$11.50	\$19.50	\$22.75
100mm Minus Fill Material	Teralba	\$8.50	\$16.50	\$19.75
Rate for each additional 1% Lime = \$2.20				
Rate for adding water per tonne = \$3.60				

(Note: Metromix Pty Ltd offered different materials under Contract 2502 which is not comparable to the products offered under this tender)

Price analysis of the suppliers utilised over the last twelve (12) months being Boral Resources (NSW) Pty Ltd and Hanson Construction Materials has indicated an overall price increase of roughly between 3% and 7%.

Due Diligence

Tender No 2 from Boral Resources (NSW) Pty Ltd. and tender No 3 from Hanson Construction Materials Pty Ltd are Councils incumbent suppliers and they have satisfied Council's requirements over the last 3 years under contract No 2502.

References were provided for firms who hold major contracts with the Roads and Traffic Authority and other local government authorities. In all cases, referees considered service and product quality supplied by Boral Resources (NSW) Pty Ltd and Hanson Construction Materials Pty Ltd to be of a satisfactory standard.

Tender No 4 from Metromix Pty Ltd are the supplier of road sealing aggregates to Council's current contractor for major sprayed bituminous surfacing works. Additionally, references were provided for firms who hold major contracts with the Roads and Traffic Authority and other local government authorities for road construction materials. In all cases, referees considered service and product quality supplied by Metromix Pty Ltd to be of a satisfactory standard.

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Contract CPA 128146 – Supply and Delivery of Unbound and Modified Bases and Sub Base Materials for Surfaced Road Pavements (contd)

Tender No 1 from Buttai Gravel Pty Ltd T/as Daracon Quarries are a new supplier to Council and are based out of Wallsend NSW. They are the current contractors of gravel materials for Newcastle City Council, Lake Macquarie City Council and Port Stephens Council. Referees were provided from Port Stephens Council and Newcastle City Council, in all cases referees considered service and product quality supplied by from Buttai Gravel Pty Ltd T/as Daracon Quarries to be of a satisfactory standard.

All recommended Tenderers Occupational Health and Safety systems were considered commensurate with the Contract.

Process Review

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

BUDGET

Because the Contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions. The estimated value of the contracts is an estimate based on previous year's usage. Although the estimated value of the contracts is \$3,600,000 (\$1,200,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contracts. The total amount ordered under this contract could therefore vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

Boral Resources (NSW) Pty Ltd and Hanson Construction Materials Pty Ltd are Council's incumbent contractors, based out of Kulnura and Peat's Ridge and employ regional based labour. Metromix Pty Ltd and Buttai Gravel Pty Ltd T/as Daracon Quarries are based out of Teralba and Wallsend (near Newcastle) and are intending to employ Hunter Valley based labour to fulfil requirements of the contracts.

CONCLUSION

That Council accept all tenders at the tendered schedule of rates for the supply and delivery of modified base and sub base materials and that the Director, Shire Services be authorised to use the most economical, compliant and suitable material as each situation demands.

WYONG SHIRE COUNCIL

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Director's Report
Corporate Services Department

509 Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete

CPA/128158 JM

SUMMARY

Evaluation and selection of tenders for Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete.

RECOMMENDATION

- 1** *That Council accept tender No 1 from Boral Resources (Country) P/L as the preferred supplier of ready mix concrete for a period of 36 months commencing on 1 December 2007. The estimated annual expenditure against this contract is \$680,000 including GST (\$618,181 excluding GST) however, actual expenditure may vary with fluctuations in demand.*
- 2** *That Council accept Tender No 2 from Hanson Construction Materials P/L as the second ranked supplier of ready mix concrete for the period of 36 months commencing on 1 December 2007*
- 3** *That Council accept tender No 4 from Ritemix P/L trading as Coastwide Readymix Concrete P/L as the third ranked supplier of ready mix concrete for the period of 36 months commencing on 1 December 2007.*
- 4** *That Council accept tender No 3 from Readymix Concrete P/L as the fourth ranked supplier of ready mix concrete for the period of 36 months commencing on 1 December 2007.*

BACKGROUND

Council consumes approximately 4,800 cubic metres of ready mix concrete on an annual basis. In total, Council orders over 860 deliveries of ready mix concrete per annum to various locations across the Shire for Shire Services engineering works. Annual expenditure is in the vicinity of \$680,000 per annum. These costs include both products and associated haulage charges.

Council's current contracts expire at the end of November 2007 and have run for a three year duration. The current incumbent contractors under contract No. 2504 are: Boral Resources (Country) Pty Ltd (Preferred), Hanson Construction Materials Pty Ltd (second ranked), Earburn Pty Ltd (T/as Coastwide Readymix Concrete) (third ranked), Hymix Pty Ltd (fourth ranked) and Readymix Holdings Pty Ltd (fifth ranked)

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

Tenders were invited for the Manufacture, Supply and Delivery of Ready Mix Concrete for a period of up to 36 months on a schedule of rates basis. The conditions of Contract required fixed rates for the initial 12 month period of the contract. Rates for each of the two subsequent 12 month periods may be varied in accordance with the Consumer Price Index (CPI) variation clause stipulated in the Conditions of Contract.

The conditions of tendering set out Council's right to award the Contract to one or more tenderers and to obtain the materials from one or more sources of supply. Additionally, Council can rank tenders in order of price, quality, availability and conformance. This right has been enacted in the context of all recommendations.

Previous experience with the operation of contracts for the manufacture, supply and delivery of ready mix concrete has shown that Council receives better value for money from suppliers when a formalised ranking system is in place.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on the 28 August 2007 and the Central Coast Express Advocate on the 29 August 2007. The advertised closing date was the 20 September 2007.

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

The following addendum was issued to all prospective tenderers during the invitation period.

Clarification of closing date (issued 29 August 2007).

Tenders closed at Council Chambers at 2:00pm on the 27 September 2007. Four tenders were received.

EVALUATION OF TENDERS

Prior to the receipt of tenders, a Contract Development Plan was approved by the Director, Corporate Services identifying the following threshold criteria:

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents. (This may entail pass / fail testing on behalf of Council's Soil Laboratory or other recognised testing bodies).
- * The Tender price, integrity of its structure, and pricing of individual schedule rates.
- * Previous performance with Council or other similar organisations.
- * Tenderers Quality Control process including where applicable, accreditation to recognised Australian Standards.
- * Ability to manage environmental, operational and safety risk.

Weighted Criteria

- * Delivery vehicles carry capacity.
- * Price.
- * Payment term discounts offered.
- * Number of batching plants in the shire.
- * Equivalent experience.
- * Previous experience (satisfaction survey of internal users).

Tenders were evaluated by a three-member panel (two of which were from a separate unit to the one managing the procurement process) with respect to the above criteria.

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 Weighted evaluation of tender/s.
- 4 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

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

Tender	Estimated annual cost (Ex. GST)	Status
1 Boral Resources Country (NSW) P/L.	Various, Schedule of Rates	Submitted on time
2 Hanson Construction Materials P/L.	Various, Schedule of Rates	Submitted on time
3 Readymix Concrete P/L.	Various, Schedule of Rates	Submitted on time
4 Ritemix P/L trading as Coastwide Readymix Concrete	Various, Schedule of Rates	Submitted on time

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements and all threshold criteria. In addition, a technical assessment of all tenders was conducted by Council's Geotechnical Services section.

The Tender Assessment Panel concluded all Tenderers conformed to all threshold criteria requirements and were progressed to the next stage of evaluation.

The pricing of ready mix concrete is heavily dependent upon the quantity ordered and the location of the delivery site relative to suppliers' concrete plants. In addition, all suppliers apply a minimum load charge for deliveries under three (3) cubic metres. This calculation is not constant and differs from supplier to supplier. The following table sets out samples of pricing for commonly used ready mix concrete products, over various load sizes and using a median 8 kilometre delivery distance. In addition, rates are provided from Council's current preferred supplier (Boral Resources (Country) Pty Ltd) under contract No. 2504 for comparison purposes. All rates are exclusive of GST.

Product / Quantity / Distance	Boral rates under Contract No. 2504	Boral	Hanson	Coastwide	Readymix
20 Mpa, 1.6 cubic metres x 8 kilometres	\$252.61	\$254.21	\$281.00	\$258.00	\$331.40
20 Mpa with 10mm Aggregate, 1.6 cubic metres x 8 kilometres	\$255.38	\$259.01	\$287.00	\$267.28	\$341.00
20 Mpa, 3 cubic metres x 8 kilometres	\$408.03	\$411.03	\$435.00	\$405.00	\$477.00
20 Mpa with 10mm Aggregate, 3 cubic metres x 8 kilometres	\$417.03	\$420.03	\$447.00	\$422.40	\$495.00
K and G Mix, 3 cubic metre load x 8 kilometres	\$408.03	\$411.03	\$471.00	\$450.00	\$477.00

Price analysis of new tendered rates compared to contracted rates from twelve months ago indicate a 1% price increase. Over the three (3) year period of Contract No. 2504 contracted rates from Council's preferred supplier Boral Resources (Country) Pty Ltd have remained static.

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

Weighted Evaluation

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

Tender	Weighted Evaluation Score
1 Boral Resources Country (NSW) P/L.	80
2 Hanson Construction Materials P/L.	69
3 Ritemix P/L trading as Coastwide Readymix Concrete	61
4 Readymix Concrete P/L.	59.5

Based upon the above sample of commonly used products, indicative quantities and haulage distance, the tender of Boral Resources (Country) P/L offered the lowest overall rates. Further price analysis was conducted on the highest usage concrete type used by Council (Kerb and Gutter mix) across multiple delivery distances. Kerb and Gutter mix represents 30% of the total usage of ready mix concrete used by Council. In (8) eight of (9) nine scenarios Boral Resources (Country) P/L was the cheapest supplier. Further, Boral Resources (Country) P/L ranked highest or equal highest in five (5) of the six (6) remaining weighted criteria elements.

Boral Resources (Country) P/L is therefore ranked as the preferred supplier to Council of ready mix concrete.

On the basis of price and rates Hanson Construction Materials P/L rates were assessed as having the third lowest rates, with Ritemix P/L ranked second (see table above). However, once non price criteria was considered, Hanson Construction Materials P/L ranked higher than Ritemix P/L (see weighted evaluation score above).

Hanson Construction Materials P/L has 42% more delivery capacity than Ritemix P/L. In addition, Hanson Construction Materials P/L operates two batching plants within Wyong Shire as apposed to Ritemix P/L who operate one. The convenience of having multiple batching plants within the Shire, has the potential to reduce delivery costs and increase expediency of deliveries to Council jobs.

Hanson Construction Materials P/L is therefore ranked as the second preferred supplier and Ritemix P/L ranked as the third preferred supplier of ready mix concrete to Council.

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

The tender of Readymix Concrete P/L is the lowest ranked of all conforming tenders and is therefore, ranked as the fourth ranked tenderer respectively.

Analysis of 2006/2007 previous expenditure of ready mix concrete indicates that the first and second ranked suppliers obtain approximately of 99.5% of all Councils orders for ready mix concrete.

In general, the first and second ranked suppliers have the delivery capacity to supply close to 100% of all of Council's ready mix concrete requirements. However, the varying nature of the construction industry means that peaks and troughs can occur throughout the contract period. It is therefore recommended that a panel of preferred suppliers be accepted in order to cater for Councils requirements, particularly at times when the building industry is strong and capacity needs to be sourced from other suppliers.

Due Diligence

Tenderer No 1 from Boral Resources Country (NSW) P/L is Council's incumbent preferred supplier of ready mix concrete and also the first ranked supplier under this contract. Shire Services Plant Pool staff has advised they have successfully satisfied Council's requirements over the last 3 years under contract No 2504.

References were provided from representatives from Beechwood Homes and Mirvac Homes. In all cases, referees considered service and product quality supplied by Boral Resources Country (NSW) P/L to be of a satisfactory standard.

Tender No 2 from Hanson Construction Materials P/L is Council's incumbent second ranked preferred supplier of ready mix concrete. Shire Services Plant Pool staff advised they have successfully satisfied Council's requirements over the last 3 years under contract No 2504. Referees were provided from Lake Macquarie City Council and Hunter Councils Inc. In both cases, referees considered service and product quality supplied by from Hanson Construction Materials P/L to be of a satisfactory standard.

Tenderer No 4 from Ritemix P/L trading as Coastwide Readymix Concrete is Council's incumbent third ranked preferred supplier of ready mix concrete. Shire Services Plant Pool staff has advised they have successfully satisfied Council's requirements over the last 3 years under contract No 2504.

References were provided from representatives from DCL Constructions and Gosford City Council. In all cases, referees considered service and product quality supplied by Ritemix P/L trading as Coastwide Readymix Concrete to be of a satisfactory standard.

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

Tenderer No 3 from Readymix Concrete P/L is Council's incumbent fourth ranked preferred supplier of ready mix concrete. Shire Services Plant Pool staff advised they did not use Readymix Concrete P/L over the course of contract No 2504. However, they would agree that they could be used as a back up source of supply.

References were provided from representatives from Newcastle City Council and Hunter Councils Inc. In all cases, referees considered service and product quality supplied by Readymix Concrete P/L to be of a satisfactory standard.

All recommended Tenderers Occupational Health and Safety systems were considered commensurate with the Contract.

Process Review

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

BUDGET

Because the Contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the contract is an estimate based on previous year's usage. Although the estimated value of the contract is \$2,040,000 (\$680,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract. The total amount ordered under this arrangement could therefore, vary significantly if demand patterns alter for this product.

TIME-FRAME

Contract commences 1 December 2007 and runs for a period of 36 months ending 30 November 2010.

LOCAL CONTENT

All recommended tenderers are Council's incumbent suppliers under Contract No. 2504 therefore, there will be no impact on local employment opportunities.

CONCLUSION

The Tender Assessment Panel concluded that tender No 1 from Boral Resources (Country) P/L represents the best value for money for Council and is recommended as the preferred supplier of ready mix concrete to Council for a period of up to 36 months commencing on 1 December 2007.

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To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Contract CPA 128158 – Manufacture, Supply and Delivery of Ready Mix Concrete (contd)

The tenders from Hanson Construction Materials P/L, Ritemix P/L and Readymix Concrete P/L represent the second, third and fourth best offers to Council and are to be accepted in accordance with this priority.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

510 Contract CPA 128566 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion

CPA/128566 JM

SUMMARY

Evaluation and selection of Hunter Councils Inc tenders for Contract CPA 128566 – Manufacture, Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion.

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 Downer EDI Works for the manufacture, supply and delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion for the two year period commencing from the date of acceptance until 31 December 2009.*
- 2** *That Council authorises the General Manager to agree to an option to extend the contract for a further 12 month period based on satisfactory performance and price.*
- 3** *That Council notes the annual estimated expenditure against this contract is \$279,675 including GST (\$254,250 excluding GST).*

BACKGROUND

Council purchases approximately 450,000 litres of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion per annum. Annual expenditure is in the vicinity of \$280,000. The material is used in the construction and maintenance of road pavement surfaces.

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 is also an associate member). Hunter Councils Inc receive a management fee from the appointed Contractor of 1.5% of the total spend made under the Contract. Provision for the management fee is included in tendered rates.

Contract CPA 128566 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)

Nine member Councils of Hunter Councils Inc have participated in this tender with the combined volume of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion tendered being over 1.4 million litres. 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.

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

The rise and fall provision within the contract is based on an industry agreed approach, and is currently included in all Roads and Traffic Authority (RTA) contracts. It is a formula capturing movements in the bitumen general market price relative to the general market price at the time of tendering and applied at quarterly intervals. The inability of contractors to forecast the future price structure of crude oil, and hence bitumen, could result in tender prices being significantly higher under a fixed price provision as compared with the quarterly rise and fall formula included in the contract. It is, therefore, considered that the rise and fall formula provided for in the contract minimises the risk to Council.

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 11 September 2007 and the Newcastle Herald on 16 September 2007. The advertised closing date was the 9 October 2007.

The invitation documents called for a Schedule of Rates Tender, based on a detailed specification.

Tenders closed at Hunter Councils Inc at 10:00am on 9 October 2007.

EVALUATION OF TENDERS

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

Threshold Criteria

- * Conformance with specification and requirements of the tender documents.
- * Ability to manage Environmental and Occupational Health and Safety risk.

**Contract CPA 128566 – Hunter Councils Inc. Period Contract for the
Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)**

Weighted Criteria

- * Price ex bin with delivery surcharge.
- * Price of cleaning tank and sludge removal.
- * Current commitments.
- * Quality.
- * Occupational, Health and Safety.
- * Ecological Sustainable Development.
- * Referees.
- * Lead time.

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

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

The evaluation was conducted according to the following process.

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

Contract CPA 128566 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)

Assessment of Receipt

The following tenders were received.

Tender	Aggregated tendered price based on estimated per annum usage of emulsion into Long Jetty and Charmhaven Works Depots (Ex. GST)	Status
1 Pioneer Road Services Pty Ltd.	\$258,075	Submitted on time
2 Bitupave Ltd T/as Boral Asphalt	\$281,441	Submitted on time
3 Downer EDI Works	\$254,250	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.

All Tenderers conformed to all 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.

- * Price ex bin with delivery surcharge.
- * Price cleaning, rinsing and disposal.
- * Referees.
- * Current commitments/production capacity.
- * Occupational Health and Safety requirements.
- * Quality Assurance requirements.
- * Ecological Sustainable Development.

Contract CPA 128566 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)

Tender	Aggregated tendered price based on estimated per annum usage of emulsion into Long Jetty and Charmhaven Works Depots (Ex. GST)	Weighted Evaluation Score
1 Downer EDI Works	\$254,250	99
2 Pioneer Road Services Pty Ltd.	\$258,075	86
3 Bitupave Ltd T/as Boral Asphalt	\$281,441	81

The following table compares tendered rates in cents per litre and fixed prices for the cleaning of storage vessels. All prices are exclusive of GST.

Tenderer	Charmhaven (Price = average of two price breaks 3,001 to 9,999, 10,000 to 20,000 cents per litre)	Long Jetty (Price = average of two price breaks 3,001 to 9,999, 10,000 to 20,000 cents per litre)	Cleaning
Downer EDI Works	0.5650	0.5650	\$1,500
Pioneer Road Services Pty Ltd	0.5745	0.5725	\$1,500
Bitupave Ltd T/as Boral Asphalt	0.6273	0.6235	\$1,750

Below is a Councils current contracted rates under Hunter Councils Inc tender T30405 (expires 31 Dec 2007).

Tenderer	Charmhaven (Price = average of two price breaks 3,001 to 9,999, 10,000 to 20,000 cents per litre)	Long Jetty (Price = average of two price breaks 3,001 to 9,999, 10,000 to 20,000 cents per litre)	Cleaning
Downer EDI Works	0.5528	0.5528	\$1,300

(Note: pricing was obtained for three different price breaks ie 0 to 3,000 litres, 3001 to 9,999 litres and 10,000 to 20,000 litres etc. The average of the two highest price breaks were used for comparison purposes as they are the likely ordering ranges Council's would use.)

Downer EDI Works was the lowest price tender for emulsion deliveries into Long Jetty and Charmhaven Depots. Of the non-monetary selection criterion, Downer EDI Works scored the highest or equal highest in (6) six of the (6) six remaining elements.

Contract CPA 128566 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)

An analysis comparing current rates paid by Council for Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion and those of the recommended tenderer reveal no significant change in tender rates. However, a comparison of original tendered rates less all the quarterly rise and fall movements over the last 24 months indicate a 22% increase in material costs relative to new tendered rates.

The tender from Downer EDI Works is the highest scoring tender. Evaluation panel members agree that, on balance, this tender represents the best value-for-money for Council.

Due Diligence

Reference checks were obtained from representatives from Griffith City Council and Tenterfield Shire Council on tender No. 3 Downer EDI Works. Information was asked to be provided on the delivery performance and quality of emulsion supplied by Downer EDI Works. All referees indicated that Downer EDI Works were very responsive and delivered quality materials.

Downer EDI Works is the incumbent supplier to Council under Hunter Councils Inc. Tender T30405 Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion. Contact with key warehousing staff has indicated they are fully satisfied with the responsiveness and all round service provided by Downer EDI Works.

Process Review

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

TIME-FRAME

The contract will commence on the date of acceptance and will run for a period up to 31 December 2009. Hunter Councils Inc has an option to extend the contract for a further 12 month period but will be dependant on all Councils agreeing that the performance of Downer EDI Works warrants a contract extension.

BUDGET

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions occur. The estimated value of the arrangement is an estimate based on previous year's usage. Although the estimated value of the contract is \$762,750 ex GST over three years (\$254,250 Ex GST per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the contract. The total amount ordered under this arrangement could therefore vary significantly if demand patterns alter for this product/service.

**Contract CPA 128566 – Hunter Councils Inc. Period Contract for the
Manufacture, Supply and Delivery of Bulk Bitumen Emulsion (contd)**

LOCAL CONTENT

Downer EDI Works are Council's incumbent supplier, as a consequence there will be no impact on local employment opportunities.

CONCLUSION

Tender No. 3 from Downer EDI Works is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council.

Wyong Shire Council, along with all participating member councils of Hunter Councils Inc must individually resolve whether or not to agree to the recommended tenderer. Hunter Councils Inc will collate the decisions of all participating members and in return, will enter into a deed of agreement to supply Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion with Downer EDI Works.

WYONG SHIRE COUNCIL

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To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

511 Contract CPA 132383 – Provision of Local Area Newspaper Advertising

CPA/132383 LM

SUMMARY

Report on the assessment of tenders received for Contract CPA 132383 – Provision of Local Area Newspaper Advertising Services.

RECOMMENDATION

That Council accepts Tender No 1 from the Nationwide News Pty Ltd (trading as the Central Coast Express Advocate) for an initial period of 36 months commencing on 2 January 2008. The estimated annual expenditure against this contract is \$177,085 including GST (\$160,986 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.

BACKGROUND

This contract is required to help service Council's need for the placement of local area newspaper advertisements. Council currently spends approximately \$230,000 a year (based on 2006/2007 costings) on local area newspaper advertising, including news columns, recruitment, tenders, and other statutory notices. This approximate value can vary according to demand and will potentially decrease in 2007/2008 due to a change in water-related advertising schedules which was reflected in the tender documents.

A contract currently exists with one local newspaper, the Central Coast Express Advocate. This contract is due to expire on 31 December 2007. Tenders were called for a three year term with two optional one year extensions.

Non-local newspaper advertising is contracted through a Sydney-based agency, Leonard Holt Robb. This has been a direct contract with Council since November 2003 and will expire on 31 December 2007.

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

In lieu of calling new tenders for metropolitan newspaper advertising services Council will utilise the agreement recently negotiated by Local Government Procurement on behalf of all NSW Councils for metropolitan advertising services. This agreement has been awarded to Leonard Holt Robb and TMP Worldwide via a robust tender process. All NSW Councils are able to use this agreement without the need for Council to go through its own public tender process. Analysis of Council rates obtained by Local Government Procurement indicate that they are comparable with what Council currently pays under its 2003 contract with Leonard Holt Robb (factoring in CPI increases). Council is unlikely to obtain better rates via its own specific public tender process compared to what is currently available under the Local Government Procurement contract. Council will therefore utilise the Local Government Procurement contract with Leonard Holt Robb for metropolitan advertising services from 2 January 2008.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 11 September 2007, the Central Coast Express Advocate on 12 September 2007 and the Sun Weekly on 13 September 2007. The advertised closing date was 2pm on 4 October 2007.

Telephone contact was made with both the Central Coast Express Advocate and the Sun Weekly to advise them that the tender was being called and that it was being advertised in their newspapers.

The invitation documents called for a schedule of rates based on a range of different advertising types and volumes. Information was also sought on circulation and readership of local area newspapers, as well as experience of the companies which are tendering.

The tender documents also called for a commitment to the placement of specific Council advertisements within a specific section of a newspaper, ie Council's ShireWide News column should be in full colour within the first 12 pages of the newspaper each week.

The placement of water advertisements, such as the regular Water News page and the Water Restrictions notice, were also included in this Council tender.

Evaluation of Tenders

Tenders were evaluated by a panel of four staff members (two from the Communications Unit, one from Staff Services, and one from Supply). The evaluation utilised the following threshold and weighted criteria:

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

Threshold Criteria

- * Conformance with the specification and requirements of the tender documents.
- * Ability to complete the works.
- * Ability to manage operational and safety risks.
- * Weighted Criteria
- * Circulation and readership.
- * Price.
- * Experience.

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Detailed weighted evaluation of conforming tenders.
- 4 Due diligence checks on preferred tenderer/s.

Assessment of Receipt

The following tenders were received and are listed in alphabetical order. Tendered amounts are based on an anticipated type and volume of display and classified advertisements, as well as four separate document inserts (of about 60,000 copies each time) during a 12 month period.

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

Tender	Tendered Amounts (incl GST)	Status
1 Nationwide News Pty Ltd (trading as the Central Coast Express Advocate newspaper)	Display ads: \$144,757 Classified ads: \$21,204 Inserts: \$11,124 TOTAL: \$177,085	Submitted on time
2 Leonard Holt Robb (quoting for placement in CCExpress)	Display ads: \$628,522 Classified ads: \$123,010 Inserts: \$16,800 TOTAL: \$768,332	Submitted on time
3 Shawk (quoting for placement in CCExpress)	Display ads: \$672,790 Classified ads: \$150,195 Inserts: \$18,000 TOTAL: \$840,985	Submitted late and via email
4 Waples Marketing Group (quoting for placement in CCExpress)	Display ads: \$340,751 Classified ads: \$120,905 Inserts: \$13,404 TOTAL: \$457,060	Submitted on time

* See Assessment of Conformance below.

Tender No 3 from Shawk was submitted late. In addition it was sent via email to Council which breached tender lodgement conditions. Given the offer from Shawk breached the tender lodgement conditions, the Tender Evaluation Panel did not consider the submission further.

A company which did not submit a tender for this contract was the Sun Weekly, a local area newspaper circulating on the Central Coast. This is despite the Sun Weekly previously expressing a keen interest in making a submission to the Council tender. Council therefore contacted a representative from the Sun Weekly to confirm whether a tender had been lodged and mislaid or simply not lodged. The Sun Weekly representative said no tender had been lodged due to other work priorities at the time the newspaper advertising tender was due.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including a requirement that Council could unilaterally extend the contract for two 12 month periods at its sole discretion.

Tender No 1 (from Nationwide News Pty Ltd) conformed with key tender requirements however the company was unable to commit to the possible extensions without an ability to negotiate the arrangements for such extensions in the event that Council wished to extend. Nationwide News Pty Ltd stated this was because the situations of both the Central Coast Express Advocate newspaper and Wyong Shire Council could significantly change over time and standard CPI adjustment may not be commercially viable at the time the possible extensions would be enacted.

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

This does not assume that Nationwide News Pty Ltd will not accept the CPI adjustment in years four and five, but any extension would need to be negotiated. Council would negotiate on the basis that any extension would be based on CPI movements. In the event extensions based on CPI movements are acceptable, a contract variation report will be submitted to Council for resolution.

Nationwide News Pty Ltd has agreed to the terms of the fixed three year period of the contract and all its requirements.

Tender No 2 from Leonard Holt Robb and No 4 from Waples Marketing Group broadly conformed with the tender requirements.

All three tenders progressed to the next stage of evaluation.

Tenders No 2 and No 4 are agency organisations which will aim to work in partnership with a local area newspaper such as the Central Coast Express Advocate. While their submitted costings are therefore much higher than those supplied by Nationwide News Pty Ltd, it is possible that an agency can negotiate its costings further with a newspaper once a preferred publication has been identified. Similarly the agencies have not identified any page numbers for the placement of advertisements in a local area newspaper. Again the agencies may be able to negotiate these with the newspaper once a preferred publication is identified.

Weighted Evaluation

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

Tender	Estimated Total Cost (Ex GST)	Weighted Score
Central Coast Express Advocate	\$160,986	87
Waples Marketing Group	\$431,873	16
Leonard Holt Robb	\$698,484	-30

Nationwide News Pty Ltd has met the key requirements of the tender documents in terms of circulation and readership, company experience and additional services such as design and community partnerships. In addition, Nationwide News Pty Ltd was significantly lower in price than all the other Tenderers and about \$270,000 per annum cheaper than the next ranked Tenderer.

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

The two agencies, being Waples Marketing Group and Lenoard Holt Robb, while able to produce some beneficial design and branding elements for Council, are unable to match the direct costings submitted by Nationwide News Pty Ltd, nor have they been able to identify specific page placements as part of this process.

Leonard Holt Robb has indicated significant experience servicing the newspaper advertising requirements of other local Councils and suggests it can negotiate lower contract rates with a nominated local newspaper, as it has in other areas of NSW. This proposal has not been tested on the Central Coast and the company could not adequately demonstrate this in their tender submission.

The Local Government (General) Regulation 2005 – Reg 178 requires Council to either accept the tender that, having regard to all the circumstances, appears to be the most advantageous; or decline to accept any of the tenders.

Tender No 1 (from Nationwide News Pty Ltd), being the highest scoring Tender, is clearly the most advantageous tender for Council to accept. Despite the request by Nationwide News Pty Ltd to negotiate possible extensions to the contract with Council for years four and five, Council can still accept the Tender as it is the most advantageous having regard to all the circumstances.

If Council determines to extend the contract for years four and five and negotiations with Nationwide News Pty Ltd are not acceptable using the CPI adjustment method, then the contract would cease and fresh tenders would be called.

In light of the above, Tender No 1 from Nationwide News Pty Ltd was progressed to the due diligence stage of the evaluation.

Due Diligence

Nationwide News Pty Ltd (trading as the Central Cast Express Advocate) is the current provider of local area newspaper advertising services for Wyong Shire Council. Council has found the company to provide satisfactory levels of service under the current contract.

Nationwide News Pty Ltd has recently tendered for a number of other local newspaper advertising contracts for metropolitan Councils and won the tender again for Ryde City Council. Contact was therefore made with Ryde City Council to check references. Questions were asked about Nationwide News Pty Ltd's performance in relation to work timeframes, ongoing cost efficiencies, quality of work, and responsiveness to Council's needs (including attitudes and cooperation of personnel). Ryde City Council described Nationwide News Pty Ltd as a very professional company which was responsive to their needs and very cost effective.

Contract CPA 132383 – Provision of Local Area Newspaper Advertising (contd)

Process Review

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

BUDGET

Local area newspaper advertising services will be funded from several responsibility centres including Council's communications budget, recruitment budget, and supply budget. Although the estimated value of the total arrangement is \$160,986 per annum (excluding GST), the actual value will depend on the volume and type of advertisements required and this could vary if demand patterns alter.

TIME-FRAME

The local area newspaper advertising contract is for an initial period of three years proposed to commence on 2 January 2008. The contract has two options to extend for a further one year each by agreement between the parties.

LOCAL CONTENT

The Central Coast Express Advocate is a locally based newspaper employing 270 full time and part time employees. It has a head office in Gosford and a local office in Tuggerah.

The Central Coast Express Advocate is also involved in a number of community activities across the Central Coast, including local business awards, events and festivals, and a range of community organisations. It is a strong supporter of the Central Coast community.

CONCLUSION

Tender No 1 from Nationwide News Pty Ltd is the highest scoring tender and meets Council's key requirements for this contract. It should be noted that Nationwide News Pty Ltd requires that any potential extensions to the initial three year contract be negotiated between the parties rather than unilaterally determined by Council. Council would negotiate these extensions based on CPI movements. In the event that these negotiations were not successful then the contract would lapse and fresh tenders would be called.

On balance, this tender represents the best value for money for Council. It is recommended that:

Council accepts Tender No 1 from the Nationwide News Pty Ltd (trading as the Central Coast Express Advocate) for an initial period of 36 months commencing on 2 January 2008. The estimated annual expenditure against this contract is \$177,085 including GST (\$160,986 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

512 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

SUMMARY

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

RECOMMENDATION

That an amount of \$4,825 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

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

Attachment 1

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

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL	
Allocation 01/07/2007 - 30/06/2008	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000	
Expenditure up to and including Ordinary Council Meeting of 14/11/2007	4,780	2,100	5,600	3,200	1,015	5,695	2,195	6,600	5,700	5,350	42,235	
Available allocation as at 14/11/2007	2,720	5,400	1,900	4,300	6,485	1,805	5,305	900	1,800	2,150	32,765	
Proposed Allocations for 28 November 2007												
A Classified Weekend	Assist to help meet expenses for the funding of advertising to improve the annual festival	100									100	
Berkeley Vale Neighbourhood Centre	Assist with funding for INSYNC Community Meeting Project	25			200						225	
Manning Park Branch of the Country Women's Association of NSW	Assist to purchase a 5,000 litre water tank, pump and associated plumbing	200								800	1,000	
The Entrance Rugby Club Inc	Assist with construct a field BBQ facility to augment canteen fund raising and facilities				2,500						2,500	
The Lakes Surf Life Saving Club	Assist with the purchase of soft top rescue board					1,000					1,000	
Total Proposed Allocations for 28/11/2007		325	0	0	0	2,700	1,000	0	0	0	800	4,825
Total Accumulated Allocations as at 28/11/2007		5,105	2,100	5,600	3,200	3,715	6,695	2,195	6,600	5,700	6,150	47,060
Deferred Allocation Friends of Toukley pending further information 31/10/07		500	500									1,000
Deferred Allocation Stop Korean Coal Mining subject legal advice 14/11/07		500	500						300			1,300
Pending Allocations to next meeting or requiring further information								450	200			650
Total of Pending and Deferred Allocations		1,000	1,000					450	500			2,950
Balance of Accumulated and Pending Allocations		6,105	3,100	5,600	3,200	3,715	6,695	2,195	7,050	6,200	6,150	50,010
Balance Uncommitted as at 28/11/2007		1,395	4,400	1,900	4,300	3,785	805	5,305	450	1,300	1,350	24,990

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

513 Wyong Shire Senior Citizens Council

F2004/05291 AE

SUMMARY

Report on the proposed Wyong Shire Senior Citizens Council including terms of reference and a model charter.

RECOMMENDATION

That Council adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council for commencement in February 2008.

BACKGROUND

At its meeting held on 14 March 2007, Council considered Report No 113 – Notice of Motion - Senior Citizens Advisory Council and resolved as follows:

- “1 *That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.*
- 2 *That staff prepare a charter of committee for the Senior Citizens Council that includes:*
 - a *Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm.*
 - b *That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.*
 - c *That the minutes of the Senior Citizens Council be reported to Council.*
 - d *The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire.”*

Discussions with representatives from 5 local Senior Citizens groups and a number of key Senior Citizens, identified during the Community Plan consultation process, has resulted in the development of a draft model for the Wyong Shire Senior Citizens Council.

Feedback from the most interested and active members of existing Seniors Citizens groups have identified that they are already participating in other community, recreational and family activities and do not wish to participate in new activities before the New Year.

Wyong Shire Senior Citizens Council (contd)

In the meantime Council's Community Development - Aged Services Worker will continue communication with interested parties via working party meetings for Seniors Week 2008.

The inaugural meeting of the Senior Citizens Council will occur in February 2008.

RESOURCE REQUIREMENTS

An allocated annual budget of \$10,000 is required to cover administrative costs

The proposed terms of reference and draft charter for the Wyong Shire Senior Citizens Council are contained in Attachment 1.

Attachment 1

***Wyong Shire Senior Citizens Council – Terms of Reference
(3 pages)***

Wyong Shire Senior Citizens Council (Attachment 1)

WYONG SHIRE SENIOR CITIZENS COUNCIL- TERMS OF REFERENCE

Role:

The role of the Seniors Citizens Council is to:

Allow opportunities for seniors to give their time and expertise on a voluntary basis to assist in planning, organising and promoting healthy ageing activities, initiatives and regular events such as Senior's Week.

Provide advice to Council staff on the planning and provision of aged services to residents aged 55 years and over as required through attending working parties.

Provide opportunities for seniors to use their knowledge and experience to give an older persons' perspective on matters that are the responsibility of local government and have a direct impact on senior residents through attending organised working parties.

Exclusions:

Issues such as road infrastructure, traffic management, parking compliance, maintenance of footpaths, lighting, tree lopping or other access issues for which Wyong Shire Council may be responsible should be raised with Customer Service staff in the first instance.

Persistent issues of road infrastructure and traffic management affecting older people are to be referred to staff in the Roads and Drainage Section.

Membership:

All community members of the committee must be residents of Wyong Shire.

Members should be invited from the following key groups:

Lake Munmorah Senior Citizens

Toukley Senior Citizen

Long Jetty Senior Citizens

Wyong Senior Citizens

Darkinyung Elders Group

Two representatives from Culturally and Linguistically Diverse (CALD) Groups

Four places are made available for interested and 'non-affiliated' senior citizens/retirees.

Wyong Shire Senior Citizens Council (Attachment 1) (contd)

Meetings Venues:

The inaugural meeting will be used as an opportunity to discuss solutions to ensure equity of access for future meetings for those members who would be travelling from the more isolated areas such as Chain Valley Bay and Lake Munmorah.

Meeting Time Frames:

It is recognised that the intervals between meetings will vary as the Senior Citizens Council develops. It is recommended that the intervals between meetings are no more often than fortnightly and will not exceed three months.

Meeting Structure:

The inaugural meeting will be used as an opportunity to consider the time frame for meetings. It is recommended that meetings are no longer than 2 hours in duration.

Meetings will be chaired by the Mayor with Councillor Best appointed as deputy chair.

Secretariat:

Council's Community Development- Aged Services Worker will provide support to the group and to its members.

Decision Making:

Minutes will be registered with the Community Development Team and submitted to the Assistant Director Shire Services so that he/she may determine whether Council input is required.

Council staff will work with the inaugural Senior Citizens Council to develop a constitution under which the Senior Citizens Council will operate. The constitution will address issues such as:

Election of office bearers

Meeting frequency and format, taking into account the frequency identified within the council resolution

Procedural issues such as filling of vacancies etc.

Wyong Shire Senior Citizens Council (Attachment 1) (contd)

WYONG SHIRE SENIOR CITIZENS COUNCIL

MODEL CHARTER

AIMS:

To create a direct link between Wyong Shire Council, local Senior Citizens and Retirees including local Indigenous Elders.

To create an opportunity to facilitate and strengthen dialogue on key issues affecting our Senior Citizens and Retirees.

To provide a reference group for the development of a Quality Ageing Strategy for Wyong Shire in the future.

OBJECTIVES:

To identify and develop the most effective models of consultation with local Senior Citizens and Retirees.

To create an opportunity for improved communication between Wyong Shire Council and local Senior residents.

To promote collaboration between the various groups and organisations that represent Senior Citizens and Retirees across the Shire.

To create an opportunity for communication between diverse Seniors/Elders representative groups.

To advocate on key issues affecting the diverse population of Senior Citizens and Retirees.

To acknowledge the active contribution that Senior Citizens and Retirees make to the quality of life of their local neighbourhoods and communities.

To provide access to up-to-date information about support and services aimed at maximising independence and maintaining the health and well-being of our Senior Citizens and Retirees.

To provide a reference group for the development of events and activities that celebrate the achievements of our local Senior Citizens and Retirees communities.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

514 WiFi Hot Spot in The Entrance Mall Area

F2004/07982 IC/SG

SUMMARY

Report on the cost, feasibility and advantages of installing a WiFi Hot Spot in The Entrance Mall area.

RECOMMENDATION

That Council take no further action on the matter.

BACKGROUND

At its meeting on 11 July 2007 it was resolved:

"That Council report on the cost, feasibility and advantages of installing a WiFi Hot Spot Zone in the Entrance Mall area, so tourists and locals can get their wireless internet connection."

Council staff have held recent talks with a number of service providers to determine the costs and feasibility of installing a WiFi hot spot in the Entrance Mall area. Telstra and Cirrus indicated that they were capable and interested in providing such a facility, Optus indicated that they are too focussed on their 3G rollout to be able to do it in the near future and Verizon are not interested at all in straight commercial ventures.

Cost

The capital cost to install a WiFi hot spot has been quoted as \$6,000 with a further cost of \$14,000 per annum for ongoing costs (data rates, annual maintenance and software licences). This would provide one 100m diameter hot spot footprint that could support 15 to 20 users at business grade speeds (1.5Mb download, 256Kb upload). The hot spot signal would not have the power to penetrate walls and could only be used in outdoor areas such as a street café or hotel balcony unless further antennas/cabling were installed on each building requiring indoor access. The location of the WiFi transmitter would need to be determined, based on business interest, to be able to provide the most appropriate coverage.

It is important to note that further cost is involved to implement a method of user control or monitoring which would be required to ensure that one or two users (or businesses) do not grab an unfair share of the available bandwidth. The difficulty in costing this component is that it depends on the method of "selling" access to individual users or businesses and sharing this access equably. Discussions would need to be held with the interested parties to determine how this could be achieved.

WiFi Hot Spot in The Entrance Mall Area (contd)

Feasibility

Cost recovery could be achieved by either some form of ticketing system that direct charges the end user for a time limited access or some form of advertising revenue could be generated. The cost to set up either of these options could only be determined after consultation with affected stakeholders.

Other Councils have reported the following information on Hot Spots within their localities;

Adelaide	Shut down – lack of use	
Brisbane	Shut down – lack of use	
Newcastle	Funded by local businesses	\$25,000 setup costs \$800/month running costs Costs covered by sponsorships and advertising
Blue Mountains	Supplied at Council Libraries only	
Pittwater	Newport Shopping Village marketed with myKP	Cost \$5,800 to setup Costs recovered through advertising. No ongoing costs.

Advantages

The major advantage to such an installation would be to attract more visitors to the Mall particularly with outdoor café customers. In particular, it provides a new opportunity to appeal to both business and recreational needs in providing flexible access to the internet. This initiative could also be used to spearhead a local business improvement initiative where WiFi and other modern business practices are introduced so that the potential benefits are made real for both business managers and visitors of the Town Centre.

Consultation with The Entrance Town Centre Management

Contact has been made with The Entrance Town Centre Management (TETCM) to gauge their interest in the proposal. It was indicated that TETCM had a number of other projects currently before them and was not interested at this stage to consider the WiFi proposal further.

CONCLUSION

If the proposal is to proceed it is recommended that further consultation be undertaken through The Entrance Town Centre Management to consult with local businesses to develop a suitable model to meet local needs and opportunities.

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

**515 2007/2008 Management Plan – September 2007 Quarter
Review**

F2004/07006

SUMMARY

Quarterly report on progress against Council's 2007/2008 Management Plan.

RECOMMENDATION

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

BACKGROUND

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council within two months after the end of each quarter as to the extent to which the performance targets set by Council's current Management Plan have been achieved during that quarter.

This report contains an overview of progress against Council's Key Focus Areas and the Performance Measures and Actions identified in the 2007/2008 Management Plan. It highlights achievements during the quarter and potential impediments to undertaking actions or meeting performance targets.

KEY FOCUS AREAS

In addition to Council's ongoing commitment to a range of services and facilities, the 2007/2008 Management Plan includes a list of priority actions, or Key Focus Areas, that Council has committed to achieving during the current term (from March 2004 to September 2008). Refer to pages 113 and 114 of the Quarterly Review enclosure for a timetable of Key Focus Area projects.

The eleven key focus areas are:

2007/2008 Management Plan – September 2007 Quarter Review (contd)

<i>Reference</i>	<i>Key Focus Area</i>
1 Performing Arts Centre	* Build a performing arts/entertainment centre in Wyong
2 Sports Grounds	* Construct sports grounds at Warnervale-Wadalba
3 Shared Pathways	* Extend the shared pathway system
4 Warnervale Town Centre	* Complete the Warnervale Town Centre – including construction of a Recreation and Aquatic Centre
5 Employment projects	* Implement employment generating projects
6 Town Centre Strategies	* Complete Stage I of the town centre strategies at The Entrance, Toukley, Warnervale and Wyong/Tuggerah
7 The Entrance Town Centre	* Complete The Entrance Town Centre upgrade
8 Estuary Management Plan	* Adopt, seek funding for and implement the Estuary Management Plan
9 Pacific Highway	* Lobby for funding for the Pacific Hwy between Tuggerah and North Wyong
10 Water Supply	* Secure the water supply
11 Buttonderry	* Plan for the future of Buttonderry Waste Management Facility

Action plans have been developed to implement each of the eleven key focus areas and they are being emphasised in work programmes across the organisation. Progress to date is reported below:

1 Performing Arts Centre

The completion date of the Business Plan and Design Brief for the Performing Arts Centre has been revised to November 2007 due to issues in resolving the scope of the work, budget and carparking for the site. A Councillor Briefing occurred in September 2007 detailing the final Business Plan and design brief. Rezoning of the land has commenced. Tendering for design is expected to commence in the first quarter of 2008. Subject to funding availability, it is still anticipated that the Centre will open in 2010.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

2 Sports Grounds

Construction of facilities at the Wadalba Sports Fields has continued during the September quarter. The majority of the facilities (excluding the playing field itself) are nearing completion and should be ready for use before December 2007. The poor quality of the growing medium for the turf has been an ongoing contractual issue. This matter was settled and a sand overlay provided. Turf will be laid in October 2007, and is expected to be sufficiently established by April 2008 to allow use by soccer groups over Winter.

The Woongarra Sports Fields are proceeding with completion of the Master Plan. Public consultation as a prelude to the consideration of a Development Application (DA) has been arranged for October 2007. The issues surrounding the application of the Native Vegetation Act have been formally resolved, and discussions with user groups have resolved some outstanding matters. Land transfer has now been settled. The next stages involving detailed design and contracting for construction will commence when the DA has been considered. It is expected that subject to unforeseen delays construction will be able to commence in mid-2008, with the fields ready for use in mid-2009.

No further progress has been made on the detailed design for the Warnervale District Fields off Virginia Road. Action on these sports fields is dependent upon resolution of the Warnervale Town Centre issues with the major intersection on Sparks Road and associated major bypass road. No dates are available as to when these issues will be resolved.

The Hamlyn Terrace Sports Fields have been progressed in the September quarter with identification of the preferred location for these fields. A report detailing a location for the playing fields was adopted by Council on 26 September 2007.

3 Shared Pathways

During the September quarter attention has been directed to options for placement of the shared pathway past residences in Terilbah Place, North Entrance; and in further discussions with the Lands Department about the location of the pathway through Crown Land immediately north of Terilbah Place. Further information will be presented to Council in the December quarter on this matter.

In 2007/2008 the emphasis at North Entrance will continue to be on refining routes and undertaking more detailed environmental studies to assist in obtaining approvals for the selected route. Construction work will be undertaken to the full extent of available funds for the 2007/2008 financial year.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

Council revenue funding for shared pathways for 2007/2008 was \$125,000. This amount has been provided by Council for this programme for a number of years. Unfortunately, Council did not receive a matching \$125,000 grant from the RTA in 2006/2007 due to cutbacks in the RTA shared pathway budget. It is unclear as to the ongoing level of funding to be provided by the RTA for this programme in the future.

Additional funding of \$500,000 for shared pathways in various locations around the Lakes has been identified for 2007/2008 in the Tuggerah Lakes Estuary Management Plan. At this time three projects have been identified at Buff Point, Budgewoi and North Entrance for these funds. These will be progressed to allow construction to commence in 2007/2008 to the limit of available funding.

4 Warnervale Town Centre

New Railway Station/Interchange at Warnervale

Substantial information relating to stormwater, traffic and access, water, sewer and landscaping remain outstanding. Council has been advised that the applicant is preparing a Species Impact Statement (SIS) to address the issue of the Heath Wrinklewort (Wyong Daisy). Once received the SIS will be assessed by Council and the DA continue to be assessed.

Warnervale Town Centre Masterplan

The Warnervale Town Centre project was taken over by the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act (EP&A) in June 2006. The Minister's staff have provided no specific timeframe for completion of the Masterplan but it is understood that they are continuing to prepare the rezoning under the State legislation.

Council staff have reviewed an initial draft DCP (prepared for the State Government by a consultant) to provide comments and input prior to the public exhibition of the rezoning and associated documents.

The Department of Planning (DoP) have advised Council that a Regional Infrastructure Levy will be applied to this area. However, there has been no indication as to the amount to be applied or its implications for Council's own Section 94 Contributions for the precinct.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

In addition it has been indicated that Section 94 contributions may not be permitted to recoup 100% of costs of infrastructure. In terms of Warnervale Town Centre if Council is able to only recoup 75% of infrastructure costs, this would have an impact of \$19.0 million. While this impact is based on Council recouping 75% of infrastructure costs, the State Government have indicated that Council may only be able to recoup 60% - 70%. Additional details are expected from State Government during November 2007 on this. If this were to occur Council would have to reconsider construction programmes and timeframes.

The delay in finalising the Masterplan for the Warnervale town centre has stopped all works on the Aquatic and Recreation centre project until the constraints of the project and the location of the future facilities is known.

5 Employment Projects

The completion date for the rezoning of the Wyong Employment Zone (WEZ) remains unknown as the State Government is yet to publicly exhibit the rezoning of the land under Part 3A of the EP&A Act.

The revised State Significant Study Report has been completed, the draft DCP and Section 94 Contributions Plan have been finalised and submitted to the State Government. Council staff have prepared an application to NSW Department of Environment and Climate Change (DECC) for biocertification of the LEP. Minor revisions to those documents have been occurring in response to issues raised by the NSW State Government.

Similar to the Warnervale Town Centre, the DoP are working to finalise the Regional Levy for this precinct. Council has formally requested an exemption from the Regional Levy for employment generating land. To date no indication has been given by the State Government in relation to timeframes, amount of the Regional Levy or the exemption request.

In addition it has been indicated that Section 94 contributions may not be permitted to recoup 100% of infrastructure costs. In terms of the WEZ if Council is able to only recoup 75% of infrastructure costs, this would have an impact of \$21.3 million. While this impact is based on Council recouping 75% of infrastructure costs, the State Government have indicated that Council may only be able to recoup 60% - 70%. Additional details are expected from State Government during November 2007 on this. If this were to occur Council would have to reconsider construction programmes and timeframes.

Council is continuing to process the rezoning of industrial land at North Wyong. The rezoning was publicly exhibited during the June quarter and report was provided to Council in September 2007. The application was then forwarded to the Minister for Planning for gazettal in keeping with Council's resolution.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

Council's revised Retail Strategy and DCP was exhibited in the March quarter. Submissions have been received and are being revised by Council's Retail Consultant. A Councillor Briefing was held during August to discuss the submissions. A report to Council is expected in November 2007 for adoption of the strategy.

Westfield have lodged a rezoning application for the 42ha former abattoir site to be known as the "Westfield Gateway Site". The rezoning proposes the establishment of a mixed commercial precinct including a "Norwest" style business park as well as home maker centre, high density residential, hotel conference centre, entertainment and recreation facilities as well as open space and flood management features. The project is expected to play a significant role in generating employment both during the ten year construction phase and upon completion. Staff are currently undertaking a preliminary review of the submission to identify issues.

6 Town Centre Strategies

The progress of all strategies has been impacted by discussions and decisions arising from the Draft Central Coast Regional Strategy (CCRS) and the implications of the State Government requirement for a Shire-wide population capacity target model to be endorsed prior to adoption of any strategy.

Toukley Town Centre

Work on this strategy has been deferred to 2008/2009 due to the impact of the Draft CCRS which proposes no significant redevelopment in Toukley and the requirement of the DoP to resolve the population modelling for the Shire prior to any implementation of a Planning strategy into a LEP or DCP. An economic viability assessment of the key recommendations of the draft strategy has been undertaken and is now in draft form.

Wyong-Tuggerah Town Centres

The Wyong-Tuggerah Strategy has been exhibited, submissions reviewed and the Strategy and Urban Design Vision and Masterplan documents finalised. A report to Council seeking adoption of the strategy has been prepared and will be considered by Council upon finalisation of the Wyong Township Carparking Report. This is anticipated to come to Council on 31 October 2007.

The Entrance/Long Jetty Town Centres

The review of the consultant's draft strategy and a report on the implications of the strategy in respect to infrastructure provision occurred during the June and September quarters. It is intended that the draft strategy and infrastructure report will be presented to Council on 31 October 2007 with a comprehensive public exhibition to follow up until the end of January 2008. The target completion date remains August 2008. However as with all of Council's planning strategies this project may be impacted by the population modelling for the Shire required by the DoP.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

Ourimbah Town Centre

Consultants have prepared preliminary development options for precincts across Ourimbah, however, in accordance with the adopted Future Planning Works Programme, consideration of the options is deferred until mid 2008 due to issues relating to the RTA upgrade of the Pacific Highway, sporting field upgrades, Ourimbah Sawmill review and Ourimbah campus master planning. Additionally the Draft CCRS requires the preparation of a Regional Economic Development Strategy by the State Government which has not yet commenced, but may influence the rezoning of land adjacent to the F3 freeway.

7 The Entrance Town Centre

During the September quarter, staff completed 90% of the upgrading of the footpath on the western side of The Entrance Road between Denning Street and Fairview Ave and on the southern side of Fairview Ave between Copner Ave and The Entrance Road. A proportion of works are being undertaken outside of hours to minimise disruption on businesses. The works comprise removing existing footpath and replacing with a paved border / concrete infill footpath to match previous works carried out on The Entrance Road between Ashton Ave and Denning Street. The benefit of this project is to provide residents and tourists with a safer more aesthetically pleasing town centre. Outstanding works include the adjustment of service boxes and lids by the relevant utility providers and the planting of street trees. Completion of this work is anticipated by mid November 2007.

In addition, during the September quarter work was also undertaken on a major refurbishment of the public toilets adjacent to the Tourist Information Centre and work was completed on new rubber softfall for Vera's Watergarden.

8 Estuary Management Plan

Since the Federal Government's \$20 million funding allocation announcement for the implementation of the Plan, the Estuary Management Unit has been established to coordinate the implementation of the Plan. The most recent advice from Federal Government is that these grant funds will be made available over a four year period, \$5 million per year, commencing in 2008/2009.

The Estuary Management Unit will coordinate the implementation of the Plan through other existing Council Units to achieve efficiencies in delivering the annual works programme.

Work has commenced to implement the draft works programme, however given the time required to establish the Unit and the lead time required to obtain approvals from statutory authorities, a revised works programme is being developed to reflect the works that Council is capable of achieving this financial year.

Along with new activities, the Estuary Management Unit has begun the coordination of existing activities to ensure that the management of the estuary and its catchment is in line with the objectives of the Tuggerah Lakes Estuary Management Plan.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

9 Pacific Highway

Tuggerah

The upgrade of Stage 1 (Anzac Road to Mildon Road) is progressing, with completion expected mid 2008. The Roads and Traffic Authority (RTA) is finalising plans for Stage 2 (Mildon Road to Johnson Road). \$12 million has been allocated in the State Budget for the Pacific Highway at Tuggerah. This will permit completion of Stage 1 and preliminary works for Stage 2. The RTA anticipates calling tenders by the end of 2007 for construction of Stage 2.

There remains no commitment from the RTA to improve the Pacific Highway/Wyong Road intersection, the RTA is currently investigating alternatives.

Wyong

The RTA is still working on the alternative routes suggested from the public exhibition for the Wyong Township.

Ourimbah

The intersection with Dog Trap Road is generally completed. The RTA is finalising plans for the Pacific Highway, Ourimbah Stage 2 (Glen Road to Burns Road). \$10 million has been allocated in the State Budget for these works.

10 Water Supply

In "Securing the Water Supply" the following key issues are being addressed:

Drought Management

This involves actions targeted at ensuring Central Coast water supply storages do not fall below 10% of total capacity.

Actions include;

- * initiatives to reduce potable water consumption such as restrictions, water tank and washing machine rebates, leakage reduction programmes, water efficient device retrofit programmes, stormwater harvesting and effluent reuse projects.
- * sourcing additional water by means such as augmenting the connection with the Hunter (up to 35ML/d), groundwater (9 ML/d) and possible temporary desalination (up to 20ML/d). Other additional sources include Porters Creek and reduced environmental flows which have allowed increased (5ML/d) extractions from Upper Ourimbah Creek Weir.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

- * As at 30 September 2007 the following progress has been made;
- Hunter (up to 35ML/d) – 2 kilometres (kms) of pipeline between Rathmines and Wangi was completed and tested in June 2007. A further 5 kms of pipeline between Fennel Bay Pump Station and Toronto is programmed for completion in November 2007. The upgrade of Balickera Pump Station is programmed for completion in June 2008. Upgrading of the Balickera Pumping Station, to a capacity of 2000ML/d will improve the Hunter's ability to harvest high flows in the Williams River and transfer them to Grahamstown Dam. This will improve the system yield and will enable annual average transfer rates of 33 ML/d whilst the Hunter's total storage level is above 70%. The new pumps will help keep Grahamstown Dam above 70% for longer periods of time therefore enabling water to be transferred to the Central Coast at the maximum transfer rate for longer periods when required.
 - Groundwater (9ML/d) – all work with this programme will be finalised by December 2007.
 - Temporary Desalination – Other than finalisation of DA issues further at Vales Point progression of preconstruction work on temporary desalination capacity is currently in abeyance due to the improved water supply situation on the Central Coast. Development Approval has been granted for the installation of temporary desalination plants at Budgewoi, Lakes and Tuggerah Beaches should the need arise in the future.
 - Porters Creek Weir – Complete.
 - Lower Mangrove to Mooney Link – Complete.
 - Temporary Raising of Lower Mangrove Creek Weir – Complete.
 - Ourimbah Creek Temporary Bypass Flow Reduction – Complete.

Drought Recovery

This involves actions targeted at recovering from the drought and meeting future water needs. Actions include;

- * Works to source additional yield from existing surface water sources. Works include, upgrading the capacity of the Wyong River pump station to pump higher volumes of water from Wyong River, increasing the storage capacity of Mardi Dam and provision of a link between Mardi and Bunning Creek Tunnel that will allow water transfers from Wyong River to Mangrove Creek Dam.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

The current Federal Government and Opposition have made a commitment of \$80.3 million to fund 22 kilometres of pipeline between Mardi and Mangrove Creek Dams (Bunning Creek). This work is now in a mobilisation phase with Council establishing a project team comprising in-house staff and external assistance. Tenders are currently being called for the provision of external technical specialist expertise in a range of areas.

- * Following review of public comment on the recommended Waterplan 2050 strategy the GWCWSA Board subsequently finalised the preferred strategy in July 2007 with a recommendation for adoption by the Councils. Both Councils adopted the preferred strategy in August 2007. Work has commenced on implementing the preferred strategy.

11 Buttonderry

Planning for the future of the Buttonderry Waste Management Facility involves maximising the value of the asset and optimising the financial and operational performance of the facility. The development of a master plan for the site was completed in June 2007.

Detailed design for the entry area at the facility, new transfer area, new office, amenities and staff and visitor carpark has been completed. A landscaping plan and hydrological plan have also been completed. The DA for the upgrade will be lodged during October 2007.

Earthworks for the transfer area will commence later this year subject to DA approval and is scheduled for completion by March 2008. The construction of the roof for the transfer area, site sheds, recycling bays and storage compound is scheduled for completion by July 2008.

Stage 2 of the upgrade will include the construction of a new staff and visitors' carpark, office and amenities which is scheduled for completion by December 2008.

PERFORMANCE MEASURES

The 2007/2008 Management Plan includes performance measures to assess whether Council is moving towards its longer term goals of a better society, a better economy and a better environment. Twenty long-term performance measures have been included in the 2007/2008 Management Plan and are updated on an annual basis.

Volume I of the Management Plan identifies 53 performance measures against Council's Key Issues, and these are reviewed and reported on a quarterly basis. Council has direct control over the majority of these indicators and, at the end of September, most of these indicators met the targets identified in the Management Plan.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

The June 2007 storm event had a continued flow on effect on a number of performance measures during the quarter, resulting in adverse results for several measures including the number of overdue service requests and percentage of telephone calls to call centre answered within 1 minute. Ongoing efforts have been placed in addressing these measures and improvements will be seen in the next quarter.

ACTION PLANS

The 2007/2008 Management Plan identifies 130 actions to achieve Council's objectives.

At the end of September it was anticipated that 127 (or 98%) of the 130 actions would be achieved by 30 June 2008. Of the 3 actions (or 2%) that are not anticipated to meet their original timeframe, 2 (or 67%) are due to factors outside of Council's control and 1 (or 33%) were due to factors within Council's control.

2007/2008 Management Plan - Summary of Actions

	A Better Society	A Better Economy	A Better Environment	Infrastructure	Organisation	Totals
Currently on Target to meet original timeframe	49	7	26	24	21	127
Currently not on Target to meet original timeframe Matter outside Council control	0	0	0	2	0	2
Currently not on Target to meet original timeframe Matter within Council control	0	0	0	0	1	1
Total	49	7	26	26	22	130

The following actions were identified in the September quarter as not on target to be completed within their original timeframe:

Outside Council's Control

4.3.2.3 Preparation and timely implementation of Development Servicing Plan for new land release areas to ensure adequate water infrastructure is provided.

4.4.3.1 Prepare Development Servicing Plans to align with the timing of new release areas to ensure adequate sewer infrastructure is provided.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

As at 30 September 2007 investigation work associated with the current review and update of Development Servicing Plans (DSP) has been completed with all future infrastructure requirements identified. The implementation of the updated DSP has been delayed however pending a review of the current developer charges methodology by IPaRT. This review was to have been completed in time to allow Council to finalise the updated DSP and introduce the outcome effective 1 July 2008.

IPaRT has advised that due to current commitments with the earlier than anticipated Sydney Water pricing review the earliest commencement date for the DSP methodology review would be early 2008 which would not allow implementation by Council on 1 July 2008.

In view of this, and with IPaRT approval, Council will continue to apply the current methodology (with appropriate indexation) until the outcome of the IPaRT review has been resolved.

Council will be contacting IPaRT early in the next quarter for an update of the proposed methodology review date and timetable.

Revised Completion Date – unknown at this time, dependent on IPaRT timetable.

Within Council's Control

5.4.2.1 Reduce the percentage of overdue customer service requests to 15%.

At the end of September overdue service requests were 39.23%. The two areas contributing most significantly to this were Roads and Drainage (15%) and Parks and Reserves (14%). The following is an explanation of the result in these two areas.

During the months of June/July 2007 Roads and Drainage received a significant increase in the number of service requests resulting from the June storm events. These included requests for road maintenance, drainage investigation and maintenance, fallen trees, and damaged signs. The resulting increase in service requests increased demands on resources leading to a corresponding increase in the period of completion of a number of categories of service requests leading to a significant number exceeding their due dates during August/September.

Many drainage related service requests were also unable to be actioned by field staff, whereby they required professional staff to investigate the issue, develop possible solutions, identify the budget source and program the works. Standard practice in these instances is for the complainants to be notified of the results of the initial assessment, the proposed actions and their timing and the relevant notation made on the Service Request. The Service Request however remains overdue until such time as the resulting action is forthcoming.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

In relation to Parks and Reserves the June storm event also resulted in a significant increase in the number of service requests. All available manpower was tasked to deal with emergency requests. A number of parks and reserves were unable to be accessed for some time after the storm due to waterlogging. Programmed maintenance on the Shire's open space areas was delayed and service requests related to general maintenance of assets has increased. Some service requests remain open waiting for works to be undertaken by contractors.

Revised Completion Date – ongoing efforts to reduce the number of overdue service requests will continue in the next quarter.

ACTIONS CARRIED OVER FROM 2006/2007 MANAGEMENT PLAN

As foreshadowed in the June Review of the 2006/2007 Management Plan, the actions that were not completed during 2006/2007 will continue to be monitored and reported on until they are finalised.

Of the 35 actions from 2006/2007 Management Plan that were not completed, 13 (37%) were incorporated into the actions in the 2007/2008 Management Plan and 22 (63%) are in progress.

2006/2007 Management Plan - Actions Carried Forward

	A Better Society	A Better Economy	A Better Environment	Infrastructure	Organisation	Totals
Incorporated into 2007/2008 actions	9	0	3	0	1	13
Complete	0	0	0	0	0	0
In progress	9	6	2	2	3	22
Total	18	6	5	2	4	35

Of the 22 actions in progress, 8 are not on target to be completed by the end of 2007/2008.

1.7.3.1 Process the Development Application for the new railway station/ interchange at Warnervale.

Substantial information relevant to this development application remains outstanding and the applicant has been uncooperative in providing the reports required. Resolution of issues has also been affected by the need to resolve the town centre location.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

1.8.1.7 Prepare concept plans and designs for Warnervale District sports fields.

Further investigations dependent upon resolution of Warnervale Town Centre Master Plan by State Government.

1.9.4.3 Release Toukley Planning Strategy to provide for a broader range of housing types in the area.

Timing for this project remains unknown until resolution of population targets with Department of Planning (DoP). Outcome may have significant impacts on strategy document.

2.1.4.1 Develop a business plan for the supplier park at Warnervale.

The Business Plan is currently on hold pending the outcome of the WEZ rezoning.

2.1.5.1 Complete investigation of longer term redevelopment options for Toukley town centre.

Timing for this project remains unknown until resolution of population targets with Department of Planning (DoP). Outcome may have significant impacts on strategy document.

2.1.5.4 Complete investigation of longer term redevelopment options for Ourimbah town centre.

2007/2008 Work Programme defers this project until July 2008 due to significant issues impacting on the draft Planning Strategy.

2.1.5.5 Commence implementation of town centre strategies.

This action is dependent upon the completion of investigations into longer term redevelopment options for the town centres. (Ref. 2.1.5.1 and 2.1.5.4).

2007/2008 Management Plan – September 2007 Quarter Review (contd)

5.1.5.1 Rollout Recruit Online software and review recruitment procedures.

Recruitment process review completed, final report being drafted with recommendations for improvements of current recruitment practices. (i) Recruitment software not implemented due to system issues which are currently being investigated by Cap Gemini. User Acceptance Testing (UAT) is scheduled to take place in January 2008 and implementation expected to take place mid 2008.

BUDGET OVERVIEW

In the 2007/2008 Management Plan, Council adopted an Original Budget position that was balanced. The forecast result for the September Quarter Review is proposed to be amended to a deficit of \$200K.

This deficit position is driven by a reduction in income associated with the Financial Assistance Grant. The Local Government Grants Commission advised Council of a \$200K reduction in the Financial Assistance Grant for 2007/2008. Council's budget for the Financial Assistance Grant was developed on an estimated increase of 3.4% (same as rate pegging). However the actual increase received was only 1.2%. The reason that the increase was only 1.2% is that an 'overpayment' occurred in 2006/2007 because the actual increase in the consumer price index for the year to March 2007 and NSW's share of the national population varied from Commonwealth estimates on which the 2006/2007 entitlements were based. This 'overpayment' is being recouped in 2007/2008. Council is not advised of such adjustments until the end of each financial year, well after Council has adopted its budget for the coming year.

Included in this review are a number of internal budget transfers which have nil impact on Council's bottom line. These budget transfers enhance Council's internal budgetary control through an improved allocation of funding. The transfers do not alter Council's intent as originally budgeted or effect our ability to deliver management plan outcomes in these areas.

In the September Quarter, Council has brought into the accounts the budgets for those projects which were approved for carry-over from the 2006/2007 financial year into the 2007/2008 financial year in accordance with the Council Governance Resolution on 8 August 2007. This does not impact on Council's result.

Table of significant budget movements for the September Quarter:

Line	Line Description	Adjustment	Amount
6.07.01	Financial Assistance Grant	Reduction in Financial Assistance Grant	(\$200K)
		TOTAL	(\$200K)

2007/2008 Management Plan – September 2007 Quarter Review (contd)

2007/2008 BUDGET RISKS

As Council's Management become aware of any risks to meeting the agreed budget or service level, it will investigate all options available before seeking additional funding from Council. While it is only the first quarter of the year, Management would like to hi-light a number of significant risks that have the potential to affect Council's budget.

Water Usage Charges: Prior year and current consumption trends indicate that Water Usage revenue will fall short of the budget by \$3,234K. This is an income short fall of 17.4% over an annual budget of \$18,557K. The Water budget is being reviewed to assess the short term and long term impact of this reduced income. A further report will be provided to Council.

Developer Income: Current trends indicate that this source of income is at risk of falling short of the original budget by approx \$810K. The original income budget for this area is approx \$3,209K, so this represents a potential 25% shortfall. Council continues to closely monitor this budget risk and is developing risk mitigation actions over the next quarter before recommending changes to budgets and potentially service levels.

Estuary Management Plan: Council has received notification that there will be a delay in the \$1,693K Federal Government Grant for the Estuary Management Plan until the financial year 2008/2009. Council is developing a new timing for the works program to accommodate the change in the funding availability.

BUDGET CONTROL DEVELOPMENTS

Council successfully went live on 1 July 2007 with a new Performance Management reporting and inquiry tool, Power Budget. This is Council's third Monthly review and first Quarterly Review using the Power Budget tool. The response from Management has been very positive as Power Budget has provided a much more intelligent and intuitive tool to manage budgets. The tool also allows Council to improve many underlying reporting processes such as budget phasing and dissection. Council continues to invest significant resources to support Management with ongoing training and support and development of the Power Budget tool.

The first quarter also saw the introduction of an improved budget variation process. This aims to facilitate Council's control and accountability over budget changes and improves communication of budget issues for all Management Plan lines. The new process takes advantage of Council's record management system to ensure all budget changes and directions are efficiently communicated.

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EXPENDITURE ANALYSIS

Aside from the budget risk areas identified above, Year to Date (YTD) Actual income and expenditure are tracking in line with YTD Budgets across all Principal Activities. Managers are continuing a process of improving their budget dissections and phasing as per their works and maintenance programs. This value added activity is improving both the ability to analyse and interpret reporting generated by Councils systems while generating a valuable tool for Managers as they forecast and monitor future activities.

The main driver of the variations between the YTD Budgets and YTD Actuals in this review are timing differences. That is, expenditure patterns are not precisely matching the original budget phasing developed by Managers. As Managers continue to improve their budget dissection and phasing through the Power Budget tool, timing variations will be minimised.

Principal Activity 1 – Society

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget	Revised Budget	YTD Actual	YTD Actual	YTD Budget	YTD VAR	YTD VAR
	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
PA 1 - SOCIETY							
1.1 Community Support and Development	17,862	18,281	2,884	16%	3,137	253	8%
1.2 Education	0	0	0	0%	0	0	0%
1.3 Health	56	56	13	24%	14	1	4%
1.4 Housing for Disadvantaged	0	0	0	0%	0	0	0%
1.5 Community Safety	0	0	0	0%	0	0	0%
1.6 Public Transport	0	0	0	0%	0	0	0%
1.7 Leisure, Recreation and Open Space	7,745	11,956	3,635	30%	3,759	124	3%
1.8 Urban Quality	2,094	2,094	524	25%	513	(11)	-2%
1.9 Noise	0	0	0	0%	0	0	0%
1.10 Heritage	10	10	0	1%	0	(0)	-1%
1.11.01 Allocation of Salaries and Overheads	15,960	15,960	3,990	25%	3,988	(2)	0%
TOTAL ACTIVITY	43,727	48,358	11,046	23%	11,411	365	3%

Principal Activity 1 – Society had a favourable variance between YTD Budget and Actual expenditure of \$365K, representing a 3% positive variance to YTD budget. This is only a minor variance and was primarily the result of areas within Community Support and Development. Areas of interest include:

MP 1.01.24 Library and Customer Service – Even though the quarter variance figures show a favourable result, this is predominantly a timing variation between the actual expenditure pattern and the original phasing of the budget. This line of the Management Plan has historically been at risk of over expenditure. Management continue to closely monitor the budget and are adopting strategies to ensure the budget is not exceeded this financial year.

2007/2008 Management Plan – September 2007 Quarter Review (contd)**Principal Activity 2 – Economy**

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget	Revised Budget	YTD Actual	YTD Actual	YTD Budget	YTD VAR	YTD VAR
	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
PA 2 - ECONOMY							
2.1 and 2.2 Emp., Wage Structure and Labour Force	3,030	3,268	727	22%	814	87	11%
2.02.01 Allocation of Salaries and Overheads	1,110	1,110	278	25%	277	(1)	0%
TOTAL ACTIVITY	4,140	4,378	1,005	23%	1,091	86	8%

Principal Activity 2 – Economy was under-expended by \$86K representing an 8% positive variance to YTD Budget. The variance was primarily due to:

MP 2.01.01 Town Centre Maintenance – Resources normally associated with this area in the months of July and August where refocused towards storm cleanup activities. The current annual budget should be fully utilised as efforts are made to meet original work schedules.

Principal Activity 3 – Natural Environment

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget	Revised Budget	YTD Actual	YTD Actual	YTD Budget	YTD VAR	YTD VAR
	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
PA 3 - NATURAL ENVIRONMENT							
3.1 Land	112	122	32	26%	32	0	1%
3.2 Water	7,636	7,636	489	6%	553	64	12%
3.3 Terrestrial Biodiversity	498	498	6	1%	25	19	78%
3.3.3 Bush Regeneration	0	0	0	0%	0	0	0%
3.3.4 Retrofitting urban areas	0	0	0	0%	0	0	0%
3.04.01 Allocation of Salaries and Overheads	3,610	3,610	902	25%	902	0	0%
TOTAL ACTIVITY	11,856	11,866	1,429	12%	1,512	84	6%

Principal Activity 3 – Natural Environment was under-expended by \$84K representing a 6% positive variance to YTD Budget. The variance was primarily due to areas within the Environmental Water area and was represented by:

MP 3.02.10 Major Wetland Management – This line contains a positive variance of \$24K due to delays in receiving the guidelines and tools from consultants EDAW regarding the Water Sensitive Urban Design (WSUD) Development Control Plan (DCP) chapter. The chapter is now due for completion by December for exhibition in January.

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2007/2008 Management Plan – September 2007 Quarter Review (contd)

Principal Activity 4 – Infrastructure

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget \$'000	Revised Budget \$'000	YTD Actual \$'000	YTD Actual %	YTD Budget \$'000	YTD VAR \$'000	YTD VAR %
PA 4 - INFRASTRUCTURE							
4.1 Roads	46,968	48,210	7,710	16%	6,223	(1,487)	-24%
4.2 Drainage	8,356	8,847	755	9%	1,211	456	38%
4.3 Water	100,665	100,672	12,317	12%	12,647	330	3%
4.4 Sewer	40,808	40,908	3,831	9%	3,904	72	2%
4.5 Waste	31,264	32,014	6,229	19%	7,286	1,057	15%
4.06.01 Allocation of Salaries and Overheads	23,971	23,971	5,993	25%	5,990	(3)	0%
TOTAL ACTIVITY	252,032	254,622	36,835	14%	37,261	426	1%

Principal Activity 4 – Infrastructure was under-expended by \$426K representing a 1% positive variance to YTD Budget. Within the variance of 1% there are a number of offsetting variances in this principal activity which are represented by:

MP 4.01.04 Secondary Roads Rehabilitation – There has been a focus on the storm recovery activities during the first quarter resulting in a delay to the commencement of the Roads Rehabilitation Program. Council is focusing efforts to bring the program back into line with the forecast with the expectation being that the budget for the line will be fully spent by June 2008.

MP 4.01.11 June 2007 Storm – Maintenance crews have been reassigned to this activity during July and to some extent August. This has had an impact on other areas of the Management Plan. The claim for expenses is being finalised but to date the percentage of funding from the State and Federal Governments is yet to be confirmed. This activity remains unfunded until confirmation of funding is received. This has caused a \$2,805K negative variance when comparing the YTD Actual to YTD Budget.

MP 4.03.07 Joint Water Supply – The budget for this line is presently overstated requiring a budget review. The Environmental Flows Study associated with the Mardi to Mangrove Creek Dam Transfer Project will need to be transferred out of Joint Water Supply program of activities and into the Water Supply Capital Works line. Gosford and Wyong Catchment Water Authority resolved to implement a reduced Communication Program for the 2007/2008 financial year, altering the original programmed works. The Water budget is currently being revised.

2007/2008 Management Plan – September 2007 Quarter Review (contd)**Principal Activity 5 – Organisation**

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget	Revised Budget	YTD Actual	YTD Actual	YTD Budget	YTD VAR	YTD VAR
	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
PA 5 - ORGANISATION							
5.1 Workforce	39,142	39,087	10,127	26%	10,370	242	2%
5.2 Finance	13,254	13,254	2,770	21%	3,271	501	15%
5.3 Support Systems and Equipment	21,930	22,384	5,504	25%	5,488	(16)	0%
5.4 Governance	2,112	2,173	552	25%	474	(77)	-16%
5.05.01 Allocation of Salaries and Overheads	(44,651)	(44,651)	(11,163)	25%	(11,158)	5	0%
TOTAL ACTIVITY	31,787	32,247	7,790	24%	8,444	654	8%

Principal Activity 5 – Organisation was under-expended by \$654K representing an 8% positive variance to YTD budget. The variance was primarily due to the Management Plan section 5.2 Finance which includes Holiday Parks Capital Works.

MP 5.02.06 Holiday Parks Capital Works – The positive variance of \$460K associated with this line is driven by delays caused by extended public consultation processes. This will result in some of the capital works scheduled for 2007/2008 being pushed into 2008/2009. A budget variation will be submitted once the changes to works schedules have been reviewed and adopted.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

SOURCE OF FUNDS ANALYSIS

SEPTEMBER 2007	ANNUAL BUDGET		YTD ACTUALS		YTD BUDGET		
	Original Budget	Revised Budget	YTD Actual	YTD Actual	YTD Budget	YTD VAR	YTD VAR
	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
PA 6 - SOURCE OF FUNDS							
Revenue							
6.1 General Rates and Levies	(52,785)	(52,785)	(52,701)	100%	(52,171)	530	-1%
6.2 Annual Charges	(46,228)	(46,228)	(46,391)	100%	(46,248)	143	0%
6.3 User Charges	(40,905)	(41,126)	(9,073)	22%	(9,171)	(98)	1%
6.4 Fees	(5,229)	(5,229)	(1,158)	22%	(1,396)	(238)	17%
6.5 Interest On Investments	(5,122)	(5,122)	(1,177)	23%	(1,355)	(178)	13%
6.6 Other Revenue	(2,516)	(2,516)	(456)	18%	(445)	12	-3%
Total Revenue	(152,785)	(153,006)	(110,957)	73%	(110,787)	170	0%
Grants							
6.7 General Purpose Grants	(10,927)	(10,714)	(1,830)	17%	(1,830)	(0)	0%
6.8 Specific Purpose Grants	(26,008)	(26,021)	(1,493)	6%	(1,539)	(47)	3%
Total Grants	(36,935)	(36,735)	(3,323)	9%	(3,369)	(47)	1%
Contributions							
6.9 Contributions and Donations	(63,746)	(69,191)	(4,171)	6%	(4,569)	(397)	9%
Total Contributions	(63,746)	(69,191)	(4,171)	6%	(4,569)	(397)	9%
Other Income							
6.10 Loan Funds	(51,960)	(51,960)	0	0%	0	0	0%
6.11 Sale Of Assets	(7,122)	(7,122)	(325)	5%	(325)	(0)	0%
6.12 Internal Charges	(15,082)	(16,282)	(4,062)	25%	(4,120)	(57)	1%
6.13 Transfer From / (To) Restricted Assets	(15,912)	(16,974)	0	0%	0	0	0%
Total Other Income	(90,076)	(92,338)	(4,387)	5%	(4,445)	(58)	1%
TOTAL ACTIVITY	(343,542)	(351,271)	(120,644)	34%	(123,170)	(332)	0%

The Source of Funds (SOF) area of the Management Plan is presently showing a \$332K unfavourable or less than 1% negative variance when compared to the YTD Budget. There have been improvements to the level of budgetary control over Council's income due to Power Budget and the improved phasing of income budgets to reflect anticipated timings.

Revenue

Revenue was over achieved by \$170K representing a less than 1% positive variance to YTD Budget. The variance was primarily due to the phasing of the budgets. There are some areas within Council's Revenue that will require further investigating and potential budget amendment including:

MP 6.03.05 Water Usage – The year to date unfavourable variance of \$312K associated with this line is driven by a reduction in water usage compared to the projected metered consumption level in the IPART model. The Water budgets are currently being reviewed in light of this revenue constraint and the impact on expenditure and financing options are being investigated. The potential impact of this reduction in water usage is approximately \$3,234K unfavourable. This figure represents a 17.4% reduction from the original budget.

2007/2008 Management Plan – September 2007 Quarter Review (contd)

Revenue

MP 6.03.13 Property Rentals and Other Admin Charges – The favourable variance of \$149K associated with this line is driven by the timing of the recognition of rental income. There are many rental agreements that are being paid in advance. To correct this anomaly, internal accounting procedures and policies are being drafted to recognise the rental income on an accrual basis rather than as it is received. The projected full year budget will be achieved.

MP 6.04.14 Subdivision/Construction Fees – Actual income was \$133K less than the phased budget representing a 76% unfavourable variance to YTD Budget. This income line is a risk area which is currently part of the review and monitoring required for all development income as identified in the 2007/2008 Budget Risks (above).

WP6.05 Interest on Investments – Actual income was \$178K or 13% unfavourable YTD due to underperforming markets as a result of flow on effects of the collapse of the US sub-prime mortgage market. Whilst Council did not have any direct exposure, markets have underperformed in the first quarter. At this stage Council's full year projected interest target is still achievable.

Grants

Grant income includes items 6.7 General Purpose Grants and 6.8 Specific Purpose Grants in the above table. Grants were under achieved by \$47K representing a less than 1% negative variance to YTD budget. The most significant item for consideration in the grants area was the unfavourable impact of the Financial Assistance Grant. The final grant advice stipulates that the grant will effectively be \$200K less than originally budgeted for. This unfavourable variance has impacted Council's bottom line.

Contributions

Contributions income includes item 6.9 Contributions and donations in the above table. Contributions were under achieved by \$397K representing a 9% unfavourable variance to YTD budget. The variance was primarily due to Re-zonings and was represented by:

MP 6.09.04 Contribution from Landowners (Re-zonings) – The unfavourable variance of \$253K associated with this line is due to a Kanwal Rezoning not proceeding at this stage at the developer's request. The budget phasing of the budget requires review. The annual budget will be monitored to ensure that they reflect the income that Council will realise for financial year 2007/2008.

28 November 2007
To the Ordinary Meeting of Council

General Manager's Report

2007/2008 Management Plan – September 2007 Quarter Review (contd)

Other Income

These income sources are represented 6.10 Loan Funds to 6.13 Transfer From/To Restricted Assets. The majority of these income lines are completed at the conclusion of the financial year. Internal accounting policies and practices are being developed to update these line items on a monthly basis for a more complete budget reporting picture. There is no indication at this point in time that the Actuals will not meet Councils Annual Budget in these areas.

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WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Board Report

**516 Minutes of Gosford/Wyong Councils' Water Authority Board
Meeting – 21 November 2007**

F2004/06808

SUMMARY

Minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 November 2007.

RECOMMENDATION

That the minutes of the Gosford/Wyong Councils Water Authority Board meeting held on 21 November 2007 be received and the recommendations contained therein, adopted.

A meeting of Gosford/Wyong Councils' Water Authority Board was held on 21 November 2007. The minutes of that meeting are enclosed.

Enclosure

***Minutes of the Gosford/Wyong Councils Water Authority
Board meeting held on 21 November 2007***

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Committee Report

**517 Minutes of Wyong Shire Governance Committee Meeting –
14 November 2007**

F2004/07245 SW

SUMMARY

Minutes of the Governance Committee Meeting held on 14 November 2007.

RECOMMENDATION

That the minutes of the Wyong Shire Governance Committee meeting held on 14 November 2007 be received and the recommendations contained therein, adopted.

A meeting of Council's Wyong Shire Governance Committee was held on 14 November 2007 at 9.30am. The minutes of that meeting are enclosed.

Enclosure

***Minutes of the Wyong Shire Governance Committee meeting
held on 14 November 2007***

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Panel Report

518 Minutes of Community Benefit Grants Panel - 31 October 2007

F2004/06570 JV

SUMMARY

Council's Community Benefit Grants Panel met on 31 October 2007 to consider applications for funding under the Community Benefit Grants program. A copy of the minutes is attached.

RECOMMENDATION

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

Attachment 1

Minutes of the Community Benefit Grants Panel meeting held on 31 October 2007 (5 pages)

Minutes of Community Benefit Grants Panel - 31 October 2007 (Attachment 1)

WYONG SHIRE COUNCIL

**MINUTES OF THE
WYONG SHIRE COMMUNITY BENEFIT GRANTS PANEL
HELD IN WILFRED BARRETT COMMITTEE ROOM, LEVEL 2
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY 31 OCTOBER 2007
COMMENCING AT 9.55 AM**

PRESENT

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

IN ATTENDANCE

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

APOLOGIES

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

28 November 2007
To the Ordinary Meeting of Council

Panel Report

Minutes of Community Benefit Grants Panel - 31 October 2007 (Attachment 1) (contd)

CBG10 Disclosure of Pecuniary Interest

F2004/06507 ED

CBG12 Applications for Trimester 2 2007/2008

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER THAT THE APPLICANT, YOUTH CONNECTIONS INC, WORKS DIRECTLY WITH STUDENTS AT NORTHLAKES HIGH SCHOOL AS PART OF THIS PROJECT, LEFT THE COMMITTEE ROOM AT 10.42 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.49 AM.

PANEL RECOMMENDATION

That the report be received and advice of disclosure noted.

CBG11 Minutes of Ordinary Meeting 22 August 2007 – Allocation of Funding

F2005/01881 ED

PANEL RECOMMENDATION

That the report be received and the information noted.

**Minutes of Community Benefit Grants Panel - 31 October 2007 (Attachment 1)
(contd)****CBG12 Applications for Trimester 2 2007/2008**

F2005/01881 MD

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER THAT THE APPLICANT, YOUTH CONNECTIONS INC (REFER TO RECOMMENDATION 1), WORKS DIRECTLY WITH STUDENTS AT NORTHLAKES HIGH SCHOOL AS PART OF THIS PROJECT, LEFT THE COMMITTEE ROOM AT 10.42 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.49 AM.

PANEL RECOMMENDATION

That a report be referred to Council's Ordinary Meeting of 28 November 2007 recommending the following:

- 1** ***That \$23,267.63 be allocated from the 2007/2008 Community Financial Support to the following applications under Trimester 2 of the 2007/2008 Community Benefit Grants program:***

Recipient	Purpose	Recommended Funding (\$)
Bateau Bay Police and Community Youth Club	Heads Up The 'Heads Up' Program gives 20 case managed young people the opportunity to develop skills and knowledge for their careers.	\$4,500
Country Women's Association of NSW – Long Jetty/The Entrance	Rates Assistance Rates assistance for community volunteer group.	\$2,046.78
Country Women's Association of NSW – Mannering Park	Rates Assistance Rates assistance for community volunteer group.	\$1,497.85
NSW Active Retirees and Mentors Inc (NSW ARM Inc) Central Coast Sub Committee	Journal of a Journey Mentoring program which will be documented in a Journal which will become an important record and resource for the students and mentors involved.	\$1,632
Permaculture Central Coasts Inc.	MAYDAY 2008 A practical activities day conducted by this organisation with a theme of 'Do It Yourself' and based on the principles of Permaculture – living a healthy and sustainable life.	\$5,300
Toukley Haven Scouts	Kitchen Update Funding has been sought from this applicant to complete kitchen upgrade at Toukley Haven Scout Hall.	\$3,791
Youth Connections Inc	Re-engage Resources These are sets of lesson plans, activities, games, publications and multi-media productions designed to reduce barriers that young people face in their re engagement in education and their community.	\$4,500

**Minutes of Community Benefit Grants Panel - 31 October 2007 (Attachment 1)
(contd)****CBG12 Applications for Trimester 2 2007/2008 (Contd)**

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

Name	Description of Proposal	Amount (\$)	Panel Recommendation
Dooralong Community Reserve Trust	Refurbishment of an existing sports shed	\$7,000	Does not meet the program's criteria
LifeLine Central Coast (NSW)	Lifeline Counselling and Administration. Extensions and Renovations	\$5,000	Does not meet the program's criteria
Long Jetty Hospital Auxiliary	Purchase of one Medicare electric bed FET 5000 at a cost of \$2642	Any amount	Does not meet the program's criteria
Polio Survivors Australia Inc	Mobility Equipment Pool	\$9,000	Does not meet the program's criteria
The Entrance Amateur Swimming Club Inc	Retaining Wall at The Entrance Ocean Baths	\$8,535	Does not meet the program's criteria
The Entrance Public School	The Entrance Public School Environment Garden	\$7,200	Does not meet the program's criteria – Applicant will be referred to alternate external funding options

There being no further business the panel meeting concluded at 10.50 am

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Committee Report

519 **Minutes of Central Coast Regional Organisation of Councils
Meeting – 7 November 2007**

F2004/06390 JV

SUMMARY

The Central Coast Regional Organisation of Councils met on 7 November 2007. A copy of the minutes are enclosed.

RECOMMENDATION

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 7 November 2007 be received and the information noted.

Enclosure

***Minutes of the Central Coast Regional Organisation of
Councils meeting held on 7 November 2007***

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Delegate's Report

520 Australian Sister Cities Association Conference

F2004/06466 ED

SUMMARY

Councillor Stewart has submitted her delegate's report in relation to the Australian Sister Cities Association Conference held from 30 September to 3 October 2007 in Darwin, Northern Territory.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

In accordance with Council's Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of conferences attended.

Attached is the delegate's report submitted by Councillor Stewart in relation to the Australian Sister Cities Association Conference held in Darwin, Northern Territory, from 30 September to 3 October 2007.

Attachment 1

***Report on attendance at Sister Cities Association Conference
(6 pages)***

Australian Sister City Conference (Attachment 1)

The Australian Sister Cities Conference in Darwin

'Making the Connection' was the theme of the conference.

There were 35 youth delegates at the conference coming from all parts of Australia. This program started in 1991 and has gone from strength to strength. This was the first time that we had a youth delegate for Wyong Shire. We were represented by Ian Hinton our Sister City Ambassador. At this conference the Youth programme was run by the Darwin City Council's Youth worker and their Youth Advisory Group.

There are 532 Sister City agreements in Australia – which means there are approximately one million people in Australia associated with the Sister City movement. Darwin has six Sister City Agreements. This year there were 242 Delegates in total at the Conference. Delegations were present from both Korea and Japan.

The official opening was performed by the Darwin City Dancers who presented a mixture of conventional ballet and Aboriginal Dreamtime. It was most spectacular.

The Opening keynote speaker was Mr Abdullah Saleh Mbamba who is the Director of the United Nations Information Centre for Australia, New Zealand and the south Pacific, who spoke on the role of the United Nations in combating the effects of climate change on the world's cities. In particular the effect that the undeveloped countries have on the developed countries, as a 1/3 of the people in the world live in slums. Special concern should be for the coastal cities and those that are on the river mouths. In linking with a Sister City we should be aware of this.

Keith Suter the Foreign Affairs Editor, Sunrise on Channel 7 spoke on global issues and foreign affairs and how we should be working harder to link with other countries. It won't be long before we will be able to speak with our computer and tell it what we are requiring and all systems will be wireless. Currently we can google and we can have our own web site this is just the very beginning! Last year there were 800 million people travelled in the world spending in excess of 2 billion dollars, this just the start of something big. He also talked in length on carbon trading, which is something of the future. He is the foreign affairs editor and yet he does not own a TV, radio, car, does not drink or gamble, he keeps up with the internet and books.

The first day's programme was broken up by Comedian Fiona O'Loughlin who is an ABC presenter and 'Australia's funniest working mother'. Fiona has performed at the UK and Montreal's Comedy Festivals. She lives in Alice Springs and has many, many tales to tell of the outback.

Concurrent workshops were run during the afternoon, one by Keith Suter, Sister Cities Group Members who submitted their applications for awards and the one I attended was the Strategic Planning for the Australian Sister City Association. This ran over time and was very well put together, as it was a full working session. The social evening that night was held in Garden Park Golf Links, which was a barbeque and was outstanding but very, very hot.

Australian Sister City Conference (Attachment 1) (contd)

Keynote address on the Tuesday was the Hon Jim Lloyd, Minister for Local Government, Territories and Roads, who spoke mainly on the effects of Sister City relationships to local governments and the community.

Mr Ihnhwan Chung, who is the Director of Korean Local Government Centre in Sydney spoke on their involvement with Australian Local Government areas. They established their organisation in Sydney 13 years ago at a Local Government level. A mayor presentation was undertaken by the Boseong's Pansori Traditional Performers and singers, this is the first time that they have performed in Australia. It was an amazing programme. There are only 18 Sister City agreements between Korea and Australia. It is hoped that this number will increase rapidly, as they would like to establish more connections. They would in particular like to bridge the cultural gap between our people. Tamworth signed off on a new agreement at the conference, which will embrace sporting and cultural exchanges. The Koreans have a strong commitment to the Sister City movement.

The following presentations were made to the conference:-

- * There was a presentation by Robert Bell and Margaret Hardy from Gosford City regarding their Sister City Relationships with Edogawa, Japan - Nitra, Slovakia – Walgett, NSW and their Friendship Agreements with Jinhua Municipal Peoples Government, China – Oro Province, Papua New Guinea and they are currently exploring an agreement with Leste, East Timor. Gosford Council subsidise their committee with budget of \$20,000. They have no problems with criticism from their rate payers.
- * Michael Greenwood from Parkes spoke on their agreement with Coventry in the UK. Parkes has a population of 11,000 people and Coventry has 300,000 people and has 26 Sister City relationships around the world. Their arrangement has been in place since 1938, they have no budget and no committee.
- * Danny McDonald from Latrobe spoke on their agreement with Taizhou, China. They have enlisted the assistance from the Victorian State Government, Latrobe City Council, Monash University and Fishers Latrobe Valley for the program. This exchange is based purely as a business exchange.
- * Margaret Westbury from Wollongong spoke about their 2006 Australian-Japan Year of Exchange Gala Performances and Japanese Showcase. They actually staged a gala performance of Japanese artists which included dance, musical and opera. They included the Wollongong City Symphony Orchestra to accompany the artists. The total cost of this programme was approx \$13,750 from Wollongong City Council and the city of Kawasaki \$3,000.
- * Bill Woods from Sister Cities NZ spoke about their national relationship with other countries. There are 85 Councils in NZ and 55 of these have Sister City agreements. There are 47 Japanese, 22 Australian, 25 USA, 30 Chinese and 4 Korean. They are based mainly on sporting, the arts and cultural exchanges.

Australian Sister City Conference (Attachment 1) (contd)

The afternoon was mainly broken up into four different workshop outings – I went along to the Territory Wildlife Park which is a major tourist attraction in the Darwin area.

Wednesday kicked off again with a 8.30am start with the Minister for Local Government for the NT, Mr Elliot McAdam, who spoke about Local Government reform in the Northern Territory. There are 213,000 people living in the Northern Territory and there are currently 61 Councils/Shires. The Government is re-structuring these Council and reducing the number to 13 – the boundaries will be released in January 2008 and these currently are causing 'some concern', as there are huge ramifications facing many of the Council areas. However the NT/Commonwealth Government is funding these amalgamations to the tune of \$60million over three years to create employment and \$20million for education. The Commonwealth is also installing a communications system costing \$6.4million and the NT Government is adding \$4million making a total of \$10.4million. Elliot has been and is now strongly backing the changes regarding child abuse, alcoholism and education. He is part of the strong reform group in the NT. He was an excellent speaker and very interesting.

One of the Darwin Sister City Exchanges is with Anchorage, Alaska. This exchange is based mainly on the Anchorage Fire Department. The session was presented by the Fire Chief Craig Goodrich along with three community members from Anchorage. There are 90 different cultures in Anchorage, so it is a very diverse community. The exchange commenced three years ago, the Officers that are selected on exchange for 12 months, they exchange homes, cars and positions. Originally the program was set up with \$25,000 seed funding from the two Fire Departments.

The CLARE Forum then commenced their presentation by going into Google Earth and making stops at their Toko, New York and Sydney Offices, completing that section of the presentation by then zooming into the Darwin Entertainment Centre. Horoshi Ueda (Senior Managing Director) spoke on their relationship with local Councils and the types of programmes undertaken by CLARE. They undertook a 'Visit Japan Promotion' promotion in Australia in 2007, especially highlighting snow skiing in Japan. One of their major 'adventure' operators is an Australian.

Mitshiro Oriuchi who is the Director of Commerce and Industry and Tourism spoke mainly on the impact of Australian tourist in Japan. How many of these visits have come about from Sister City relationships. His case study was Niseko, they have 2065 households and a total population of 4658, of which 25.1% are senior citizens. Niseko is renowned for their hot springs, mountain climbing and their eight fine powdered snow fields. The Grand Hirafu is lit at night for skiing up to 1000 meters. During the summertime Niseko has white river rafting, canoeing, horse riding and hot air ballooning, craft classes, horse riding and drum making. They now have 1.4million visitors to Niseko and three million to their region, of those visitors 10,994 are Australian skiers.

Australian Sister City Conference (Attachment 1) (contd)

Australian Ross Findlay operates his 'Niseko Adventure Centre', they have fresh snow every day and 16-20mts of snow fall yearly. Ross cannot get young employees for his 'adventure' experience as his area is mainly elderly people. Gary Smith who also works very closely with CLAIR, runs the Frazer Island Tourism Leisure Centre, they have many visits from their Sister City area. They like to employ both young people and senior citizens. It was interesting as they believe a Tourism body should have Planning, Funding, a Tourism Development Plan and a Forward Strategy. Japanese visitors to Australia have fallen – in 2001 – 673600 and by 2006 - 651,000. The fall is mainly due to high fuel costs, tax charges, the Aussie dollar and aviation charges. They are targeting the 'empty nesters' of Japan.

The Youth Delegates made their presentation to the main conference participants, they had produced two short videos and had also written a song. The presentation was very well done, regardless of a few hiccups they had with their productions. The Council and the Sister City Committee will receive a report from our youth delegate, Ian Hinton.

Gosford was very well represented with five youth delegates, Councillors Robert Bell and Trevor Drake, CEO Peter Wilson, two Council Officers and a person from Central Coast Tourism. Next year the Conference will be held in Gosford City at the Ettalong Beach Memorial Club from 27-30 July. The theme for the conference is a 'Sense of Place'.

Annual General Meeting resulted in a new Executive being elected. After 19 years at the helm of the Australian Sister Cities Association Kevin Hill stepped down from the President's position. Kevin has been with the Sister Cities Association since its formation in Alice Springs in 1982.

The New President, Bill Wilson is from Devonport, Tasmania, vice President Jan Teasdale from Belmont, WA, Secretary Margaret Evans is from Hobson's Bay, Victoria, Treasurer Casley Graham is from Newcastle and the three newly elected committee members (from six nominations) are Cr Robert Bell from Gosford, NSW Cr Ray Kelly from Noosa Shire Council, Qld and Peter Filmer, Blacktown City Events and Protocol Supervisor, NSW. So there is a fair mix of representation. These people are elected for a two year team. There are currently 86 Councils that belong to the Australian Sister Cities Association.

The Notice of motion that I submitted on behalf of the Wyong Shire Sister City Committee, for reduced conference charges for community members was not lost, but neither was it passed, as it appeared to be too difficult for the Committee to work out the logistics of the motion, so it was taken on notice. It was well received by the community members that were at the conference. There was also a notice of motion regarding a name change to 'Sister Cities Australia' which was carried, with a new logo to be designed.

Australian Sister City Conference (Attachment 1) (contd)

The Australian Sister Cities Association National Awards were announced:

Community Involvement

Casey, Victoria – A Friendship Schools Project with East Timor, which involved 11 Casey schools.

Youth Project

Manly, NSW – They sent 25 Australian students to Odawara in Japan in July and received 25 student from Japan. This program has been continuously operating for 16 years.

Cultural Exchange

Manly, NSW – It was run with Taito-ku Japan and Gunnedah their NSW Sister City. Taito sent six craftsmen out to Manly and Gunnedah were featured with 25 paintings depicting 'My Country' by Dorothy Mackellar at the Manly Annual Arts Festival.

Assistance to a Sister City

City of Casey, Victoria - This was for a four week professional English teacher development project that sent an East Timorese teacher back to his community with ideas, resources and money to establish a school in a local church hall after the destruction of their original school facilities.

Sports Project

Casey, Victoria – The project was called the 'Edwin Flack Games' and was organised with their Sister Cities from Springfield in Ohio, Berwick-Upon-Tweed in UK, Ioannina Greece and Ermera in East Timor – it attracted 182 young athletes that participated in basketball, athletics, volleyball, soccer, baseball, softball and golf. The participants were home hosted by the residents of Casey.

Tourism

Belmont, WA - They had two visits of 80 employees and customers from their bank in their sister city of Adachi, Japan.

Commerce and Industry

Latrobe, Victoria – Five Council and 12 business representatives visited their Sister City in Taizhou, China. They tried to 'match up' the business representatives from Victoria and Taizhou, this was assisted by the Victorian State Government Business Office.

Print Media

Bundaberg, Queensland – There were 44 print media articles on their exciting Chinese New Year Celebrations. Their Sister City is Nanning, China.

Single Project

Coffs Harbour, NSW – They had a very simple idea of a BYO picnic to celebrate Children's Day, (their Sister City is Sasebo, Japan) by bringing your own kite and they flew the Koinobori. The event took place in the Regional Botanical Gardens in Coffs Harbour. 700 parents and children took part in this celebration.

Australian Sister City Conference (Attachment 1) (contd)

Overall Programme

Frankston, Victoria – They were celebrating 25 years of their Sister City links with Susona, Japan. They have regular exchanges through the community, government and industry, it is a regular, informal and collaborative exchange.

In total there were 21 submissions in the Awards.

The conference was well run, informative and friendly.

The City of Darwin is certainly 'booming', in the immediate CBD there are 14 construction cranes, with a huge amount of building going on in the suburbs.

The Conference was held in the Darwin's Entertainment Centre, which is owned by the Darwin City Council. It has just had 12 million dollars spent on a refurbishment – mainly on the curtains, sound, seating, floor coverings and external appearance. (I have some plans of same). There is excellent room between the seats and they are extremely comfortable. The Centre is used extensively for conferences (the NT Government is currently working on a huge conference centre, massive wave pool and parking station, which is right down on the Harbour Waterfront). It will expensive to hold a conference at the new facility, so the Darwin City Council are still expecting to remain in the market place with their facility. Many performers come up from Melbourne and Adelaide to use the facilities.

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Information Reports

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

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

521 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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 October.

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	29	13,352,500	26	2,739,700
Industrial	7	9,101,000	8	5,329,500
Residential	164	15,554,333	128	9,038,063
Other	10	2,600,000	12	1,409,550
Total	210	40,607,833	174	18,516,813

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	0	0	2	5
Industrial	1	5	0	0
Residential	9	70	6	137
Rural	1	1	0	0
Total	11	76	8	142

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

There were no priority applications determined during the month.

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

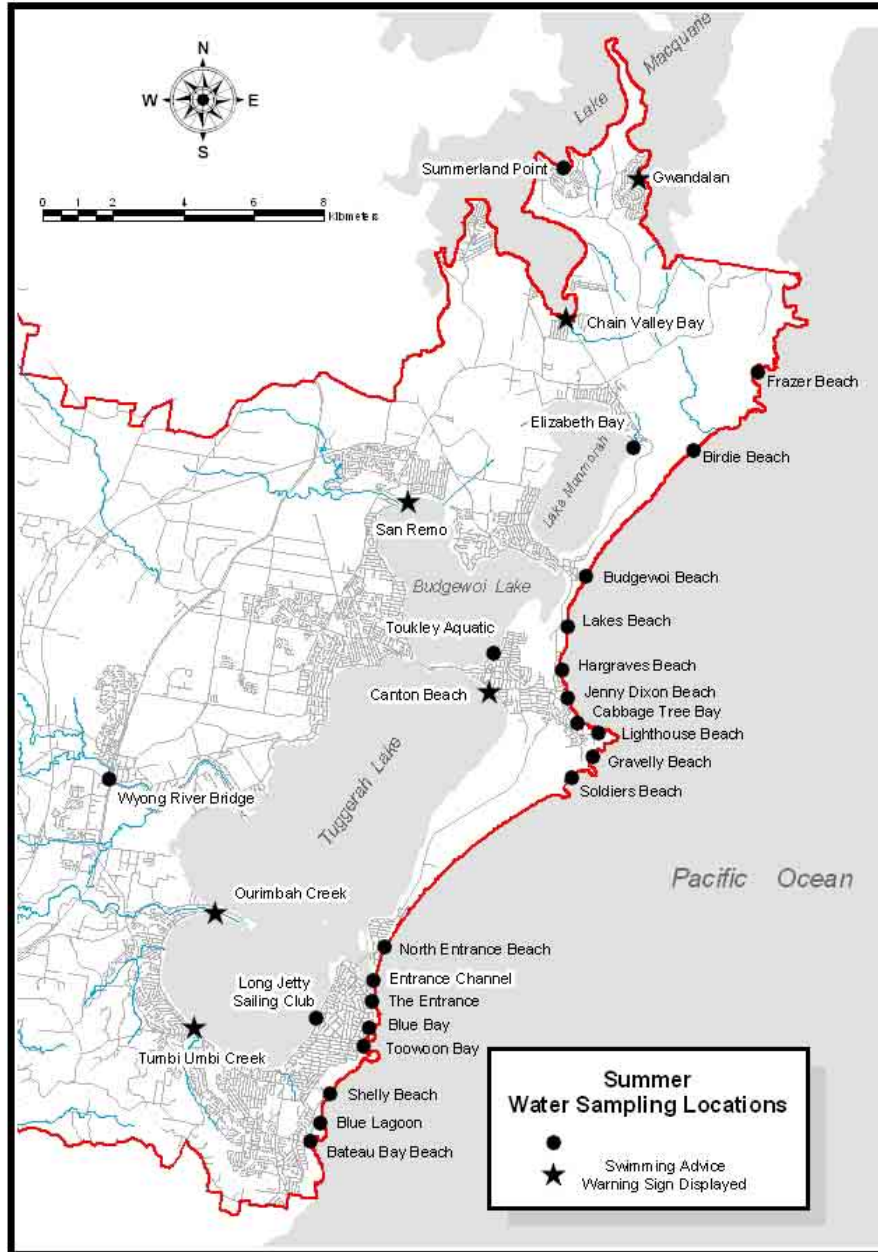
Other Approvals and Certificates

Type:	Number Determined:
Trees	94
Section 149 D Certificates	20
Construction Certificates	106
Complying Development Certificates	16

Enclosure

Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined.

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



WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

522 Results of Water Quality Testing for Bathing Beaches

F2004/06822 DR:DR

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*.

During the bathing (Summer) season, Wyong Council undertakes this monitoring program in partnership with the NSW DECC Beachwatch Program. Sampling of all beaches occurs 5 times each month as required to report against the NHMRC Guidelines. The Beachwatch program recommenced in October.

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.

Summary of Results for October 2007

In October, all the Ocean and Lake beaches were rated as 4 star – excellent water quality. Ourimbah Creek and Tumbi Creek continued to have very poor water quality, ranking 1 star. Wyong River water quality was better than the two creeks, being 2 star. This however is still classed as unsafe for swimming in the *NHMRC Guidelines for Recreational Water Use (1990)*.

Results of Water Quality Testing for Bathing Beaches (contd)

The rivers consistently have poor water quality. There are many factors which contribute to bacterial pollution in the rivers including:

- * the catchments are large
- * rural landuse is significant
- * stock have unrestricted access to most of the watercourses in rural areas and directly contribute to bacterial pollution
- * birds congregate along the river contributing to bacterial pollution
- * the rural areas are unsewered providing for the opportunity for wastewater from on-site wastewater systems to reach the river
- * in urban areas the main contribution to bacterial contamination is dog and cat faeces
- * the samples are collected at the mouths of the rivers ie at the most affected location.

Rhys Leeming from CSIRO in his study *Use of Faecal Sterols and Bacterial Indicators to Discriminate Sources of Faecal Pollution in Urban Creeks and Lakes of Wyong, NSW (1995)* reported that the likely sources of faecal matter in Tumbi Umbi Creek (there was no sampling at the other rivers) was human 0%, herbivorous animals (cows, sheep, kangaroos etc) 44%, domestic animals (cats and dogs) 19% and native birds 37%.

Council is currently conducting further investigation into the types and causes of this faecal contamination. The results of this investigation will be reported to Council in 2008.

Results of Water Quality Testing for Bathing Beaches (contd)

Table 2: OCEAN BEACHES – October 2007

LOCATION	STAR RATING	RECOMMENDATION
Cabbage Tree Bay	****	Site is safe for swimming
Soldiers Beach	****	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
Frazer	****	Site is safe for swimming
Birdie	****	Site is safe for swimming
Budgewoi	****	Site is safe for swimming
Lakes	****	Site is safe for swimming
Hargraves	****	Site is safe for swimming
Jenny Dixon	****	Site is safe for swimming
North Entrance	****	Site is safe for swimming
The Entrance	****	Site is safe for swimming

Results of Water Quality Testing for Bathing Beaches (contd)

Table 3: RIVER AND LAKE BEACHES – October 2007

LOCATION	STAR RATING	RECOMMENDATIONS
Ourimbah Creek Chittaway Point	*	Site is unsafe for swimming
Toukley Aquatic	****	Site is safe for swimming
Tumbi Creek Tumbi Umbi	*	Site is unsafe for swimming
Canton Beach	****	Site is safe for swimming
San Remo	****	Site is safe for swimming
Long Jetty	****	Site is safe for swimming
Chain Valley Bay	****	Site is safe for swimming
Gwandalan	****	Site is safe for swimming
Summerland Point	****	Site is safe for swimming
Wyong River at Wyong	**	Site is unsafe for swimming
Elizabeth Bay	****	Site is safe for swimming
Pelican	****	Site is safe for swimming

Attachment 1
Attachment 2

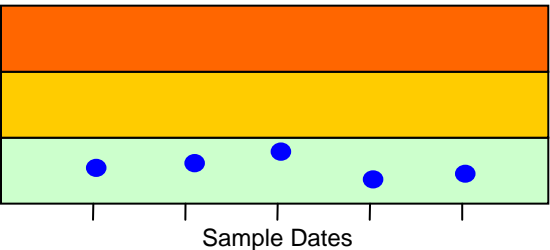
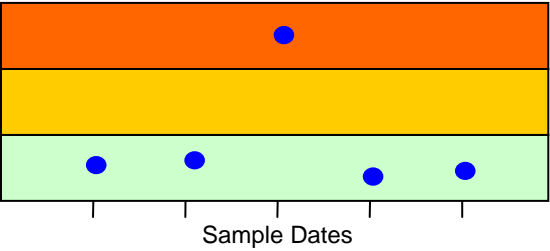
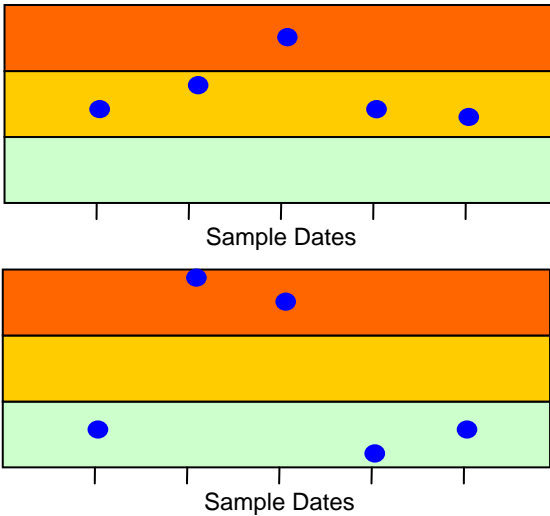
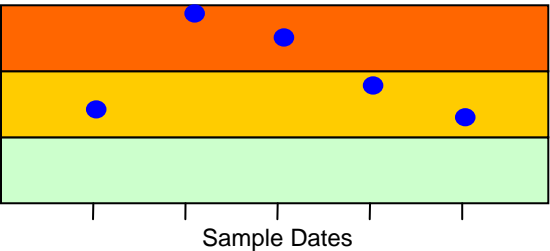
Summer Water Sampling Locations (1 page)
Table 1 NHMRC Star Rating Interpretation (1 page)

Enclosure

Table 1 NHMRC Star Rating Interpretation

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 three horizontal bands: orange (top), yellow (middle), and green (bottom). Five blue dots representing sample results are plotted along the x-axis, labeled 'Sample Dates'. All five dots are positioned within the green band, indicating that all samples were under the NHMRC safe value for swimming.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows three horizontal bands: orange (top), yellow (middle), and green (bottom). Five blue dots representing sample results are plotted along the x-axis, labeled 'Sample Dates'. One dot is positioned within the orange band, and the other four dots are within the green band, indicating that one sample exceeded the NHMRC maximum safe value for swimming.</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 possible scenarios for a 2-star rating. The top scenario shows one dot in the orange band and four dots in the yellow band. The bottom scenario shows two dots in the orange band and three dots in the green band. Both scenarios indicate that the median of all samples is high and one or more samples exceeded the NHMRC maximum safe value for swimming.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows three horizontal bands: orange (top), yellow (middle), and green (bottom). Five blue dots representing sample results are plotted along the x-axis, labeled 'Sample Dates'. Two dots are positioned within the orange band and three dots are within the yellow band, indicating that two or more samples exceeded the NHMRC maximum safe value for swimming.</p>

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

523 Finalisation of Contracts

GJP/ DBT:DBT

SUMMARY

Reporting on details of contracts in excess of \$150,000 that have been completed and finalised during the period March 2007 to September 2007.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Section 55 of the Local Government Act 1993 defines the circumstances under which a council must invite tenders before entering into a contract. Part 7 of the Local Government (General) Regulation 2005 prescribes the procedural process to be adopted for the invitation, submission, opening, consideration and acceptance of tenders.

Whilst the circumstances covered by Section 55 of the Act are numerous and varied, the requirement most generally applicable to the majority of works or services undertaken by Wyong Council is that tenders must be invited for any works or services involving an estimated expenditure of \$150,000 or more. Council is at liberty, but is not obliged under the Act, to invite tenders for any works and services involving an estimated expenditure of less than \$150,000.

In accordance with those provisions, all Council contracts involving estimated expenditure of \$150,000 or more are tendered in accordance with the Regulation and reported to Council for determination.

Enclosed are details of all contracts determined by Council for acceptance that have been completed in the period from March 2007 to September 2007. Definitions of each type of contract are as shown below.

- * "Construction Contracts" - those contracts usually associated with the construction of new or replacement community infrastructure.
- * "Consultancy Contracts" – those contracts usually involving the investigation or design of new or replacement community infrastructure.
- * "Service Contracts" – those contracts usually involving the provision of a community service over an extended time period.

Finalisation of Contracts (contd)

- * "Supply Contracts" – those contracts relating to the supply of an asset such as an item of plant, a consumable such as a material supply or a combination of the two, such as the supply and laying of asphaltic concrete.

Of the thirteen reported contracts, eight were either a Service or Supply type. Service and Supply contracts are based upon Schedule of Rates for the various items/ services to be supplied under the contract, with the award amount being an estimate using an extrapolation of historical and/or anticipated needs for each item/service. The remaining five contracts were Construction type contracts and used Lump Sums and/or Schedule of Rates. The award amount for Construction contracts being the anticipated budget for that project based on the tendered Lump Sum and/or an extrapolation of the Schedule of Rates for each item/service, plus a contingency amount for variations.

The final cost for Service and Supply contracts was within the estimate for three of the eight contracts (one contract being an income producing contract with final actual income being less than estimated).

For the Construction type contracts, the final cost was within the project budget (i.e. approved contract award amount plus any contingency allowance) for one of those contracts. The remaining four Construction type contracts exceeded the total approved funds within a range of 4.3% - 36.8%. Note that a contingency allowance is usually included in the recommendations made to Council for the award of Construction based contracts, and these are included in the information provided in the Enclosure.

In the case of those contracts where the contingency was not fully expended, the balance of the funds remained in the relevant operational area.

Enclosure

Significant Contracts Finalised in the Period March 2007 to September 2007

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

524 Wyong Shire Library Statistics

F2004/11651 JM

SUMMARY

Statistical report on the activities of Wyong Shire Library Service.

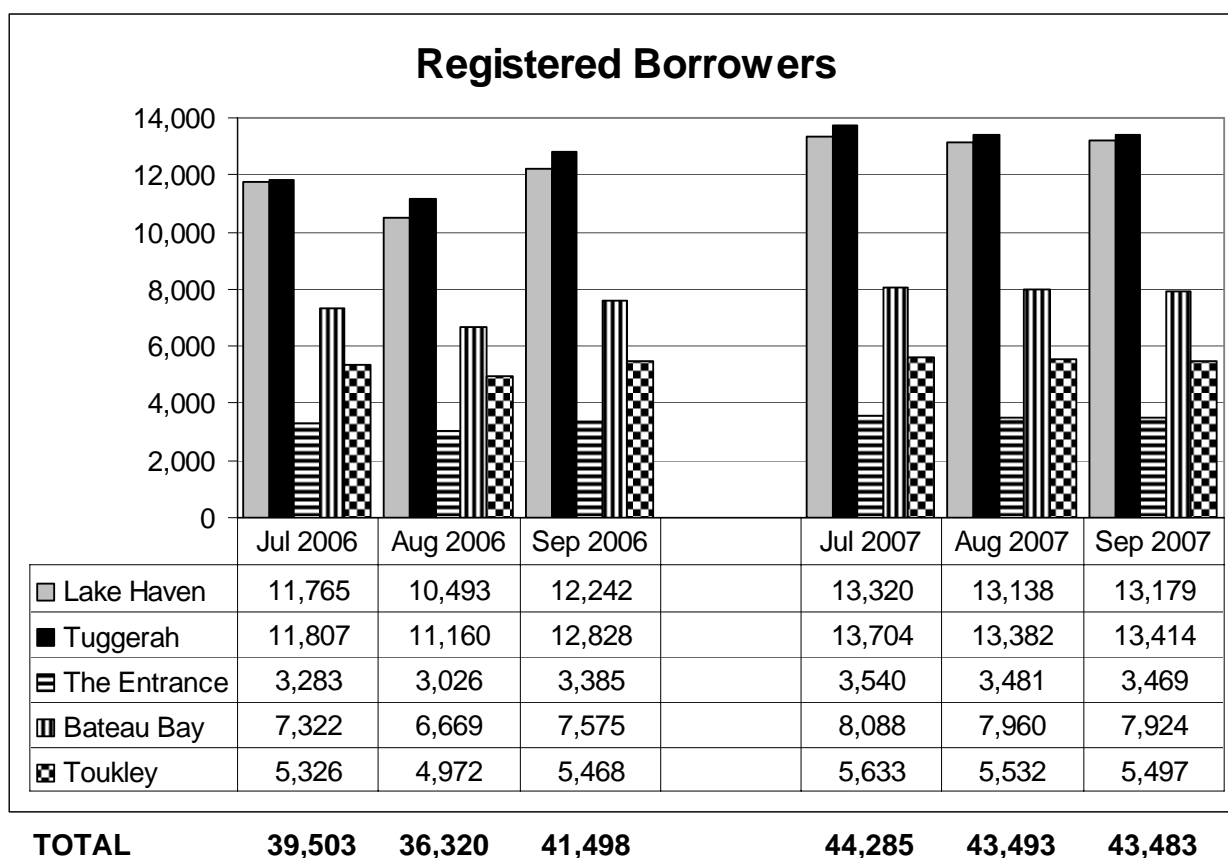
RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

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

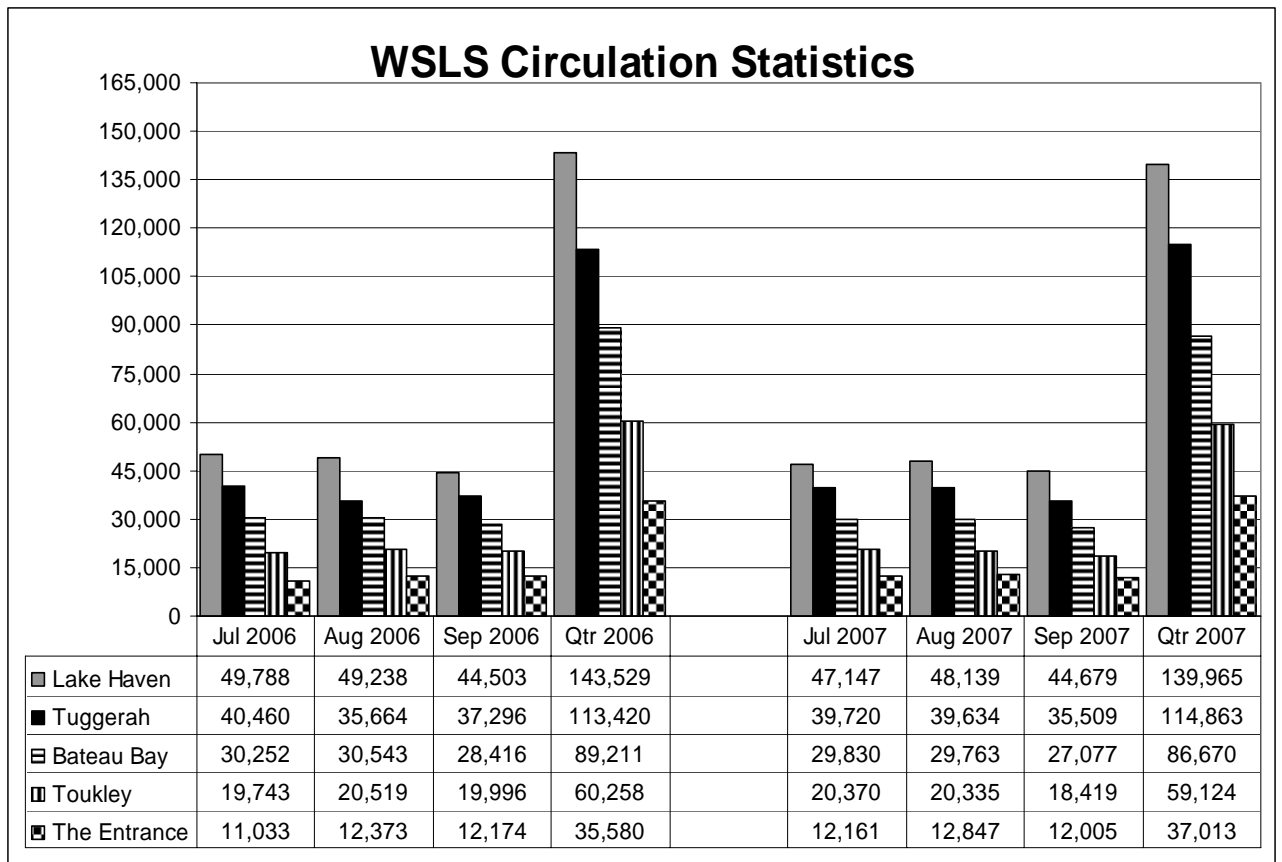
Wyong Shire Library Statistics (contd)



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

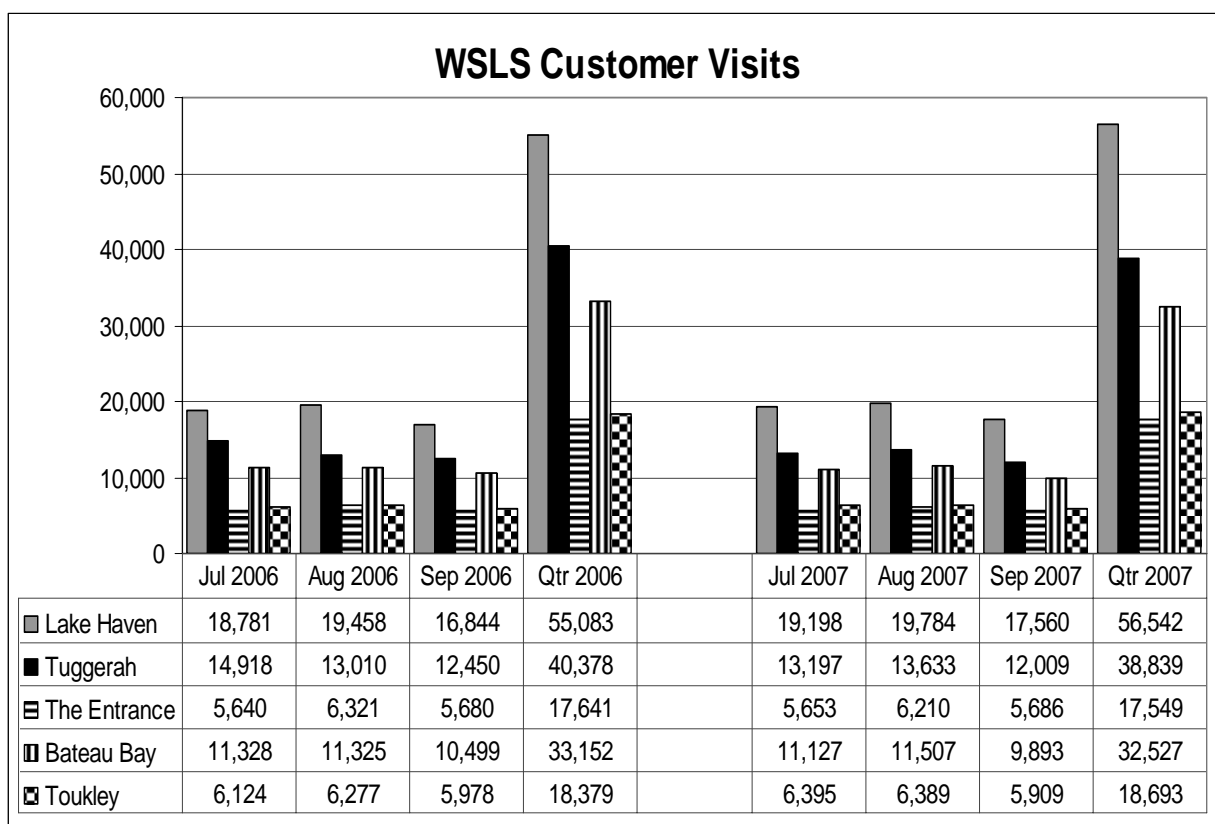
The total number of registered borrowers at September 2007 has increased by approximately 5% compared to 2006.

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

Wyong Shire Library Statistics (contd)

TOTAL	151,276	148,337	142,385		149,228	150,718	137,689	
QTR TOTAL				441,998				437,635

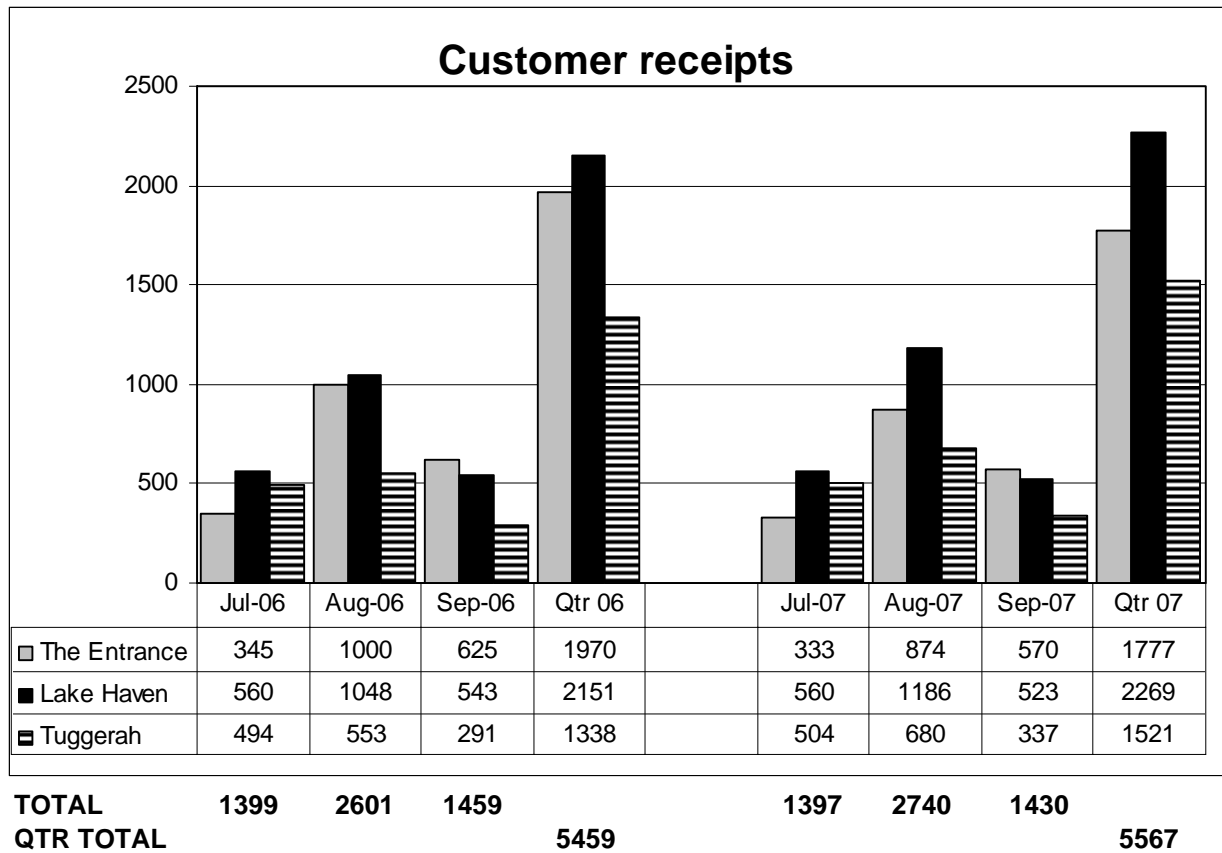
The number of items circulated includes loans and returns and has shown a slight decrease at all libraries at all libraries during the 2007 quarter with the exception of Tuggerah and The Entrance. Overall, there has been a small decrease (0.98%) in the circulation of items in this quarter when compared to the same period last year.

Wyong Shire Library Statistics (contd)

TOTAL	56,791	56,391	51,451		55,570	57,523	51,057	
QTR TOTAL				164,633				164,150

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

Overall, the quarterly figures show a slight decrease compared to the same quarter last year.

Wyong Shire Library Statistics (contd)

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

The total number of receipts issued at the library based Council customer service centres has risen by 1.9% in this period compared to the same period in the previous year.

WYONG SHIRE COUNCIL

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

525 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

SUMMARY

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

RECOMMENDATION

That the report be received and the information noted.

WATER SUPPLY

Work has commenced on the replacement of the 375mm diameter water trunk main along Promenade Avenue at Bateau Bay.

The trunk main is approximately 45 years old and supplies water to the Bateau Bay reservoir. The main is manufactured from cast iron and has been identified as having a high risk of failure due to the now brittle nature of the cast iron. As the risk of failure and subsequent damage to property has increased to an unacceptable level the main was programmed for replacement. The work consists of the replacement of approximately 260 metres of 375mm diameter cast iron water trunk main and 260 metres of other minor reticulation mains. During the work the main will be shut-down with an alternate water supply being supplied to the reservoir from Gosford City Council.

The work, estimated to cost \$150,000, is being carried out by Water and Sewerage day labour staff and is due for completion by mid December 2007 to enable summer transfers to Gosford City Council to progress if required. The work is being funded from the Water and Sewerage Capital Works program.

Water Storage

As at 19 November 2007 the storage in Mangrove Creek Dam was 18.8% while the total system storage was 23.6%. Mardi Dam was at 99.1% and Mooney Dam 99.0%.

Works in Progress Report – Water and Sewerage (contd)

SEWERAGE

Work has commenced on the replacement of a section of sewer pressure main at Sunshine Reserve, Chittaway Bay.

The sewer pressure main is approximately 22 years old and was severely corroded as a result of the aggressive soil conditions in the area. The work consists of the replacement of approximately 18m of 300mm diameter ductile iron sewer rising main with 300mm non metallic pipe and the installation of a 300mm diversion valve. The installation of the diversion valve was required to enable by-pass pumping around the station during the work and will subsequently be used to enhance the operation of the sewerage pumping station should the pump station or pressure main suffer similar failures.

The work, estimated to cost \$50,000, is being carried out by Council's Water and Sewerage day labour staff and is due for completion in November 2007. The work is being funded from the Water and Sewerage Capital Works program.

PROCESS

Water Treatment

All water produced by the Water Treatment Plant, for the period 1 October 2007 to 31 October 2007, has met National Health and Medical Research Council Guidelines.

Sewage Treatment

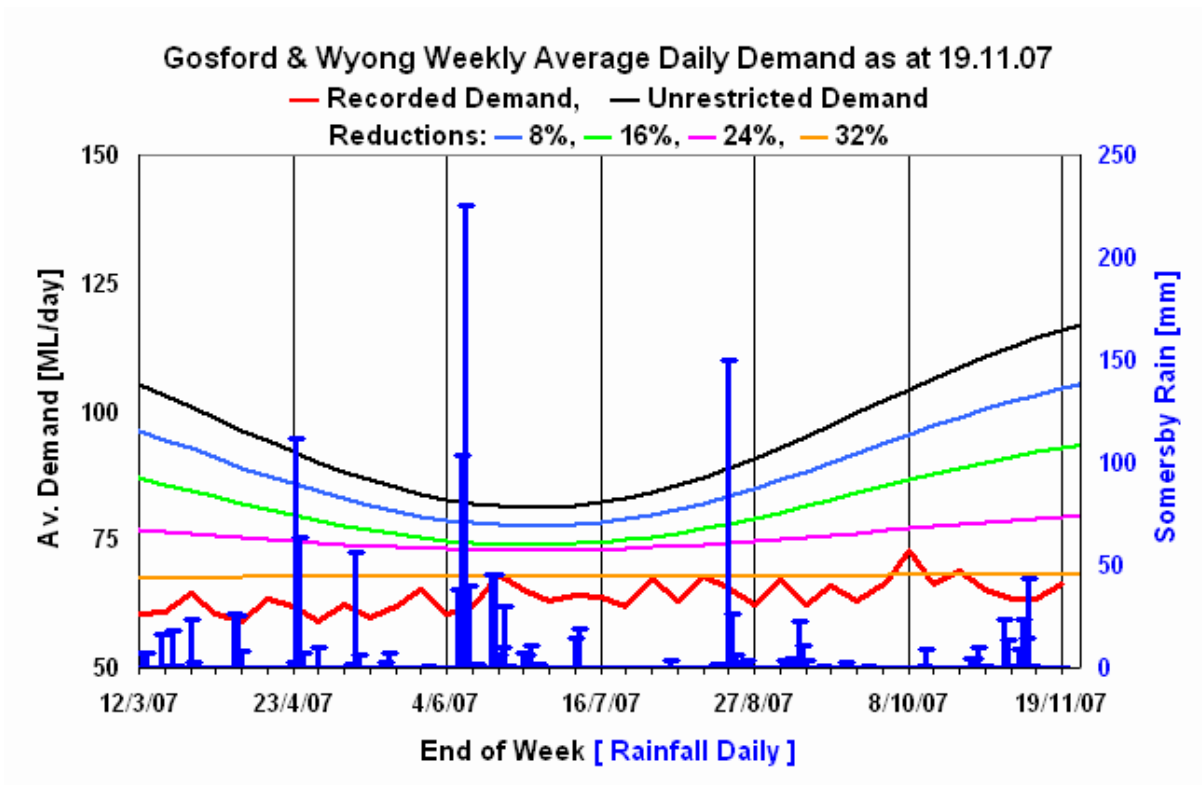
All effluent discharged from the sewage treatment plants, for the period 1 October 2007 to 31 October 2007, has met Environmental Protection Authority Licence requirements.

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, 19 November 2007				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	35,722	18.8	Down 48 ML
Mardi Dam	7400	7,331	99.1	Down 69 ML
Mooney Dam	4600	4,555	99.0	Down 45 ML
Total	202000	47,608	23.6	Down 162 ML
<p>Total stored water volume has increased by 0.2% since last month. This day last year the volume stored as a percentage of total capacity was 8.7% lower. Hunter Water Corporation supplied 0 ML last week increasing this years supply to 2657 ML. Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 288 ML. Groundwater Bores supplied 0 ML last week keeping this years supply at 333 ML.</p>				
WATER USAGE AND RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	466	0	0	0
Previous week	444	94	84	45
Current week last year	462	13	12	4
This year to date	20,847	1,743	1,488	1,194
Same period last year	23,623	890	812	590
<p>Week to date consumption was 466 ML, 0.9% more than the same week last year and 5.0% more than the previous week. Consumption this year to date is 20,847 ML, 11.8% less than the same period last year. Level 4 Water Consumption Target for the week ending Monday, 26 November 2007 is 475 ML</p>				

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

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

526 General Works in Progress Report

F2004/07830 JEM

SUMMARY

General works in progress and completed for the period September 2007 to October 2007.

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
Panorama Avenue – Road and Drainage, Stage 3 Charmhaven (From Jetty Avenue to Wirriga Avenue) CH:480.00 to CH:255.00 (225m Section)	775,000	50	December 2007	Upgrading of existing drainage and pavement; new asphalt seal, new kerb and guttering, mid block traffic calming device and construct footpath west side on Panorama Avenue.
The Entrance Road Footpath/Paving Works (Fairview Ave and The Entrance Road, The Entrance Town Centre)	90,000	100	October 2007	The upgrading of existing footpath on western side of The Entrance Road, for approximately 60m west and 80m south, from the intersection of The Entrance Road and Fairview Road. Paving works involve clay brick paver header courses with plain concrete infill and street tree planting.

General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
The Entrance Road Footpath/Paving Works (Contd)				<p>Staff are liaising with the relevant service instrumentalities for the adjustment of service boxes and lids to bring these to the finished footpath levels. Completion of this work, anticipated by mid November 2007.</p> <p>The clay paver header course along a 80m section presently follows the uneven building frontages. A straight edge will be cut along the affected section of concrete footpath and pavers aligned for improved aesthetics. For completion early November 2007.</p>
Station Road East, Fountaindale	745,000 (including school contribution 214,000)	100	October 2007	Upgrade of existing rural road and drainage to current standards including asphalt, K and G and concrete dish drain, parking, drop and kiss zone for the school and a roundabout at intersection of Station and Catamaran Roads to facilitate truck turning movements in the industrial area.
Louisiana Rd, Kanwal full Road and Drainage Reconstruction Works (between Pacific Highway and Wahroonga Road 340m)	925,000	50	December 2007	<p>Upgrading existing road and drainage. Drainage works include new box culverts and pipes with kerb and gutter. Road widening to 11m with pedestrian refuge and concrete footpaths.</p> <p>Drainage works are complete, except for lintel placement which will be completed once the kerb is poured. Excavation of the existing pavement and batters to the new road width has begun.</p>

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Director's Report
Shire Services Department

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	4	February 2008	Upgrading of the existing gravel road to current standards including sealing upgrade, concrete dish drains and installation of guardrails. Excavation will require significant rock cutting. Further tree removal is required for service pole relocation. The expected completion date end of February 2008.
Brush Ck Road, Cedar Brush Ck. Storm Damage Works	180,000	100	October 2007	Replace failing steel pipe culvert with new concrete box culvert and reconstruct gravel road.
Eloora Road Stage 1b, Long Jetty (Between Pacific Street and Toowoona Bay Road including the closure of Thompson Street at Eloora Road).	560,000	5	December 2007	Upgrading existing road and drainage. Minor drainage works include upgrading the existing road crossing and additional drainage in the nature strip areas in Eloora Road. Road works include upgrading the existing pavement to a 10m wide road with new kerb and gutter with a new roundabout at the intersection of Pacific Street and Eloora Road.
Berkeley Road Stage 1, Berkeley Vale Road and Drainage Reconstruction Works (CH:1000 to CH:1622)	980,000	8	January 2008	Upgrading existing road and drainage. Drainage works include upgrading the existing road crossing with triple 900 RCP and Headwalls. Road works include upgrading the existing pavement to a 11-12m wide road with new asphalt seal, new kerb and gutter and concrete drains.

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 Gwandalan Charmhaven Lake Munmorah	Killarney Vale Glennig Valley Berkeley Vale Ourimbah North Entrance
Replacement of Damaged Foot paving	Budgewoi Toukley Lakehaven Woongarra Charmhaven	Nil
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyangah Tuggerawong Jilliby Yarramalong	Toowoomb Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyangah Mardi Chittaway
Shoulder Restoration	Wadalba San Remo Gwandalan	Bateau Bay Long Jetty Tuggerah
Heavy Patching	Charmhaven Warnervale Chain Valley Bay South Gorokan Yarramalong	Nil
Table Drain Maintenance	Lake Haven Mannering Park Chain Valley Bay San Remo Charmhaven Canton Beach Budgewoi Toukley	Berkeley Vale Long Jetty Bateau Bay Killarney Vale
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale

28 November 2007
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

General Works in Progress Report (contd)

	North	South
Foot paving Construction	Nil	Nil
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	
Fencing	Charmhaven Toukley	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 Wyong The Entrance Killarney Vale

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 94531	Consultancy for investigation and design of Link Road and trunk water main	Tenders for the Link Road and adjacent trunk water main were called on 16 October 2007. Design and tender documentation of trunk water main connection back to Mardi Dam will be completed later to allow construction as a separate contract.	60
Contract CPA 94559	Design and Documentation of Woongarra Sportsfields	Master Plan and DA submission being finalised. Public information meeting held 9 October 2007. DA will be lodged in November 2007. Construction anticipated to start in August 2008 and finish August 2009, with fields open for use in April 2010.	55
Contract CPA 94561	Dredging of Tumbi Creek	Dredging contract due for completion in early December 2007. Approximately 40% of spoil has been transported to Buttonderry Landfill. Completion of remaining dredging and other related project works (approx. 50% of total project) expected to be completed by April/May 2008.	50

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
Contract CPA 97897	Feasibility Study – shared pathway linking The Entrance North and Toukley	Overall preferred route option still under review. Commenced process for surveys and environmental review for obtaining approvals by January 2008 for likely route through Crown land north from Terilbah Place, North Entrance, and also for a route past houses in Terilbah Place.	6
Contract CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Masterplan	This project involves design followed by construction work. Progressing with design documentation for Stages 1 and 2 after incorporating several design changes. Expect to submit the DA by early November 2007. Pre-construction work for Stage 1 is expected to commence early 2008 with completion of Stage 2 possible by December 2008.	15
Contract CPA 98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Pipeline connecting Morisset to Warnervale completed and commissioned on 15 December 2006. Practical Completion of all remaining works now granted.	100
Contract CPA 99940	Construction of Wadalba Sports Facility	Turf cover to playing fields was completed 16 October 2007, with some further sand topdressing over next few months. Other landscaping, building and facility works are almost complete. Anticipate practical completion of works by end November 2007 with use of fields by May 2008.	95
Contract CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2
Contract CPA 110431	Mardi Landfill Remediation – Investigations Only	Stage 2 of the investigation works are progressing on site and are approx. 25% complete. All test bores have been installed and some samples have been taken. Draft report is due before the end of 2007. Remediation works on the site will be a separate future contract based on Stage 2 report.	5

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Director's Report
Shire Services Department

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
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 (Mens' Shed) and Design only for Building AA (Family and Children's Services).	Pre-construction activities are close to completion. DA application has been lodged and draft documents for Construction Certificate and Tender submitted by consultant for WSC review. Site works are programmed to commence in February 2008 for completion in September 2008.	15
Contract CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	The contractor has completed the majority of the bulk earth works on the site and four of the recycled irrigation water tanks. Compaction of the site and the commencement of the synthetic capping are expected to commence by mid November 2007 and be completed by the end of November 2007. Contract completion date is April 2008, with turf fields able to be used by April 2009.	25
Contract CPA 116883	Construction of underground tank for oval irrigation. Kanwal Oval, Kanwal.	Tank construction and associated drainage works have been completed. Installation of tank and connection to irrigation system to be completed by end November 2007.	85
Contract CPA 116947	Construction of underground tank for oval irrigation – Kurraba Oval, Berkeley Vale.	Civil works and pump installation have been completed. Connection to irrigation system and commissioning to be completed by mid November 2007.	95

General Works in Progress Report (contd)

Contract No	Contract Description/Contractor	Contract Status	% Completed
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions include: 1 Tiles for pedestrian ramps have been procured. Anticipate commencement October 2007 with completion being 30 November 2007. 2 Replacement of lights to Fountains: Suitable replacement lights have been sourced. Installation December 2007. 3 Refurbishment of public toilets beside Visitor Information Centre completed. 4 Tile samples for maintenance purposes have been ordered. (There has been a change in manufacturing process.) 5 Quotes have been called for replacement shade structure to Memorial Oval playground destroyed during the June storm.	65
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Agreement that will form the basis of the contract has been the subject of protracted negotiations between Council, Council's legal representatives and the contractor. No site works have commenced or are possible until the Agreement is finalised. It is anticipated that the Agreement will be finalised by the end of November 2007. The Agreement provides for investigation and design of the Gas Extraction System within 3 months, and installation and gas flaring within 12 months of the date of the Agreement.	5

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract CPA 96544	Blue Haven Community Centre.	Contract works in Defects Liability Period until 31 January 2008.	100
Contract CPA 97631	Lake Haven Leisure Centre Upgrade Works.	Contract works in Defects Liability Period until 22 December 2008.	100
Contract CPA 112098	Design and Construction of Berkeley Vale Skate Park.	Contract works in Defects Liability Period until 28 February 2008.	100
Contract CPA 113366	Detail Design and Construction of Central Coast Lifetime Learning Centre (CCLLC) at Palmdale	Contract works in Defects Liability Period until 1 June 2008.	100

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Director's Report
Corporate Services Department

527 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

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
Q074 – Mobile Phone Service on Trains Between Newcastle and Sydney (A response will be reported when reply received from State Rail)	Councillor Eaton	8 August 2007	Corporate Services
Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court (A response will be reported to Council once a breakdown of costs is received from Council's Solicitors)	Councillor Pavier	26 September 2007	Shire Planning
Q106 – Dog Frisbee Club at Watanobbi (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Eaton	31 October 2007	Shire Services
Q107 – Strathavon, Wyong (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Best	31 October 2007	Shire Planning

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q108 – Headland Carpark at Soldiers Beach, Norah Head (A response will be reported to the Ordinary Meeting on 12 December 2007)	Councillor Best	31 October 2007	Shire Services
Q110 – Purchase of a 3D Fly Through Planning System (A response will be reported to the Ordinary Meeting on 23 January 2008)	Councillor Stewart	31 October 2007	Shire Planning

Notice of Motion	Department	Meeting Resolved	Status
314 – Regional Sporting Facilities <i>That staff report on Investigations into the possibility of constructing an integrated regional sporting/educational facility at Warnervale.</i> <i>That staff report on negotiations / opportunity to provide district sporting facility to service the Tuggerah / Mardi area.</i>	Shire Planning	9 August 2006	A report will be submitted to Council's Ordinary Meeting on 12 December 2007.
224 - Energy Efficiency Initiative That councillors be briefed on new and evolving technology to reduce energy consumption.	Shire Planning	13 June 2007	Briefing scheduled for 5 December 2007.
326 - National Natural Disaster Funding Report required on climate change impacts.	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received.

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Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
398 – Resumption (or Buy Out) Policy <i>That staff report with a précis on DCP 77 where applies and the controls that this plan limits with regards to the type of nature and development. Numerous issues relating to Coastline Management Plan and Council's buy out policy.</i>	Shire Planning	26 September 2007	A report will be submitted to Council's first meeting of 2008.

Rescission Motion	Department	Meeting Resolved	Status
401A – Rescission Motion – Vandalism Across our Shire	Shire Services	26 September 2007	A report will be submitted to Council's Ordinary Meeting on 12 December 2007.

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General Manager's Unit

Answers to Questions Without Notice

Q093 – Minutes of Confidential Meeting held on 29 August 2007 between Councillors and the General Manager

Asked by Councillor Eaton at the Ordinary Meeting held on 26 September 2007
F2007/00044

“Given that it is now four weeks since the Confidential meeting of Councillors and the General Manager, could the minutes be distributed as a matter of urgency?”

The minutes have now been distributed.

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General Manager's Unit

Answers to Questions Without Notice (contd)

Q095 – Staffing Levels at Wyong Council

Asked by Councillor Graham at the Ordinary Meeting held on 26 September 2007
F2007/00109

“I am reliably informed that a number of our senior staff are actively seeking alternate employment, how does the General Manager intend to deal with this potentially catastrophic situation?”

The Director of Corporate Services has indicated that he will not be seeking an extension of his current contract that ends in June 2008 and recruitment of a replacement will commence shortly.

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General Manager's Unit

Answers to Questions Without Notice (contd)

Q105 - Possible Conflict of Interest for Mayor as a State Government Employee

Asked by Councillor Eaton at the Ordinary Meeting held on 10 October 2007
F2004/06509

“Could the Mayor advise how he intends to deal with the embedded and inherent conflict of interest between being a State Government employee and representing often adverse community interests as Mayor?”

I thank Councillor Eaton for his question and advise that I deal with all Council matters according to Council's adopted “Code of Conduct” and the principle outlined by State agencies that underpin this:

“That public officials should perform their official functions and duties and exercise any discretionary powers, in ways that promote or preserve the public interest, i.e., for the common good.”

I advise that I have been fully trained in how to deal with conflicts by participating in sessions conducted for Councillors by ICAC officers and materials provided by the New South Wales Ombudsman's office.

Given the inherent lack of understanding of these that Councillor Eaton's question raises and given his substantial property and business interests in the Shire I recommend he request the General Manager to organise some training for himself to understand how to deal with these matters.