



The recent Paws & Claws for a Cause dog walk raised \$5000 for Council's Animal Care Facility and the RSPCA Central Coast. The money will help re-home abandoned pets and fund education programs on responsible pet ownership. More than 700 people and 345 dogs enjoyed a walk along The Entrance foreshore.

Business Paper

ORDINARY MEETING

08 September 2010



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MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber**,
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 8 SEPTEMBER 2010 at 5.00 pm,
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2010/00009 - D02333356

AUTHOR: Jacquie Elvidge, Administration Assistant

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

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

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

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

RECOMMENDATION

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

1.2 Address by Invited Speakers

TRIM REFERENCE: F2010/00009 - D02333390

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

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

RECOMMENDATION

- 1** *That Council receive the report on Invited Speakers.*
- 2** *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.*

1.3 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02338290

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 25 August 2010.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 August 2010.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting - 25 August 2010 | D02335292 |
| 2 | Confidential Minutes - Ordinary Meeting - 25 August 2010 (distributed under separate cover) | |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 25 August 2010
COMMENCING AT 5:00:00 PM**

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride (arrived at 6.00 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Acting Manager Future Planning, Acting Manager Development Assessment and Project Director Mardi to Mangrove Project.

Manager Contracts and Special Projects, Manager Governance and Administration, Strategic Planner – Land Use Planning and three administration staff.

The Mayor announced that Council's Concierge, John Hardwick, will be on leave for at least two months due to his wife Joy being ill.

The Mayor advised that he and the General Manager met with Shadow Cabinet yesterday and made a presentation regarding the needs of Wyong Shire. He will meet with the NSW State Premier, Kristina Keneally, next Monday and will again put Wyong Shire's position forward.

The Mayor referred to the recent Federal Elections noted that Jill Hall and Craig Thompson had been re-elected and acknowledged Councillor John McNamara's participation.

Councillor Wynn reported on the Inaugural Art Show at Mannering Park which she attended on behalf of Council on Friday night.

The Mayor, Councillor Graham, declared the meeting open at 5.06 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies however the Mayor advised that Councillor McBride has informed him that she would be late and will arrive at 6.00pm.

1.1 Disclosure of Interest

6.1 Central Coast Mariners Funding Agreement

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors, left the chamber at 5.41 pm, took no part in discussion, did not vote and returned to the chamber at 5.45 pm.

10.2 Notice of Motion - San Remo Disability Friendly Xtreme Sports Park

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, who own the Xtreme Sports Park Land, and Council leases the land from Delta, left the chamber at 7.34 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm
Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting to ensure that there are no mis-perceptions."

11.1 – Draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the report refers to a potential site for a business incubator that is a joint venture between Council and Central Coast Group Training as he is the Chair Of Central Coast Group Training 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 site is owned by Council but I may subsequently choose to leave the Chamber if discussions relate significantly to the incubator proposal."

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the subject re-zoning encompasses land associated with the organisation that he is employed by 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 it is, in my view, minimal."

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

That Council receive the report on Disclosure of Interest and note advice of disclosures.

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

AGAINST: NIL

1.2 Address By Invited Speaker

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

That Council receive the amended report on Invited Speakers.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 August 2010.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

11.1 – Draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre

11.2 – Proposed Acquisition – Property Acquisition at Wyong

2 That Council note its reason for considering Report Nos 11.1 and 11.2 in confidential sessions is that it may confer a commercial advantage should the discussions be held in a non-confidential environment.

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

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

AGAINST: NIL

3.1 Draft LEP (Amendment No. 172) Lots 51- 52 DP 1154778 Bateau Bay and Draft DCP 2005: Chapter 110 - Centre Support Development

Councillor Vincent left the chamber at 5.16 pm and returned to the chamber at 5.18 pm during consideration of this item.

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

- 1 That Council request the Director General of the Department of Planning to draft the Local Environmental Plan for Amendment No. 172 in consultation with Council staff.**
- 2 That Council request the Minister for Planning to create the plan following the drafting of the Local Environmental Plan instrument for Amendment No. 172.**
- 3 That Council adopt draft Development Control Plan 2005: Chapter 110 - Centre Support Development, Bateau Bay and provide appropriate public notice within 28 days of this resolution, and that it becomes effective upon the gazettal of Local Environmental Plan Amendment No. 172.**

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

AGAINST: NIL

4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months

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

- 1 That Council exercise its option to extend Contract CPA 147662 - Asphaltic Concrete Works for the period 1 November 2010 to 30 October 2011 to the value of \$5,255,213.00.**
- 2 That Council exercise its option to extend Contract CPA 147664 - Sprayed Bituminous Surfacing Works for the period 1 November 2010 to 30 October 2011 to the value of \$2,995,272.00.**
- 3 That Council exercise its option to extend Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works for the period 1 November 2010 to 30 October 2011.**
- 4 That Council endorse an increase in value of Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works from \$1,676,154.00 to \$2,276,154.00.**

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

AGAINST: NIL

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire

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

- 1 That Council accept the tender from Interflow Pty Limited in the estimated total amount of \$835,769.29 (excl GST) for Contract CPA/173205 – Sewer Main Rehabilitation -Various Locations in Wyong Shire.**
- 2 That for Contract CPA/173205, Council approve a contract budget of \$920,000.00 (excl GST) that provides for a contingency amount of \$84,230.71 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

5.1 Policy on Community Infrastructure Asset Management

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

That Council adopt the Community Infrastructure Asset Management Policy presented in this report.

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

AGAINST: NIL

5.2 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$4,950.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the amended report.

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

AGAINST: NIL

6.1 Central Coast Mariners Funding Agreement

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors, left the chamber at 5.41 pm, took no part in discussion, did not vote and returned to the chamber at 5.45 pm.

Councillor Graham vacated the chair and Councillor Matthews assumed the chair.

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

- 1 ***That Council defer endorsement of the proposed Sponsorship Agreement between the Wyong Shire Council (WSC) and the Central Coast Mariners FC Pty Ltd (the Mariners).***
- 2 ***That Council consider at a future date, a revised sponsorship agreement that addresses:-***
 - a ***Detailed and continued support by the Mariners for the Women's League.***
 - b ***The terms under which any sponsorship partners will continue their sponsorship and any terms of exit by any partner including their obligations to other sponsors.***
 - c ***Detail of the deliverable benefits to the people of Wyong Shire.***
 - d ***Detail of Junior Football support and engagement by the Mariners.***
 - e ***School Development programmes.***
 - f ***Declaration of the Mariner's financial and business planning, business status & performance, and performance measurement criteria for the purposes of the sponsorship.***
 - g ***Standard conditions such as breach, default, exit, termination, penalties, obligations of the parties and other sponsors,***
 - h ***Progress payments by sponsors (i.e. WSC)***
 - i ***What will the money will be spent on - + protections for WSC.***
 - j ***deliverable specification defining the exact nature of the Mariners obligations to WSC.***
- 3 ***That Council request the General Manager ensure negotiations are completed urgently but that any agreement is subject to Council's formal approval by resolution.***

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

AGAINST: NIL

Councillor Graham resumed the chair at 5.45pm

6.2 2009-10 Management Plan - June Quarter Review

Councillor McBride entered the meeting at 06:02 pm during consideration of this item.

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

- 1 ***That Council receive and endorse the report 2009-10 Management Plan – June 2010 Quarter Review.***
- 2 ***That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.***

(NB This declaration is a statutory requirement made in accordance with the Local Government (General) Regulation 2005 s.203).

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

AGAINST: NIL

6.3 The Wyong Service Review Report

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

- 1 ***That Council approve the attached Wyong Council Service Delivery Review Report for implementation.***
- 2 ***That Council note that the Organisational Structure has been amended in accordance with the Local Government Act 1993.***
- 3 ***That Council adopt an implementation budget of \$800,000 for the 2010/11 Service Delivery Program with a corresponding reduction in 2010/11 budgets based on gains or savings arising.***
- 4 ***That Council applauds the significant efforts of the many staff who contributed to the Service Delivery Review and;***
- 5 ***That Council is committed to ensuring that Wyong Shire Council is known as an "Employer of Choice" for individuals.***
- 6 ***That Councillor consultations on pages 56 – 61 of the Enclosure, and any other reference to them be removed from the Service Review Report and instead include them into the annual planning process.***
- 7 ***That, due to their critical importance, Council consider regular reports on the development of Floodplain Risk Management Plans as part of the Annual Plan Quarterly Reporting.***
- 8 ***That Council note security of staff employment will be unaffected by this Service Review.***

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

AGAINST: NIL

7.1 Minutes of the Wyong Shire Governance Committee - 11 August 2010

Councillor Wynn left the chamber at 6.40 pm and returned to the chamber at 6.42 pm and as a result took no part in voting.

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

That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 11 August 2010 and adopt the recommendations contained therein. With an amendment to note Cr Vincent's nonattendance.

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

AGAINST: NIL

7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 18 August 2010

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

That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on the 18 August 2010 and adopt the recommendations contained therein with the exception of item 2.1 Toukley Desalination Plant, noting that this item is to be deferred until such time as the Council has been fully briefed.

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

AGAINST: NIL

8.1 Information Reports

Councillor Wynn returned to the chamber at 6.42 pm during consideration of this item.

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

That with the exception of report numbers 8.2, 8.3, 8.6, 8.8 and 8.11 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

8.2 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

8.3 Traffic Congestion Priority List

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

- 1 *That Council receive the report on Traffic Congestion Priority List.***
- 2 *That Council publicise this report through Council's regular media unit and via its website.***
- 3 *That Council forward this report to all local State Members, The Minister for Roads, The Minister for the Central Coast, Shadow Minister for Roads and Shadow Minister for the Central Coast.***

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

AGAINST: NIL

8.4 Works in Progress - Water Supply and Sewerage

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

That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

AGAINST: NIL

8.5 Activities of the Development Assessment Unit

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

That Council receive the report on Activities of the Development Assessment Unit.

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

AGAINST: NIL

8.6 Mardi to Mangrove Link Project Status

Councillor Matthews left the chamber at 7.13 pm and returned to the chamber at 7.14 pm during consideration of this item.

Councillor Vincent left the chamber at 7.13pm and returned to the chamber at 7.16 pm and as a result took no part in voting.

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

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

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

AGAINST: NIL

8.7 Results of Water Quality Testing for Beaches and Lake Swimming Locations

Councillor Vincent left the chamber at 7.13pm and returned to the chamber at 7.16 pm during consideration of this item.

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

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

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

AGAINST: NIL

8.8 Investments for July 2010

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

That Council receive the report on Investments for July 2010.

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

AGAINST: NIL

8.9 Contract Variations and Finalisation - July 2010

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

1 That Council note the Contract Variations and Finalisation July 2010 report (Attachment 1).

3 That Council note the additional expenditures requested are within approved program budgets.

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

AGAINST: NIL

8.10 Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council

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

1 That Council receive the report on Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council.

2 That Council endorse the process to phase out the use of General "Body Hire" contractors by 31 October 2010 and Mardi to Mangrove Link contractors by 30 November 2010.

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

AGAINST: NIL

8.11 Outstanding Questions Without Notice and Notices of Motion

Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm and as a result took no part in voting.

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

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

AGAINST: NIL

10.1 Notice of Motion - University Parking solutions

Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm and as a result took no part in voting.

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

That Council staff in conjunction with Ourimbah University report on the current parking situation at the University and solutions to ensure adequate parking now and in the future to cope with student and staff growth.

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

AGAINST: NIL

10.2 Notice of Motion - San Remo Disability Friendly Xtreme Sports Park

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, who own the Xtreme Sports Park Land, and Council leases the land from Delta, left the chamber at 7.34 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm.

Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting to ensure that there are no mis-perceptions."

Mr Scott Greentree, resident, representing the BMX Bicycle Association, addressed the meeting at 7.35pm, answered questions and retired at 7.39 pm.

Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm during consideration of this item.

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

- 1 That Council consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport Park to determine the model for ongoing activation of this valuable community asset.**

- 2 ***That Council, following initial community consultation, conduct an on-site meeting to understand the potential for the site.***
- 3 ***That Council consider a report on the outcome of the above, including the financial and recourse implications to Council.***

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

AGAINST: NIL

10.3 Notice of Motion - Coastwide Coal Poll on Longwall Coal Mine by Kores

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

- 1 ***That Council recognise the strong support of both our State and Federal Local Representatives in opposing this Nation's largest Longwall Coal Mine now proposed by the Korean Coal Company Kores.***
- 2 ***That Council, due to the profound impacts this mine represents intergenerationally and on every level, from health to the environment, respectfully call upon the State Government not to approve such a significant project in their final six months in office.***
- 3 ***That Council, due to the significance of this issue and that both State and Federal Government pride themselves on the value of genuine community consultation, request a coast-wide poll be conducted in conjunction with the upcoming March State Elections thereby providing a definitive voice on this critical issue.***

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

AGAINST: NIL

MOTION ARISING

Item 10.3 Notice of Motion - Coastwide Coal Poll on Longwall Coal Mine By Kores.

Councillor Best tabled correspondence he received from a member of the community in relation to this item which suggested that Council seek legal advice on various matters which include non compliance with the Environment Assessment by the applicant and an alleged conflict of interest.

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

- 1 ***That Council direct the General Manager urgently write to the Minister for Planning, and the Director General of Planning, expressing the community's concerns with the process to date in assessing the Wallarah 2 Coal Mine.***

2 That Council recommend to the Australian Coal Alliance that it seek advice from the Environmental Defenders Office.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

**Q97/10 Voluntary Planning Agreement with Woolworths, Lake Munmorah
Councillor Sue Wynn**

RZ/7/2004

“Could the Manager Future Planning, provide a Councillor update on the progress of the Voluntary Planning Agreement (VPA) with Woolworths, Lake Munmorah and general progress of the development?”

**Q98/10 Deer population at Buttonderry Tip
Councillor Sue Wynn**

F2004/06909

“Could the Manager Shire Planning, provide a Councillor Update on the status of the deer population reportedly living in the Buttonderry Tip Site and environs and the management to reduce their numbers and hence their environmental impact?”

**Q99/10 Planning Powers
Councillor Greg Best**

F2004/06999

“Mr General Manager, reported overnight is that Cessnock City Council has had its planning powers withdrawn for the next 5 years by State Planning Minister Kelly. I understand that Maitland has been dealt with similarly and these actions have been as a result of unacceptable DA processing times and the general frustration of the planning process. Could you please report through a comparative analysis as to Wyong’s performance over the above mentioned Councils, seeking to identify any risks to this Council’s planning powers?”

**Q100/10 Toukley Drug and Alcohol Clinic
Councillor Greg Best**

F2010/00915

“Mr General Manager, I’d like to take this opportunity to thank your compliance staff for their continued and professional assistance with regard to the Toukley drug and alcohol issue. It has become abundantly clear that the applicant has occupied the premises, resulting in many local residents dismay. Could you please, as a matter of urgency, update the chamber and indeed the community, as to the staff progress arising from our formal resolution on this matter?”

CONFIDENTIAL SESSION

At this stage of the meeting being 8.24 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

“2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business”

OPEN SESSION

Council resumed in open session at 8.32 pm and the General Manager reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

11.1 Draft Local Environmental Plan Amendment (No 178) - Wyong Town Centre

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the report refers to a potential site for a business incubator that is a joint venture between Council and Central Coast Group Training as he is the Chair Of Central Coast Group Training 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 site is owned by Council but I may subsequently choose to leave the Chamber if discussions relate significantly to the incubator proposal.”

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the subject re-zoning encompasses land associated with the organisation that he is employed by 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 it is, in my view, minimal.”

- 1 That Council note that draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre will now proceed as a planning proposal under the Gateway process.**
- 2 That Council reiterate to the Department of Planning the critical importance of the Wyong Town Centre Planning Proposal progressing independently of the Comprehensive LEP.**
- 3 That Council incorporate the rezoning of Lots 2, 3 and 4 in DP 11131 within the Wyong Town Centre Planning Proposal.**
- 4 That Council initiate master planning for the Wyong Civic and Cultural Precinct.**

- 5 That Council commence the process to reclassify Lot 2 of DP 1108419 from community to operational land in accordance with the Local Government Act.
- 6 That Council amend the contributions plan for the Wyong Social Planning District to enable the acquisition of land for future carparking and open space.

11.2 Proposed Acquisition - Property at Wyong

- 1 That Council authorise the purchase of Lot 15 DP 656584, 17 Rankens Court, Wyong for a purchase price of \$350,000.
- 2 That Council authorise the affixing of the Common Seal of Wyong Shire Council to all documents relating to the acquisition of the land by Council.
- 3 That Council authorise the Mayor and General Manager to execute all documents relating to the acquisition of the land by Council.
- 4 That Council classify Lot 15 DP 656584 as Operational Land.

THE MEETING closed at 8.35 pm.

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley

TRIM REFERENCE: DA/1505/2009 - D02297301

AUTHOR: Adam Dean, Development Planner

SUMMARY

An application has been received for fitout and occupation of an existing premises at Numbers 17 – 21 Ray Street, Toukley for the purpose of a liquor store. The application has been assessed having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act. The application is recommended for approval.

Applicant	Paul Levenspiel
Owner	Southlake Motors Pty Ltd
Application No	DA/1505/2009
Description of Land	Lots 1, 2 & 3 DP 239850, Numbers 17 – 21 Ray Street, TOUKLEY
Proposed Development	Fitout and occupation of an existing premises as a liquor store
Site Area	448m ²
Zoning	3 (a) Business Centre Zone
Existing Use	Vehicle Repair Station
Employment Generation	2 staff
Estimated Value	\$50,000

RECOMMENDATION

- 1 ***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***
- 2 ***That Council advise those who made written submissions of its decision.***

PRECIS

- The application seeks consent to fitout and occupy an existing building for the purpose of a liquor store.
- The application is reported to Council as requested by Councillors.
- Six (6) submissions have been received raising concerns relating to matters including social impacts, noise, traffic and security.
- All concerns raised by persons who made a submission have been considered and are discussed in the report.
- The application is accompanied by a detailed social impact statement.
- The application is recommended for approval.

INTRODUCTION

The Site

The site is located on the south eastern corner of the intersection of Ray Street and Choy's Lane in Toukley and is currently occupied by a single storey concrete block building used as a vehicle repair station. To the south is low density residential development and to the north are shop top housing and commercial premises fronting Main Road. To the west and south west is the Toukley Lions Centre, a Council park and an indoor swimming pool.

Aerial View of Site



Fig 1: No. 17 – 21 Ray Street, Toukley

The Proposed Development

The proposal seeks consent for:-

- An internal fitout of the existing building including shelving, counter area, coolroom, storeroom, lunchroom and internal compressor room.
- A new hardstand car parking area on the northern side of the building including the provision of eight on site carparking spaces.
- Removal of the front roller door and glass sliding door and replacement with a double entry door.
- Native landscaping forward of the building.

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley (contd)

- Repainting of the building in “wine brown” and “Russian toffee”.
- Two flush wall signs, one fronting Ray Street and one fronting Choys Lane; and
- 4 – 5 deliveries each week between 9am – 2:30pm.

The liquor store proposes the following operating times:

Monday to Saturday	9am to 8pm
Sunday and Public Holidays	10am to 6pm

VARIATIONS TO POLICIES

Nil.

HISTORY

No issues to report.

PERMISSIBILITY

Wyong Local Environmental Plan (WLEP) 1991

The proposed use of the site is defined under the WLEP 1991 as “a shop”. The definition of a shop is contained in clause 7 as follows:

“Shop means a building or place used for the purpose of the selling (whether by retail or auction), hiring or displaying for the purpose of selling or hiring of items (whether goods or materials), but does not include a building or place elsewhere specifically defined in this clause, or a building or place used for a purpose elsewhere specifically defined in this clause.”

The subject site is zoned 3 (a) (Business Centre Zone) pursuant to clause 10 of the WLEP 1991. The table to clause 10 provides that within the 3 (a) (Business Centre Zone) a shop is permissible with consent.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 64 – Advertising and Signage
- State Environmental Planning Policy 71 – Coastal Protection
- Development Control Plan 2005 Chapter 50 (Advertising Signs)
- Development Control Plan 2005 Chapter 61 (Carparking)
- Development Control Plan 2005 Chapter 69 (Waste Management)
- Development Control Plan 2005 Chapter 81 (Retail Centres)
- Council’s Retail Strategy
- Draft Toukley Planning Strategy 2010
- Council’s Potentially Contaminated Land Policy (P1)

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

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

State Environmental Planning Policy 55 – Remediation of Land

Clause 7 – Contamination and remediation to be considered in determining a development application provides:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

Evidence exists to suggest that the vehicle repair station business occupying the site has undertaken motor vehicle servicing on the grassed/ dirt car parking area on the northern side of the building. This activity may have given rise to soil contamination. The site has been inspected by Staff who did not identify any significant environmental concern, however, any soil excavated during the construction of the new car parking area must be tested and disposed of appropriately. The grassed/ dirt area is not required to be remediated given that it is proposed to be concreted and used as a carpark.

A condition is recommended requiring that any soil which is to be removed from the site shall be first analysed and classified by a NATA accredited laboratory and then disposed of at an appropriately licensed landfill.

State Environmental Planning Policy 64 – Advertising and Signage

The building identification signage proposed is consistent with the objectives of the Policy as set out in Clause 3(1)(a) and satisfies the assessment criteria specified in Schedule 1.

State Environmental Planning Policy 71 – Coastal Protection

The proposal is consistent with this Policy, as demonstrated in the assessment summary table attached to the report.

DCP 2005 Chapter 50 – Advertising Signage

The flush wall signage proposed complies with the relevant requirements of the DCP including the maximum 25% wall area requirement.

Under the provisions of this plan, the following sign types are permitted in commercial zones, without the need for development consent.

- Flush wall / hamper signs (maximum 25% of the wall space of the frontage)
- Under-awning signs
- Identification signs

The flush wall signage proposed complies with the maximum 25% prescribed.

DCP Chapter 61 – Carparking

Section 3 – of the DCP provides that car parking be provided for commercial premises at the rate of 1 space per 30m² of gross floor area. The gross floor area is 235m² and as such eight on-site car spaces are required.

The application provides for eight spaces including a disabled car space adjacent to the front entry.

Section 8 – *Manoeuvring* provides:-

“Except in instances where the subject road caters for low residential traffic volumes and the impact upon traffic movement is negligible, all development other than single dwelling houses shall be designed to permit entry and exit from the parking area to a public road in a forward direction.”

The car parking area has been designed such that six of the carparking spaces are accessed from Choys Lane and two from Ray Street. Vehicles will exit from the parking spaces by reversing onto the adjacent street. This arrangement replicates exactly the current parking arrangement. Given that both Choys Lane and Ray Street are category C *low residential traffic* roads, the proposed manoeuvring is considered to comply with the above requirement.

Wyong Shire Retail Strategy & DCP 2005 Chapter 81 – Retail Centres

The subject site is located within the Toukley District Town Centre. The relevant objectives for the centre are as follows:

- *“The Toukley District Town Centre should be maintained as a primary focus for retailing facilities which provide a comprehensive range of convenience goods and a limited range of comparison goods to support the needs of the surrounding residential and tourist population.*
- *Retailing activity shall be contained within the existing retail area and shall develop in a form which contributes to an overall consolidation of the physical and functional role of the Centre.*

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley (contd)

- *All development within the Toukley District Town Centre shall integrate with the landscape and streetscape improvement program.”*

The majority of controls within the plan relate to new development and redevelopment that involves expansion of the retail floor space. However, of those controls applicable to the current application, the proposal is compliant. An assessment summary is attached to the report.

Draft Toukley Planning Strategy 2010

The Strategy sets the planning direction of the Toukley Peninsula for the next 20 years. The Strategy establishes long term planning principles and objectives with the aim of achieving “a long term direction to accommodate growth whilst protecting the unique sensitive environmental setting”.

The proposed development is located within “Precinct 8 – East Toukley”. The Strategy aims to achieve a “vibrancy and village character whilst allowing shop top housing”. It is envisaged that Precinct 8 will “continue as a local shopping area with a vibrant feel. The centre’s range of shops and services will be supported by controls that require active commercial and retail uses at ground level”.

The proposed shop will support this vision by replacing a vehicle repair station with an active ground level commercial use. The proposed development will further enhance the vibrancy of the precinct by refurbishing, painting and updating the current building.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The site is located within the Toukley District Town Centre, which serves the needs of local residents and visitors to Toukley. The external alterations proposed will improve the presentation of the existing building in the streetscape.

The context and setting of the site, being within a district town centre, is appropriate for the proposed shop. The shop will be immediately surrounded by other shops, consistent with the 3(a) Business Zoning.

The proposed liquor shop operating hours are considered appropriate given its proximity to residential premises.

The access, transport and traffic management measures

The on-site carparking area has been designed to provide adequate safe off-street parking for staff and customers. The loading and unloading of goods is restricted outside peak periods and will be undertaken in Choys Lane where traffic volumes are negligible.

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

As discussed earlier in the report, the external changes to the building including new landscaping will improve the presentation of the building in the streetscape.

For the reasons detailed later in this report, it is considered that the proposed use if conducted in accordance with the recommended conditions of consent and any licensing conditions is unlikely to adversely impact upon the operating of the existing reserve (public open space) opposite.

The impact on utilities supply.

No issues to report.

The effect on heritage significance.

No issues to report.

Any effect on other land resources.

No issues to report.

Any impact on the conservation of water

No issues to report.

Any effect on the conservation of soils or acid sulphate soils.

No issues to report.

Any effect on quality of air and microclimate conditions.

No issues to report.

Any effect on flora and fauna.

No issues to report.

The provision of waste facilities

Waste generated by the proposed liquor shop is likely to be minimal. Details submitted with the application indicate waste is likely to comprise cardboard predominantly, which will be recycled. Some glass bottles and cans maybe included in the waste, which will be disposed of via the fortnightly waste service for the site. All waste will be stored within the premises.

Whether the development will be energy efficient.

No issues to report.

Whether the development will cause noise and vibration

The proposed hours of operation of the business are 9am – 8pm Monday to Saturday and 10am to 6pm Sunday and Public Holidays with deliveries being between 9am – 2:30pm.

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley (contd)

The pedestrian entry to the liquor store and car parking area are located on the western and northern sides of the building away from the dwelling to the south and the new compressor is proposed to be placed inside the building.

Accordingly the development is unlikely to cause any significant noise or vibration impacts on the amenity of the surrounding neighbourhood.

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

No issues to report.

Any risks from technological hazards.

No issues to report.

Whether the development provides safety, security and crime prevention.

In 2001, Crime Prevention Guidelines were introduced to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community.

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

The following CPTED measures form part of the application:

- Install CCTV surveillance at entry/ exit, point of sale, higher value areas of display, cool room and car park areas.
- Install security lighting around the perimeter of the business, particularly over entry/ exit points and car park areas.
- Erect signs around the business advising customers and intruders about the security features including CCTV surveillance.
- The doors, floors, walls and ceilings of the store will be of solid construction to restrict unauthorised access. Unnecessary entry/ exit points and windows have been removed.
- Doors to be fitted with single cylinder dead lock sets complying with the BCA and fire regulations.
- A record of the description, model number and serial number of all property owned by the business will be kept in a secure place.
- A safe will be installed in the premises for money. The safe will be anchored to restrict removal.
- The amount of money held in cash drawers will be limited.
- Money will not be counted in view of the public.
- Roll down shutters will be provided to the shop entry.
- The shop number and business name will be displayed clearly on the shop front to assist emergency services locating the property.

Particular emphasis has also been placed on store layout and design to minimise shoplifting:

- Higher value items such as spirits will be displayed behind the point of sale requiring assistance from staff.
- The internal layout is open plan with good visibility from the point of sale.
- Fixtures will be kept low and displays neatly stacked.
- CCTV monitors will be visible to customers.

The completed development will provide adequate safety, security and crime prevention measures.

Council's DCP 2005 Chapter 81 Retail Centres discourages the installation of roller shutters on the front of buildings. For this reason the proposed roller shutters are not supported and a condition of consent is imposed to this effect. It is considered that other suitable crime prevention measures are available in lieu of roller shutters such as bollards and laminated glazing.

Any social impact in the locality.

A number of nearby residents have raised concern that people consume alcohol and then participate in antisocial behaviour within the reserve opposite. The residents are concerned that the introduction of a liquor store may exacerbate this problem.

This concern has been discussed with the NSW Police Force and various staff within Council's Open Space and Recreation Unit, Parks and Reserves Unit and Council's Rangers who are responsible for the maintenance and policing of Council's reserves.

Discussions have been held with the Licensing Officer for the Tuggerah Lakes Local Area Command who advised generally as follows:

- *The Ray Street reserve is not specifically targeted by Police as there are few problems in existence*
- *Nothing of any significance has occurred in the Ray Street reserve which has drawn the attention of Police.*
- *Between 1/8/2009 to 31/7/2010 there were a number of malicious damage incidents in the whole of the Tuggerah Lakes Local Area Command, i.e. Toukley, Canton Beach, Noraville and Norah Head. Most of the offences were committed by intoxicated juveniles. The majority of the offences occurred on beaches and in beachside reserves.*

The staff confirmed that:

- There is an ongoing problem with petty vandalism occurring in the reserve.
- Wherever there is a skateboarding facility in a reserve there is often a graffiti problem. This particular reserve is no different to any other with a skateboarding facility in the local government area.
- The majority of vandals are between 10 and 16 years old.
- Vandalism includes damage to fencing and play equipment, breaking branches from trees and graffiti on the Toukley swimming pool building.
- Council staff clean up graffiti once a fortnight and regularly clean up litter.

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley (contd)

- In terms of antisocial behaviour, the reserve is at the low end of the scale when compared to others within the local government area.
- Children observed vandalising council property in the reserve are generally not in the possession of alcohol and there is only limited evidence of alcohol consumption (discarded beer bottles) in the reserve.

Based on the above it is clear that there is a problem with antisocial behaviour in the reserve however, there does not appear to be a nexus between the vandalism carried out by children and the consumption of alcohol i.e. there is no strong evidence to suggest that the reserve is suffering from any significant level of underage alcohol fuelled antisocial behaviour.

A detailed social impact report prepared by the applicant's consultant which accompanied the application which argued that *"the proposed development will have a net positive impact on the local community"*. The specific social impact criteria addressed in Table 1 of the *Key Insights* report are included as an attachment.

Should development consent be issued, a recommended condition requires the applicant to prepare and submit a Community Impact Statement (CIS) with their liquor licence application to the Office of Liquor, Gaming and Racing. Preparation of the CIS involves consultation with the local and broader community about any issues or concerns with the proposed development.

It is noted that the liquor licence application cannot be granted unless the Authority is satisfied that the overall social impact will not be detrimental to the local community or to the broader community. As part of this consideration the precautionary principle is applied in the instance that the applicant fails to satisfy the Authority that there will not be an unreasonable risk of social detriment to any element of the community in the event that the application is approved.

The Authority cannot grant a licence, authorisation or approval unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community.

To alleviate any potentially negative social impacts on local residents and the surrounding area, the applicant has proposed a number of mitigation measures including:

- Limiting the hours of operation. It is proposed that the business close at 8pm Monday – Saturday and at 6pm on Sunday
- Restricting delivery times on school days
- Provision of on-site parking spaces
- No alcohol is to be consumed on the premises
- Security lighting in the car park and at the rear of the premises
- Management policies to ensure orderly and safe operation of the premises e.g. Plan of Management, Operational Policies and Procedures.
- Adhering to licensing conditions and Responsible Serving of Alcohol to enhance safety of customers on-site and minimise broader community impact.

Further mitigation measures may be identified and implemented following the community consultation process undertaken as part of the Community Impact Statement (CIS).

Given the appropriate zoning, and low incidence of alcohol fuelled anti-social behaviour within the reserve opposite and the mitigation measures proposed, the proposal may be considered unlikely to give rise to any social impact in the locality.

Any economic impact in the locality.

The proposal has the potential to provide additional employment for local residents, suppliers and contractors. No potential negative economic impacts are anticipated.

Any impact of site design and internal design.

No issues to report.

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

Conditions relating to site management and environmental protection are proposed in the draft conditions of consent attached to this report.

Any cumulative impacts.

Residents and business owners in the immediate area have raised concern that existing anti-social behaviour in the area may be exacerbated if the shop is approved. There is no evidence to suggest that the liquor store will result in an increase in antisocial behaviour. It should be noted that if the existing use was commercial then the proposed liquor store would have been exempt development (i.e. would be development that does not require the consent of Council).

The social impact comment accompanying the application classifies the crime and public safety impacts associated with the proposed liquor store as *low*.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):***Whether the proposal fits in the locality.***

The proposal is consistent with the business zoning, is permissible under Wyong Local Environmental Plan 1991, and is likely to operate with minimal impact on the surrounding land uses.

Whether the site attributes are conducive to development

The existing premises is an appropriate size and configuration for the proposed liquor store, with a roller door at the rear for ease of loading cartons and other bulky items. The availability of parking for customers and staff also facilitates the proposed liquor store use. Safety and security measures are proposed to ensure the protection of staff and customers and deter antisocial behaviour.

ANY SUBMISSION 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 Chapter 70-*Notification of Development Proposals* with six (6) 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 Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

Submission Document(s)	Concern	Response
D02133661	Noise from the compressor will cause a noise nuisance.	The original proposal sought consent for an external rooftop compressor, the objector's concern was raised with the applicant who has relocated the compressor inside the building.
D02134720	Seats and a table should be provided in the reserve opposite the liquor store.	Although this concern is not a matter relevant to the application, a site inspection on 21 January 2010 revealed both a table and chairs exist within the reserve.
D02138777	The lane at the rear of No. 307 Main Road Toukley is not appropriately surfaced or illuminated.	The lane/ area referred to is not Choy's Lane, rather it is some 90 – 100m west of the site. This concern is not a matter relevant to the application and has been referred internally for further action. Suitable security lighting of the carparking area adjacent to Cheryl Lane is proposed.
D02138777	Heavy vehicles delivering goods will damage the road surface.	The adjacent streets have been designed to accommodate heavy vehicles.
D02133887	There is a large hole in the footpath area adjacent to No. 1 Ray Street, can it please be filled.	This concern has been referred internally for further action.

Submission Document(s)	Concern	Response
D02139119	Choys Lane is in very poor condition and should be upgraded/ repaired.	Conditions have been recommended requiring upgrade works within Choys Lane to accommodate the proposed development, including formalising the road pavement adjoining the site's boundary
D02139119 D02154847	A footpath should be required from main street to the liquor store.	To cater for the increased pedestrian access to the development, conditions have been recommended that require the developer to construct concrete footpath across the frontage of the site extending to the existing concrete footpath in Ray Street to the north of the development.
D02154847	There are enough liquor outlets in the area, another one isn't needed.	This is an issue left to market forces and competition. Whether the proponent has selected a viable location for a liquor store is something market forces will determine.
D02133661	Anti-social behaviour associated with a liquor store. People will buy alcohol from the liquor store and drink it in the reserve opposite near facilities utilised by children.	These concerns are not directly the result of selling alcohol from the liquor store. The proposal does not involve any consumption of alcohol on the premises.

Submission Document(s)	Concern	Response
D02133661 D02133887	Increased traffic.	The environmental capacity of Ray Street is 200 – 300 vehicles per hour in peak hour. A traffic survey carried out in Ray Street in December 2009 revealed the peak hour traffic volume to be 108 vehicles. Commercial premises of the scale proposed - generate approximately 15 peak hour vehicle movements. The addition of the estimated vehicle movements to the surveyed peak hour volume is significantly lower the environmental capacity without considering the forthcoming discontinuation of traffic movements associated with the existing vehicle repair station.
D02133887	Customers of the liquor store will buy alcohol, drink it in the reserve opposite and leave the bottles/ litter on the ground.	It is unreasonable to assume that customers of a shop will litter the public domain and then base a refusal on this assumption.
D02139119	Security lighting should be installed in Choys Lane.	The application proposes security lighting around the perimeter of the business focusing on entry/ exit points and car park areas. These measures will provide additional “security” in the vicinity of Choys Lane.

Any submission from public authorities.

No submissions received.

THE PUBLIC INTEREST (s79C(1)(e)):***Any Federal, State and Local Government interests and community interests.***

Appropriate conditions of consent are recommended to uphold safety and security for the shop staff as well as patrons and the community.

OTHER MATTERS FOR CONSIDERATION

No issues to report.

CONCLUSION

Given the appropriate zoning, available parking and design/ layout of the shop, the proposal is considered a suitable use for the site.

With respect to potential social impacts there is little evidence to suggest that the reserve opposite is suffering from any significant level of underage alcohol fuelled antisocial behaviour or that approval of the liquor store will give rise to anti-social behaviour. The proposal includes suitable mitigation measures to alleviate any potential negative social impacts on local residents and the surrounding area. Appropriate recommended conditions of consent are proposed to require the operator to ensure the mitigation measures are implemented.

The application is therefore recommended for approval.

ATTACHMENTS

1	DCP 2005 Chapter 81 Retail Centres Assessment	D02321621
2	SEPP 71 Assessment Summary	D02291460
3	Social Impact Matrix	D02279076
4	Site Plan (A3)	Enclosure D02297518
5	Draft Conditions of Consent	D02321435

DCP 2005 Chapter 81 Assessment Summary

	Element	Required	Proposed	Comply
11.1	Streetscape	Buildings should define and create streets, street corners and public spaces through shop fronts facing the street, narrow or nil setbacks, use of openings, awnings, and corner façade treatments.	The proposed alterations to the existing building including a new shop front, painting and landscaping works will improve the presentation of the building in the streetscape.	Yes
		To activate the street and create visual interest and safety for pedestrians at all hours, as many doors and windows as possible should be located on the façade as functionally/ aesthetically/ structurally possible.	See comment above.	Yes
		Awnings should be provided on all building frontages and should extend over at least half of the width of the footpath. Awnings provide visual interest to buildings and protect pedestrians from weather elements.	This is not practical given the location of the existing building, i.e. it does not have a nil setback.	N/A
		Roller shutters should not be installed on the front of buildings	Roller Shutters are proposed by the Applicant but have been removed by way of a condition of Consent.	Yes
		Buildings should be aligned with footpaths to create spatial enclosure and a sense of place.	This requirement relates to new buildings.	N/A
		Building facades should be aligned so as to minimise intervening space which could create security problems for shoppers.	This requirement relates to new buildings.	N/A
11.2	Architectural Character	Glass curtain walls should be minimised on building street frontages to reduce glare, increase energy efficiency, and reduce opportunity for window damage through anti-social behaviour.	This requirement relates to new buildings.	N/A
		Entrances should be clearly expressed through porticos or other devices. Entries to shop fronts should be recessed to clearly define the location of the building access, provide relief to the façade and provide visual interest.	This requirement relates to new buildings.	N/A
		Buildings should contain no more than 5m ground floor wall without a door/window. Windows should make up at least 50% the ground floor front wall.	This requirement relates to new buildings.	N/A
11.3	Public Amenity	Buildings, street furniture, landscaping to contribute to the definition and amenity of area.	The native landscaping proposed will contribute to the amenity of the area.	Yes

	Element	Required	Proposed	Comply
		Landscaped areas shall be integrated with overall design to soften dominance of buildings, provide shade, meeting places, playgrounds, etc.	The proposed landscaping achieves this goal.	Yes
		Benches /seating should be provided internally and externally for rest.	Not relevant to the current proposal.	N/A
		Centres should adopt consistent painting and signage schemes to improve image.	Not relevant to the current proposal.	N/A
		Use of one colour over whole building is discouraged. Colour should express features, storeys, and relate to adjoining.	The building is to be painted in two colours.	Yes
		Sunshades should be incorporated into the architectural expression of the northern façade.	The northern façade does not contain windows.	N/A
		Opening windows should be provided.	Openable windows are not preferable given nature of the use and CPTED requirements.	Yes
		Buildings should contain large shop fronts and upper storey windows to provide passive surveillance of pedestrian areas / carparks.	The shopfront comprises double glass doors. A condition is recommended requiring deletion of the proposed roller shutter doors.	Yes
		Street furniture and paving shall take into account the needs of disabled persons.	No new paving or street furniture proposed.	N/A
		Pedestrian routes are to be clear, safe and legible. Areas of public domain should be linked.	Foot paving within the site is proposed. A new footpath between the development and Main Street is required as a condition of consent.	Yes
11.4	Car Parking	Parking to be well connected, clear to access, not dominant but generally screened behind buildings/ landscaping.	The location of existing car parking spaces is not proposed to change.	N/A
		Parking layouts should have logical design and pedestrian / vehicle accesses separated.	No changes to carparking. Layout has been assessed and complies with AS 2890.	N/A
		Ground level parking should be behind the building line and screened from public view.	No opportunity exists to relocate existing parking spaces behind the building line.	N/A
		Centres should facilitate after-hours trading by enabling convenience traders to address car parks.	Given the proximity of the development to residential dwellings, after-hours trading is not supported in this instance.	Yes
11.5	Servicing	Unightly yards. Wet areas, loading or servicing areas should be grouped & located under or behind buildings – not visible from public places.	Unightly areas such as waste storage are located within the building.	Yes
		Access to service areas shall be away from main streets.	Access to the rear of the premises is via Choys Lane which is not a main street.	Yes

The proposal is therefore compliant with the relevant provisions of DCP 2005 Chapter 81.

SEPP 71 Assessment Summary

Cl.8	Matters for Consideration	Proposed
a	The aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.
b	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.
c	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	A new footpath is conditioned to be along the frontage of the site extending to Main Street.
d	The suitability of development given its type, location and design and its relationship with the surrounding area.	The site is suitable for and already supports various shops. The external changes to the building are considered an improvement.
e	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal has no impact on views given its distance from the foreshore and the topography of the locality.
f	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will have no adverse impact on the scenic qualities of the coastline.
g	Measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or habitat.
h	Measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.
i	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.
j	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The site is located outside the area of coastal hazard, as identified in Council's DCP Chapter 77 and is not likely to be affected by coastal processes and/or hazards.
k	Measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal has no impact on water-based coastal activities.
l	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.
m	Likely impacts of development on the water quality of coastal waterbodies.	The proposal will not adversely affect the downstream water quality.
n	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.

Cl.8	Matters for Consideration	Proposed
o	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	Not applicable.
p(i)	The cumulative impacts of the proposed development on the environment.	The proposal is not considered to have any adverse cumulative impacts on the environment.
p(ii)	Measures to ensure that water and energy usage by the proposed development is efficient.	No change to the existing water and energy design for the building.
Cl.13	A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The application does not propose to utilise such a clause.
Cl.14	A consent authority must not consent to an if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal will not affect the right of public access to or along the foreshore.
Cl.15	The consent authority must not consent to a development application in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The site is connected to the existing reticulated sewer system available to the site.
Cl.16	The consent authority must not grant consent to a development application if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	The development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.

The proposal is therefore compliant with the relevant provisions of SEPP 71.

6 IMPACT ANALYSIS

It is the conclusion of this report that the proposed development will deliver a net social benefit to the local Toukley community. Specific social impact criteria are addressed in Table 1 below:

Table 1 Social Impact Matrix

Social Impact	Comments	Significance	Potential Measures
Accessibility, Traffic and Transport	<ul style="list-style-type: none"> Proposal is accessible via car, provides adequate access and includes 8 car parking spaces on-site, with 1 that is disabled. Proposed store is not located within a 'School Zone' but does border a zone that ceases at the northern end of Ray Street. Although it is not anticipated that a significant number of children will travel past the site via foot en route to/from school, the proposed store has in place restricted delivery times to ensure no deliveries are made outside the hours of 10am and 3pm on school days. This ensures the pedestrian safety of students. 	MEDIUM	<ul style="list-style-type: none"> Where possible, contain customers to on-site parking spaces to improve accessibility, and pedestrian and road safety. Ensure development complies with all Roads and Traffic Authority (RTA) requirements regarding access and parking.
Amenity and Character	<ul style="list-style-type: none"> The proposed Cellarbrations store fits with the vision and objectives of the Draft Toukley Planning Strategy 2010, particularly the 'Precinct 8 - East Toukley' strategy. 	LOW	<ul style="list-style-type: none"> Develop a Plan of Management, detailing policies and procedures to ensure the quiet and orderly operation of the Store.
Community Services and Facilities	<ul style="list-style-type: none"> Community is well serviced with access to a range of facilities and services. Only one other packaged license facility if located in Toukley (Liquor Land - cnr Peel St). It is anticipated that the proposal will not impact negatively upon local community services or facilities. 	LOW	<ul style="list-style-type: none"> Consult and engage with the range of stakeholders (service providers) listed in Appendix 3 to capture their opinions and feedback through completion of the next stage of the application process; Community Impact Statement Category B.
Crime and Public Safety	<ul style="list-style-type: none"> BOCSAR data reveals that within the Wyong LGA no incidences of alcohol related 	LOW	<ul style="list-style-type: none"> Adhere to licensing conditions and the Responsible Service of

Social Impact	Comments	Significance	Potential Measures
	assaults have occurred on packaged liquor licensed premises.		Alcohol (RSA), to enhance the safety of customers whilst on-site. <ul style="list-style-type: none"> Develop a Plan of Management, detailing policies and procedures to ensure the quiet and orderly operation of the Store. Develop and maintain a positive relationship with local police to further support the store's operational aims of maintaining an orderly operation.
Demographic change	<ul style="list-style-type: none"> Proposal will not impact upon local population figures or demographic profile. 	NIL	<ul style="list-style-type: none"> Nil
Economic Impacts and Employment	<ul style="list-style-type: none"> Potential to provide additional employment for local residents and contribute to the local and regional economy through the use of local suppliers and supply contractors. 	MEDIUM	<ul style="list-style-type: none"> Use local employees and suppliers wherever possible.
Environment	<ul style="list-style-type: none"> It is anticipated that the proposal will not negatively impact upon the existing local environment or its biodiversity qualities. 	LOW	<ul style="list-style-type: none"> Nil
Groups with particular needs	<ul style="list-style-type: none"> Proposed development provides adequate access with the inclusion of a disabled car parking space. 	LOW	<ul style="list-style-type: none"> Meet all disability standards and guidelines (i.e. ramps, rails and disabled toilets and parking).
Health	<ul style="list-style-type: none"> Key Insights is not qualified to comment on health impacts. 	-	
Heritage and Culture (including Indigenous)	<ul style="list-style-type: none"> Key Insights is not qualified to comment on heritage or cultural impacts, however it is anticipated that the proposal will not impact upon local heritage and culture (indigenous and non-indigenous). 	-	
Housing	<ul style="list-style-type: none"> Not relevant to the proposal. 	NIL	<ul style="list-style-type: none"> Nil
Interaction between	<ul style="list-style-type: none"> Opportunity to provide local 	MEDIUM	<ul style="list-style-type: none"> Adhere to licensing

Social Impact	Comments	Significance	Potential Measures
proposal and existing community (near neighbours and local community)	employment to local residents.		conditions and the Responsible Service of Alcohol (RSA), to enhance the safety of customers.
Perceptions of Risk or Community Fears	<ul style="list-style-type: none"> Community perceptions and opinions towards the proposed development have not yet been captured. This task of community engagement and consultation will be undertaken through the Community Impact Statement Category B process. 	-	<ul style="list-style-type: none"> Develop a Plan of Management, detailing policies and procedures to ensure the quiet and orderly operation of the store. Provide near neighbours with a point of contact to raise any issues that may arise and respond to any issues or concerns immediately. Consult and engage with the range of stakeholders listed in Appendix 3 to capture their opinions and feedback through completion of the next stage of the application process; Community Impact Statement Category B. Provide local residents with a point of contact to raise any issues that may arise and respond to any issues or concerns immediately. Mitigate local resident's fears and concerns by communicating to them and discussing Management Plans and operational policies and procedures.
Regional Significance	<ul style="list-style-type: none"> A total 30 packaged liquor licenses are authorised within the Wyong LGA. Only one of these (Liquor Land - Cnr Peel St) is located in Toukley. The proposal has minimal regional significance. 	LOW	<ul style="list-style-type: none"> Nil
Tourism	<ul style="list-style-type: none"> Not applicable to the proposed development 	NIL	<ul style="list-style-type: none"> Nil

Date: 14 July 2010
Responsible Officer: Adam Dean
Location: 17-21 Ray Street, TOUKLEY NSW 2263
LOTS 1/3 DP 239850
Application No: DA/1505/2009
Proposed Development: Fitout and Occupation of an Existing Premises as a Liquor Store

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number Drawing No. 001 Revision C dated 25.03.10 except as modified by any conditions of this consent, and any amendments in red.
- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

Roads

- 3 The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development at no cost to Council. Design plans are to be approved by the Roads Authority prior to the issue of a Construction Certificate.
- 4 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.
- 5 The provision at no cost to Council of a concrete dish drain and associated drainage system within Choys Lane adjacent to the proposed carpark to discharge stormwater flows to the kerb in Ray Street in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.
- 6 The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and Australian Standard AS/NZS2890.1:2004. Detailed design plans must be approved by Council the Roads Authority prior to the issue of a Construction Certificate.
- 7 The provision at no cost to Council of 1.2 metre wide concrete paving for the full Ray Street frontage and extending to the existing concrete footpath in Ray Street north of the development in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.

- 8 The preparation of a road signage and pavement marking plan identifying any parking restrictions, signage and pavement marking within public roads. The plan must include;
- The installation of 'No Standing' signage in Ray Street 10 metres north of the intersection with Choys Lane and 1 metre south of the vehicle footpath crossing serving the staff only space.
 - The installation of 'Loading Zone' signage in Choys Lane
- The plan must be submitted to Council for approval by the Local Traffic Committee, prior to issue of the Construction Certificate.
- 9 The design of the carpark shall be prepared in accordance with AS/NZS2890 parts 1 and 6, and shall include the following;
- pavement marking and/or signage to restrict parking space no. 7 for staff use only
 - wheelstops for all parking spaces
 - structural pavement design able to withstand anticipated loading.
- The design shall be approved by the Council/Accredited Certifier prior to issue of a Construction Certificate.
- 10 The lighting design of the carpark and accesses shall be prepared in accordance with AS/NZS1158 – Lighting for Roads and Public Spaces and AS4282:1997 – Control of the obtrusive effects of outdoor lighting. The design shall be submitted approved by the Council/Accredited Certifier prior to issue of a Construction Certificate.

Stormwater

- 11 The submission to and approval by the Principal Certifying Authority/appropriately Accredited Certifier of stormwater drainage details in accordance with AS/NZS3500.3 specifically identifying and addressing the requirements of Section 5 prior to the issue of a Construction Certificate.

Water and Sewer Services/Infrastructure

- 12 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT AND DURING WORKS

Approved Plans

- 13 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

Acoustic

- 14 Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:

Monday to Saturday 7.00 am to 5.00 pm.

Work is not to be carried out on Sundays or Public Holidays.

Contamination

- 15 Any soil which is to be removed from the site shall be first analysed and classified by a NATA accredited laboratory and then disposed of at an appropriately licensed landfill.

Demolition

- 16 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.

- 17 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Dilapidation

- 18 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.

General

- 19 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Site Requirements

- 20 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 21 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.

- 22 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

Dial before you Dig

- 23 Prior to the commencement of work, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Erosion and Sediment Control

- 24 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 25 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

General

- 26 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Waste Management

- 27 During construction, building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the application.

Certificates/Engineering Details

- 28 Prior to the occupation of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Crime Prevention Through Environmental Design (CPTED)

- 29 The development must incorporate the following Crime Prevention Through Environmental Design (CPTED) measures.
- o Install CCTV surveillance at entry/ exit, point of sale, higher value areas of display, cool room and car park areas.

- Install security lighting around the perimeter of the business, particularly over entry/ exit points and car park areas.
- Erect signs around the business advising customers and intruders about the security features including CCTV surveillance.
- The doors, floors, walls and ceilings of the store must be of solid construction to restrict unauthorised access.
- Doors are to be fitted with single cylinder dead lock sets complying with the BCA and fire regulations.
- A record of the description, model number and serial number of all property owned by the business is to be kept in a secure place.
- A safe is to be installed in the premises for money. The safe is to be anchored to restrict removal.
- The amount of money held in cash drawers shall be limited.
- Money shall not be counted in view of the public.
- The shop number and business name is to be displayed clearly on the shop front to assist emergency services locating the property.
- Higher value items such as spirits are to be displayed behind the point of sale.
- The internal layout shall be open plan with good visibility from the point of sale.
- Fixtures are to be kept low and displays neatly stacked.
- CCTV monitors are to be visible to customers.

Amenity

- 30 Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the subject land and/or must be suitably insulated for the purpose of reducing noise emissions and should not project beyond the roofline or from an external wall, to the satisfaction of the Responsible Authority.

Disabled Access

- 31 Access to and throughout the buildings shall comply with the Building Code of Australia, AS1428.1-2001 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

External Materials

- 32 The completed development must be in compliance with the external colours and materials submitted with the application.

Landscaping

- 33 Before the use allowed by this consent starts, landscaping works as shown on the endorsed plan must be completed to the satisfaction of the responsible authority and then maintained to the satisfaction of the responsible authority.

Certificates/Engineering Details

- 34 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Dilapidation

- 35 Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation Certificate.

Roads

- 36 All road signage and pavement marking works must be provided in accordance with the plans approved by the Local Traffic Committee and approved by Council prior to issue of the Occupation Certificate.
- 37 All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council prior to issue of the Occupation Certificate.
- 38 All works within a public road such as kerb and guttering, road pavement, drainage, footpaths, cycleways and vehicular access crossings must be in accordance with Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and approved by Council as the Roads Authority under the Roads Act 1993, prior to the issue of an Occupation Certificate.
- 39 Prior to release of the Occupation Certificate the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. All works must be approved by Council under the Roads Act.

Stormwater

- 40 Certification of the constructed stormwater management system by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Vehicle Access and Parking

- 41 The construction of the carpark and accesses in accordance with AS/NZS2890 parts 1, 2 and 6. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 42 Carpark lighting shall be installed in accordance with AS/NZS 1158 and As 4282. Certification of the lighting installation by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to the Issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure

- 43 All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.

ONGOING OPERATION

Amenity

- 44 The use and development permitted by this consent must not, in the opinion of the Consent Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise other than to the extent approved by the consent.
- 45 For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation are restricted to between:
- 9:00am and 8:00pm Monday to Saturday
10:00am and 6:00pm Sunday and Public Holidays
- 46 All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.
- 47 Carpark lighting shall be maintained in a serviceable condition in accordance with AS/NZ 251158.
- 48 No sound shall be emitted from any device or from any source or activity that may either impair or impinge upon the use and enjoyment of adjoining properties or properties within the near vicinity, by the occupiers thereof. Noise emissions must comply with EPA and the relevant State/Regional/Local Environment Planning Policy requirements.
- 49 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.
- 50 Deliveries are restricted to 9am – 2:30pm.

Restrictions on Use

- 51 All delivery and service vehicles serving the liquor store must exit Choys Lane in a forward direction. For vehicles exceeding the geometry of a small rigid vehicle, this may require reverse entry into Choys Lane.
- 52 No additional roller shutters, bars etc are to be placed across any opening to the building.

2.2 TA 84/2010 - Section 82A Application For The Removal of Seven Trees at 92 Panorama Avenue, Charmhaven

TRIM REFERENCE: TA/84/2010 - D02297185
AUTHOR: Ian Hills, Tree Assessment Officer

SUMMARY

An application under Section 82A of the Environmental Planning and Assessment Act 1979, (EP&A Act) has been received for the removal of seven trees from a residential block in Charmhaven. The application has been examined having regard to the matters for consideration detailed in section 79C of the EP&A Act 1979 and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Mr S J Eid & Mrs L M Eid
Owners	Mr S J Eid and Mrs L M Eid and Mr G K Coorey and Mrs L L Coorey and Ms B L Coorey and Ms R C Budway
Application No	TA/84/2010
Description of Land	Lot 128 DP 1378 (No. 92) Panorama Avenue, Charmhaven
Proposed Development	Removal of seven trees
Site Area	695.6 m ²
Zoning	2(a) Residential Zone
Existing Use	Single residential dwelling

RECOMMENDATION

That Council approve the removal of trees 1, 3, 4, and 5 on the condition that replacement planting takes place.

INTRODUCTION

The Site

An application for the removal of seven trees, namely 2 Grey Ironbarks (*Eucalyptus paniculata*) and 5 Spotted Gums (*Corymbia maculata*) was received on 19 March 2010 and subsequently approved on 25 March 2010 with a condition requiring the retention of trees 2, 6 and 7. Following receipt of the determination, the applicant submitted a S82A review application on 18 June 2010. The Applicants contention is that all seven trees pose an unacceptable risk of injury to persons or damage to property.

The Proposed Development

An application under Section 82A of the EP&A Act 1979, has been received for the removal of seven trees from a residential block in Charmhaven.

Summary

The development consent granted (TA 84/2010) permitted the removal of four trees and required the retention of 1 Grey ironbark (*Eucalyptus paniculata*) and 2 Spotted Gums (*Corymbia maculata*) trees 2, 6 and 7 which the applicant sought removal of.

Council's Arborist considers that trees 2 and 7 are structurally sound with little evidence of any pests or diseases and therefore can be retained following pruning works to remove deadwood and some of the branches located nearest to the dwelling. It should be noted that the applicant's Arborist, also supports retention of trees 2 and 7.

Council's Arborist does not support the removal of tree 6 although a structural defect in the upper canopy is noted, on the grounds that the small size of the branches most likely to fail and the infrequent use of the target area means that the risk of damage or injury is low.

Aerial View of Site



VARIATIONS TO POLICIES

Should the Section 82A review be approved permitting the removal of all seven trees the decision would be contrary to the aims of DCP Chapter 14 Tree Management particularly objective (d) which is "To retain healthy individual trees of local amenity and aesthetic value."

HISTORY

An application for the removal of seven trees, namely 2 Grey Ironbarks (*Eucalyptus paniculata*) and 5 Spotted Gums (*Corymbia maculata*) was received on 19 March 2010 and subsequently approved on 25 March 2010 with a condition requiring the retention of trees 2, 6 and 7. Following receipt of the determination, the applicant submitted a s82A review request on 18 June 2010. The Applicant's contention is that all seven trees pose an unacceptable risk of injury to persons or damage to property.

PERMISSIBILITY

The proposed tree removal is permitted with the development consent of Council pursuant to the provisions of Clause 28(2) of WLEP.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

DCP 2005, Chapter 14 – Tree Management

COUNCIL POLICY AND STRATEGIC IMPLICATIONS

Removal of all seven trees from the property would be inconsistent with the aims of Councils Tree Management Policy DCP 2009 - Chapter 14, outlined in section 1.3 namely;

- c To minimise unnecessary injury to or destruction of trees and native vegetation*
- d To retain healthy individual trees of local amenity and aesthetic value*
- f To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable”.*

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. The trees to be removed are assessed as causing an unacceptable risk to the subject site and adjoining properties due to the current state of their health. The number and size of the trees currently situated with a suburban “back yard” is not sustainable which is evident by the poor condition of a number of the trees.

A number of the trees contain a large amount of deadwood which can be managed by careful pruning. One tree is dead and another tree is suppressed in its growth due to the overshadowing caused by the cluster/number of trees existing within the rear yard of the subject site. To enable the trees identified for removal to remain will, apart from the risk they currently pose, ultimately result in the loss of tree limbs or dead trees. The short term loss of the trees identified for removal will have a long term gain as the remaining trees will be likely to improve in their health and broaden their canopies.

A condition of consent is recommended requiring the planting of a minimum four replacement trees in accordance with Council's Eco-Info Fact sheet No 8, "Tree Planting In Urban Areas" to ensure there is no cumulative impact as a consequence of the recommended tree removal.

Eco-Info Fact Sheet No 8 outlines a range of 60 different vegetation species considered suitable for planting in urban areas within Wyong Shire. The range of species includes species that would generally be considered as shrubs (ie Bottle Brush) through to significant native trees. Requiring the applicant to plant 4 replacement trees in accordance with this document will allow a wide range of choice in terms of size and height of species. It should also be noted that there is no restriction on where the replacement trees should be planted therefore the applicant has the option to place those species anywhere on the subject land. On this basis requiring replacement planting will not lead to a repeat of the current problem of over crowding of trees.

Locality Plan



ASSESSMENT

Relevant Issues

Having regard to Section 79C of the EP&A Act, it is considered that the following matters require further consideration and are addressed in the following sections:

Flora and Fauna

Following a visual assessment of the trees by Council's Arborist, it is noted that three trees (numbered 2, 6 and 7) appear to be in good health and vigour, and are therefore suitable for retention. The pruning recommendations made by Council's Arborist will further reduce the risk of injury/property damage posed by these trees.

The Applicant's Arborist report conflicts with the opinion formed by Council's Arborist regarding the retention of tree 6, however, it supports the retention of tree 7. The Applicant's Arborist did not address tree 2 in his report due to a misunderstanding regarding numbering of the trees. Following a site meeting with Council's Arborists, the applicant's Arborist expressed a view that Tree 2 should be retained. This supports Council's assessment.

Council's Arborist supports the removal of four trees numbered 1, 3, 4 and 5 which were found to have defects, or were located close to structures and presented an increased risk of damage to persons or property, whilst trees 2, 6 and 7 should be retained.

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

Wyong Local Environmental Plan 1991 (WLEP 1991)
DCP 2005, Chapter 14 Tree Management

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting

The trees to be retained will provide continuity of local landscape amenity.

The access, transport and traffic management measures

Nil Impact

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

Nil Impact

The impact on utilities supply.

Nil Impact

The effect on heritage significance.

Nil Impact

Any effect on other land resources.

Nil Impact

Any impact on the conservation of water.

Nil Impact

Any effect on the conservation of soils or acid sulphate soils.

Nil Impact

Any effect on quality of air and microclimate conditions.

The immediate area is quite densely treed this can affect wind patters and dust transport by wind.

Any effect on the flora and fauna.

The trees recommended for approval (ie, removal) comprise a dead tree, one with a wound at the base, one within three metres of an approved structure, (exempt under Chapter 14), and one tree severely suppressed in its growth due to excessive overshadowing from other trees on the site. The trees to be retained are suffering from dead limbs as a consequence of the trees competing for adequate sunlight due to the excessive clustering of the trees in the urban environment. The removal of dead branches can be achieved by sensitive pruning. The proper management of the trees should result in the remaining trees improving in their current state of health.

A condition is recommended requiring the replanting of a minimum of four replacement trees to minimise any cumulative impacts in the locality resulting from the recommended tree removal.

The provision of waste facilities.

Nil Impact

Whether the development will be energy efficient.

Trees through the provision of shade have been demonstrated to reduce costs associated with cooling of buildings.

Whether the development will cause noise and vibration.

Nil Impact

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

Nil Impact

Any risks from technological hazards.

Nil Impact

Whether the development provides safety, security and crime prevention.

Nil Impact

Any social impact in the locality.

Nil Impact

Any economic impact in the locality.

Nil Impact

Any impact of site design and internal design.

Nil Impact

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

Nil Impact

Any cumulative impacts.

The recommended tree removal replanting on the site and management of the existing trees will ensure in the longer term that the locality is not impacted by loss of the existing treed environment. In detail, cumulative impacts will be minimised by:

- o The replacement of the trees with a minimum four new trees.
- o The removal of dead tree limbs of unhealthy trees is a consequence of the overgrown situation currently in the existing urban environment.
- o The likelihood that the tree removal recommended will result in an improvement to the health of the trees to be retained.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):***Whether the proposal fits in the locality.***

Retention of suitable trees will provide continuity of the local landscape amenity.

Whether the site attributes are conducive to development.

Nil Impact

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):***Any submission from the public.***

Nil Impact

Any submission from public authorities

Nil Impact

THE PUBLIC INTEREST (s79C(1)(e)):***Any Federal, State and Local Government interests and community interests.***

The proposed tree removal and replanting of trees for reasons discussed previously in the report is not considered to result in a degradation of the existing environment and is considered to be in the interest of the community.

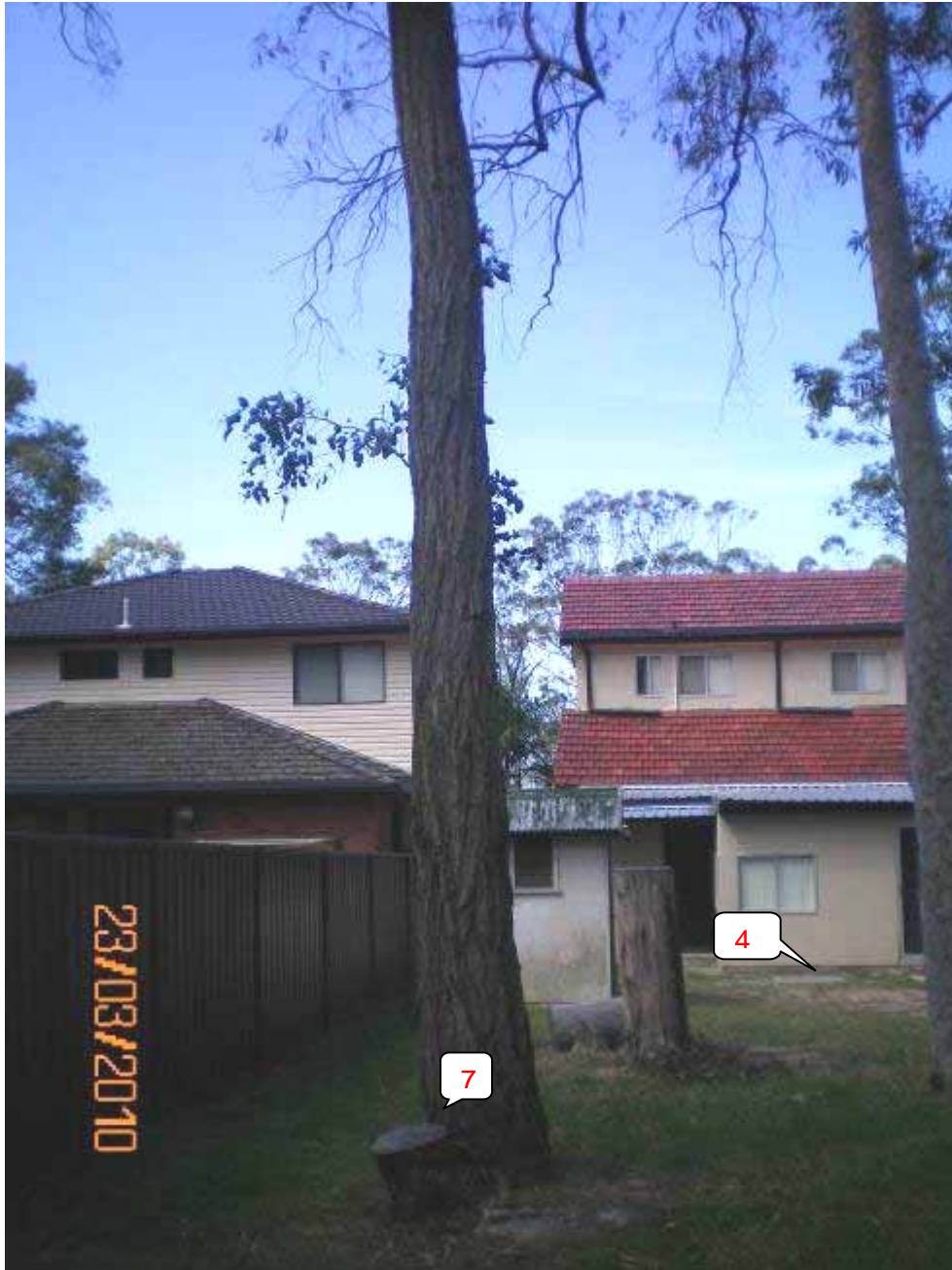
OTHER MATTERS FOR CONSIDERATION

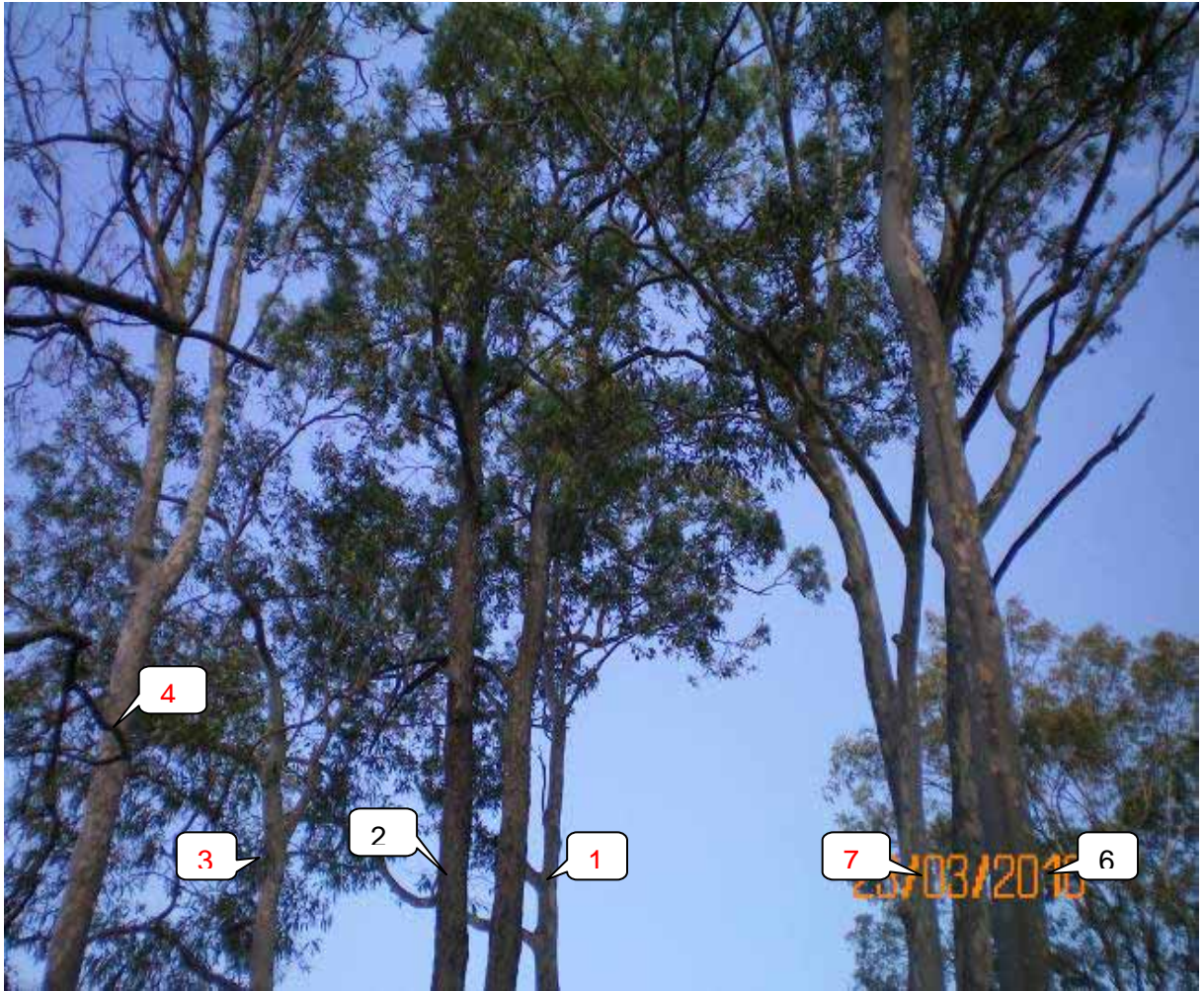
No other matters for consideration

CONCLUSION

The application seeking a review pursuant to Section 82A to permit the removal of all seven trees is supported in part in relation to the removal of tree Nos 1,3,4 and 5. However, the removal of tree Nos 2,6 & 7 is not supported as the trees are considered to be in a healthy condition requiring a small amount of pruning.









Trees numbered in red are approved for removal

ATTACHMENTS

- 1 Draft Approval Conditions D02297339

Date: 14 July 2010
Responsible Officer: Brad Magus/Ian Hills
Location: 92 Panorama Avenue, CHARMHAVEN NSW 2263
Lot 128 DP 13878
Application No: TA/84/2010
Proposed Development: Removal of seven trees

PROPOSED CONDITIONS

- 1 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as "tree to be removed" shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 2 A minimum of four replacement tree(s) at a minimum size of five litre container are to be planted. Replacement native trees are to be selected from Council's Eco-Info Fact Sheet 8 - Tree Planting in Urban Areas, and must include one (1) Spotted Gum (*Corymbia maculata*) . Replacement trees are to be maintained to maturity through use of mulch and watering and allowed to achieve their natural height. Where the replacement tree dies or is substantially damaged within 5 years of planting, it must be replaced and maintained to maturity.

3.1 Proposed Acquisition of Private land at Fountaindale for Road Widening

TRIM REFERENCE: F2010/01518 - D02326222

AUTHOR: Susan Loder, Property Officer

SUMMARY

Authority is sought to acquire land at Fountaindale for the reconstruction of part of Berkeley Road as Public Road.

RECOMMENDATION

- 1 That Council acquire part of Lot 2 DP586364 and part of Lot 504 DP 1134328 Berkeley Road, Fountaindale as Public Road .**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and the dedication of that land as public road.**
- 5 That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of the land to Wyong Shire Council and the dedication of that land as public road.**

BACKGROUND

A section of Berkley Rd, Fountaindale is inclined to minor flooding and drainage requires improvement to ensure road safety.

Improving the drainage will require minor road re-alignment, widening and re-surfacing.

The appropriate solution will affect two adjoining properties (Lot 2 DP 586364 and Lot 504 DP 1134328 Berkeley Road, Fountaindale) as a small part of each lot will be needed to effect the works.

THE PROPOSAL

It is proposed to acquire Part Lot 2 DP 586364 and Part of Lot 504 DP 1134328 for the purpose of road improvement. WSC will commence negotiations with the owner of the affected land with a view to acquiring the land required for road widening for market value to be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Lot 2 DP 586364 having an area of 79,500 m² is affected by road improvement (widening) of 1522 m².

Lot 504 DP 1134328 having an area of 108,700 m² is affected by improvement (widening) 69.64 m².

The subject properties are affected by 7(a) Conservation zone and 7 (f) Environmental Protection zone. The road widening from Lot 2 is in the 7(f) zone and the road widening from Lot 504 is in the 7(a) zone.

The owners of the land have been advised of the proposal and negotiations will proceed for access for construction purposes and the acquisition of the required part for road.

OPTIONS

- 1 WSC proceed to acquire Part Lot 2 DP 586364 and Part Lot 504 DP 1134328 for road widening to allow implementation of traffic calming and control in the vicinity of Fountaindale to provide a safer traffic environment for the public.
- 2 In the event that WSC does not acquire Part Lot 2 DP 586364 and Part Lot 504 DP 1134328 the current road configuration and traffic conditions will remain with no improvement to safety.

STRATEGIC LINKS

Annual Plan

Rolling Works 2011/12 Secondary Roads Rehabilitation 4.1.4 Roads Upgrade Berkeley Road Fountaindale

Contribution of Proposal to the Principal Activity

On the basis that the Road Widening is to maintain Road safety the proposal is likely to contribute to a more sustainable community.

Link to Shire Strategic Vision

Contributing to safer travel between regional centres.

Financial Implications

Funds for the purchase of the land are budgeted in the WSC Rolling Works Program 2011/12. On the basis of the minimal impact on the subject properties, compensation is expected to be minimal.

CONSULTATION

The owner of the property has been consulted and negotiations will proceed subject to Council approval.

GOVERNANCE

Section 177 of Roads Act 1993 provides for WSC as a roads authority to acquire land for the purposes of the Act .

Compensation for acquisition of land is to be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

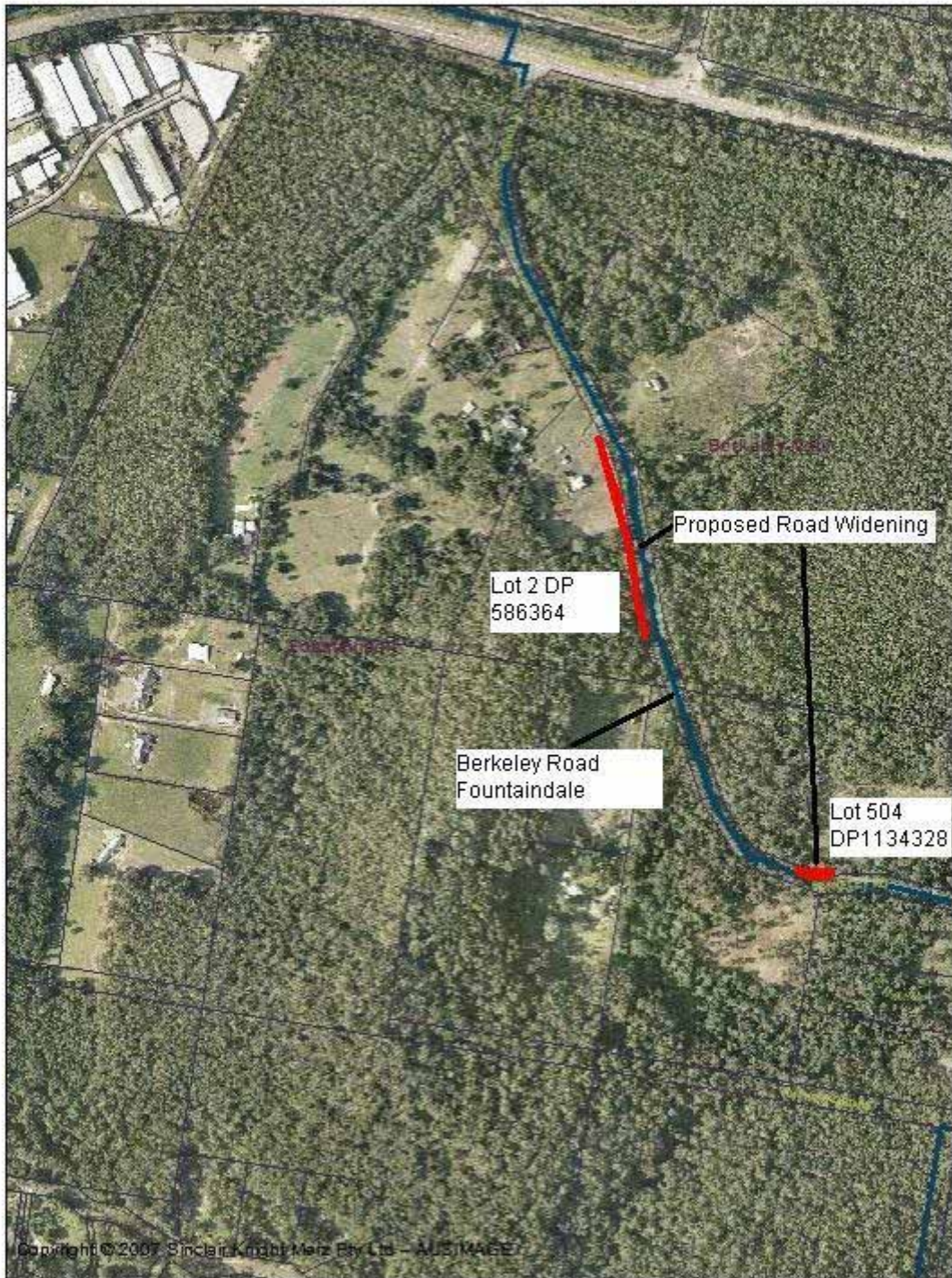
CORPORATE RISKS

Nil impact

CONCLUSION

The road needs improvement to meet safety and vehicular travel needs. New drainage will require minor widening and re-alignment of the road.

Acquisition of the land is critical to allow the works.



ATTACHMENTS

Nil.

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities

TRIM REFERENCE: CPA/178719 - D02319611
AUTHOR: Julie Vigar, Project Support Officer

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/178719 Provision of Cleaning Services at various Council Facilities.

RECOMMENDATION

- 1** *That Council accept the tender from Academy Services Pty Ltd for a period of one year with the option to extend the contract for a further two years, each option to be exercised in annual increments.*
- 2** *The estimated annual expenditure against this contract is \$183,390.00 (excl GST). If the optional extensions are taken up by Council the estimated expenditure against the contract is \$558,460.00 (excl. GST) for the total three years. However actual expenditure may vary slightly with fluctuations in the requirements of relief cleaning and if the number of facilities to be cleaned changes.*

BACKGROUND

On 27 August 2008 Council accepted the tender of SKG Pty Ltd for an initial one year contract with an option to extend for a further one year at an estimated annual cost of \$184,113.00 (excl. GST). The contract period commenced on 18 October 2008. On 10 June 2009 Council exercised the option to extend the contract for an additional year at an estimated annual cost of \$202,525.00 (excl. GST). This contract is due to terminate on 17 October 2010.

With the impending completion of the contract with SKG Pty Ltd, formal tenders have been invited to ensure that Council continues to receive the most competitive and cost effective rates available in the current commercial cleaning market.

The scope of cleaning works required by Council covers:

- Six childcare centres
- Five library/customer service centres
- The Gravity Youth Centre at Lake Haven
- The Central Coast Lifetime Learning Centre at Palmdale
- The Blue Haven Community Centre and The Entrance Community Centre
- Five Vacation Care Centres (school holidays only), and
- The provision of relief cleaning service at the Civic Centre.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 25 May 2010 and the Central Coast Express Advocate on 19 May 2010. Tenders were also advertised on Council's e-Tender website and closed at 2:00pm on 24 June 2010.

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

Mandatory pre-tender inspections were held at the various work sites over two consecutive weeks from Monday 31 May 2010 to Friday 11 June 2010 to allow tenderers to become familiar with site conditions.

Tenders closed at Council Chambers at 2:00pm on 24 June 2010.

A request for clarification of tendered rates under Schedule B6(b) – Lake Haven (Gravity) Youth Centre and Schedule D1 – D5 – Vacation Centres was issued to all prospective tenderers on 30 June 2010.

An Addendum (No.1) was issued to all prospective tenderers on 1 July 2010.

Due to an omission in the tender documentation of Schedule 8 - Receipt of Addenda and Schedule 9 – Local Preference Policy – Local Content Schedule, tenderers were requested to incorporate the schedules into the tender documentation and to submit completed schedules. All prospective tenderers were to return completed schedules to Council by 4:30pm on 6 July 2010.

EVALUATION OF TENDERS

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

Threshold Criteria:

- 1 Conformance with the requirements of the tender documents.
- 2 Attendance of mandatory per-tender site inspections of all facilities.

Weighted Criteria:

- 3 Assessed level of Local Content (MANDATORY).
- 4 Total cost to Council.
- 5 Experience – past performance by reference.
- 6 Nominated hourly rates – parity with Council's assessment of payable rates and the minimum hours and labour requirement at each facility.
- 7 Management Structure – the ability to manage OH&S compliance, subcontracting proposals and reporting structure.

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities (contd)

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tendered documents and referees, and Council's experience with the current cleaning contract.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Shortlisting of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Application of Local Preference Policy
- Due diligence checks on preferred tenderers.
- Independent review of the tender selection process.

Assessment of Receipt

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

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Academy Service Pty Ltd	\$155,676.98	Submitted on time
2	ADD Cleaning Service	Nil Value	Submitted on time
3	ADZ Cleaning Services Pty Ltd	\$167,106.11	Submitted on time
4	All Coast Cleaning Services Pty Ltd	\$258,250.90	Submitted on time
5	Bluebells Australia Pty Ltd	\$194,238.00	Submitted on time
6	Brueys Complete Cleaning Solutions	\$333,900.00	Submitted on time
7	Challenger Cleaning Pty Ltd	\$252,552.11	Submitted on time
8	Community Assistance Solutions	\$504,346.36	Submitted on time
9	Maureen Mcquillan 5 Star Cleaning Services	Nil Value	Submitted on time
10	New Era Cleaning Services	\$315,368.18	Submitted on time

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities (contd)

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Status
11	Onsite Commercial Cleaning Pty Ltd	\$327,873.00	Submitted on time
12	SKG Pty Ltd	\$197,640.60	Submitted on time
13	Source 4 U Pty Ltd	\$156,755.45	Submitted on time
14	TJS Services Pty Ltd	\$178,909.09	Submitted on time
15	Touch of Pink Cleaning	\$535,090.91	Submitted on time

All of the 15 Tenders received were progressed to the next stage of assessment.

Assessment of Conformance

Tender No 2 (ADD Cleaning Services) and Tender No 9 (Maureen Mcquillan 5 Star Cleaning Services) were non-conforming as these firms did not attend the mandatory inspection of facilities, nor submit tendered rates. Accordingly these two tenders were not considered further.

Substantially Conforming

Tender No 5 (Bluebells Australia Pty Ltd) did not submit the requested number of referees. Additional referee information was sought and provided and the tenderer was progressed to the next assessment stage.

Shortlisting

Tenders were shortlisted against Criterion No 4 – Total Cost to Council.

All conforming tenders were subjected to a sensitivity analysis against Criterion No 4, Total Cost to Council. The analysis showed that regardless of how high the non-price criteria were scored for Tender No 4 (All Coast), Tender No 6 (Brueys), Tender No 7 (Challenger), Tender No 8 (Community Assistance Solutions), Tender No 9 (New Era), Tender No 10 (Onsite) and Tender No 15 (Touch of Pink) the substantial price difference to the lowest price tender makes it impossible for any of these tenders to rate as the most competitive or the preferred tender after a full weighted evaluation. Tenders No 4, 6, 7, 8,9,10 and 15 were therefore eliminated from further consideration to allow the panel to concentrate its assessment efforts on the remaining six (6) shortlisted tenders.

Weighted Evaluation

Council’s own experience with cleaning contractors along with comments received from most of the referees highlighted the need to carefully consider not only price but especially performance.

Referees for the shortlisted tenders were contacted to ascertain each tenderer's experience and performance. These references were carefully assessed and scored using Council's standard scoring procedure.

Tenderers were required to nominate estimated hours required to complete works at each facility to demonstrate their understanding of the extent of the works. The average of all hours nominated by tenderers was judged to be an appropriate benchmark and tenders were scored against this average. This average also closely aligned with Council's expectation (from current cleaning contract) of the required cleaning effort to achieve an acceptable service outcome.

Tenderers were also required to nominate an hourly rate for the provision of relief cleaning services at the Civic Centre and the average of all tendered hourly rates was judged to be an appropriate benchmark and tenders were scored against this average.

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

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

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

To establish the **Most Competitive Offer**, the shortlisted tenders were firstly scored against each of the weighted evaluation criteria except Local Content, and are listed below in descending order of weighted evaluation scores

Tender No.	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
1	Academy Service Pty Ltd	\$155,678.00	74.1
12	SKG Pty Ltd	\$197,641.00	70.3
2	ADZ Cleaning Services Pty Ltd	\$167,106.00	66.6
14	TJS Services Pty Ltd	\$178,909.00	66.5
5	Bluebells Australia Pty Ltd	\$194,238.00	61.6
13	Source 4 U Pty Ltd	\$156,755.45	57.7

Tender No 1 (Academy Service Pty Ltd) is the lowest tender in price and as such scored highly in the price component of the weighted criteria. This tender meets all the essential requirements of the non-price criteria and scored above the benchmark sought in a number of criteria. Referees all report very favourably. Additionally, Academy Service Pty Ltd has

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities (contd)

demonstrated considerable experience providing cleaning services to Local Government entities throughout Australia. Tender No 1 (Academy Service Pty Ltd) has been scored the most competitive offer submitted.

Tender No 12 (SKG Pty Ltd) is the current contractor for the provision of cleaning services to Council. The rates submitted have remained competitive in the current market. Referees nominated by SKG Pty Ltd provide very favourable reports of SKG Pty Ltd performance, reporting structure and the professional manner of SKG Pty Ltd employees and management personnel. These facts have contributed to SKG Pty Ltd being awarded contract extensions by all of the nominated referees.

Tender No 2 (ADZ Cleaning Services Pty Ltd) was very competitively priced. Referee checks confirm that ADZ Cleaning Services Pty Ltd have undertaken similar works and are favourably reported on by referees. In the non-price criteria ADZ Cleaning Services Pty Ltd did not score as highly as Tender No. 1 (Academy Service Pty Ltd).

Tender No 14 (TJS Services Newcastle Pty Ltd) was ranked fourth. Their submission was competitively priced and referee checks scored very favourably. TJS Services Newcastle Pty Ltd is an arm of TJS Services that has offices in every state and most regional areas. TJS Services has delivered cleaning services to a variety of sites that include hotels, clubs, commercial and industrial buildings and retail shops. Although TJS Services Newcastle Pty Ltd scored well for their quality of work, they did not demonstrate experience in the provision of cleaning services to Local Government facilities.

Tender No 5 (Bluebells Australia Pty Ltd) was ranked fifth as the most competitive. All referees provided favourable reports on Bluebells Australia Pty Ltd's performance, however, their experience is primarily based in retail and schools and as such scored lower in the experience criteria.

Tender No 13 (Source 4 U Pty Ltd) was ranked sixth most competitive offer. Their submission was very competitively priced but was scored lower in the non price criteria based on referee reports.

2 – Scoring Post Application of Local Preference Policy

The four (4) highest ranked tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

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

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$25,000.00 applicable to this category of contract
Price Component of Most Competitive Offer	\$155,678.00 annually
Financial Impact Limitation To Be Applied to Preferred Offer	\$7,783.90

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

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
12	SKG Pty Ltd	\$197,641.00	70.3	\$197,641.00	80.3
14	TJS Services Pty Ltd	\$178,909.00	66.5	\$178,909.00	76.5
1	Academy Service Pty Ltd	\$155,678.00	74.1	0.0 *	74.1
2	ADZ Cleaning Services Pty Ltd	\$167,106.11	66.6	\$11,000.00	67.2

* Academy Service Pty Ltd did not indicate in their tender submission that local labour would be used for the work. However, in a post-tender meeting with Council, Academy Service Pty Ltd did confirm that while initially they would use their current staff, their intention is to quickly engage local labour for the contract work if they are successful. The assessment process was undertaken on the basis of no local labour as shown above.

It can be seen that the rankings have changed after the application of the policy, with Tender No 12 (SKG Pty Ltd) becoming the Preferred Offer.

The financial impact of the Preferred Offer under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$7,783.90**
- Actual financial impact of Preferred Offer: **\$41,963.00** (197,641.00 – 155,678.00)

The financial impact to Council in accepting Tender No 12 (SKG Pty Ltd) is above the financial limitations set by the Local Preference Policy. The Preferred Offer of Tender No 12 (SKG Pty Ltd) therefore cannot be accepted.

The second ranked Preferred Offer is that of Tender No 14 (TJS Services Pty Ltd).

The financial impact of the second ranked Preferred Offer was assessed as:

- Limitation of financial impact to Council (as above): **\$7,783.90**
- Actual financial impact of Preferred Offer: **\$23,231.00**. (178,909.00 – 155,678.00)

The financial impact to Council in accepting Tender No 14 (TJS Services Pty Ltd) is above the financial limitations set by the Local Preference Policy. The second ranked Preferred Offer of Tender No 14 (TJS Services Pty Ltd) therefore cannot be accepted.

The third ranked Preferred Offer Tender No 1 (Academy Service Pty Ltd) is also the most Competitive Offer and was therefore progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 1 (Academy Services Pty Ltd) is a national company that has been in operation since 1979. Academy Service Pty Ltd has offices in all States throughout Australia including operations in most major regional areas. Academy Service Pty Ltd has a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety, Management, Quality Assurance and Auditing systems. This information has been verified by referee checks and supporting documentation submitted by the tenderer.

Concerns were held by the evaluation panel that Academy's tendered rates and nominated hours at each facility would be insufficient to maintain each facility to the specified standards. The panel held a meeting with the Business Development Manager of Academy Services Pty Ltd to seek clarification from the tenderer that, irrespective of the nominated hours and tendered rates for each facility, their tender would permit work to be carried out in full conformity with the specifications. Academy Service Pty Ltd provided confirmation to the panel that the nature and extent of the work and contract conditions were fully understood and that the tender remained available for acceptance in full knowledge of the contract requirements.

Process Review

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

RISK ASSESSMENT

The risk associated with this contract has been assessed as low. The recommended company has excellent references from a number of large clients and experience providing the provision of cleaning services. The contract is for initial 12 months period with options for further extensions at 12 month increments.

Should the contract have to be terminated there are other cleaning contractors readily available to undertake the work while fresh tenders are called. The overall risk is rated as LOW.

BUDGET

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

The estimated total value of the arrangement over the possible three (3) years is approximately \$558,460.00 excluding GST. The estimated annual expenditure is approximately \$183,390.00 per annum, excluding GST.

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities (contd)

The actual value will depend on the number of facilities required to be cleaned which is not expected to vary significantly over the duration of the contract. The amount of relief cleaning labour hours that may be requested by Council during the period of the contract will affect the actual value of the contract to a small extent. Relief cleaning work undertaken by the current contractor is approximately \$1200.00 to \$3000.00 per month.

	Year 1	Year 2	Year 3	Total (excl. GST)
Contract Value	\$155,678.00	\$158,388.17	\$161,138.99	\$475,205.16
CPI estimated @ 1.5% p.a.	\$2,710.17	\$2,750.82	\$2,792.08	\$8253.07
Relief cleaning	\$25,000.00	\$25,000.00	\$25,000.00	\$75,000.00
Total estimate	\$183,388.17(excl.)	\$186,138.99(excl.)	\$188,931.07(excl.)	\$558,458.23(excl.)
Rounded total	\$183,390.00			\$558,460.00(excl.)

TIME-FRAME

The contract will operate for a period of one year with an option at Council's discretion to extend the contract for an additional two years, in annual increments. The total contract period may therefore be up to three years.

APPROVALS

No planning approvals are required.

CONCLUSION

Tender No 1 (Academy Services Pty Ltd) is the highest scoring tenderer and meets all of Council's requirements for this contract. This tender represents a significant reduction in cost to Council. The estimated annual expenditure will provide a saving to Council of approximately \$39,000.00 per annum. It is therefore recommended that the tender of Academy Services Pty Ltd be accepted.

ATTACHMENTS

Nil.

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

TRIM REFERENCE: CPA/180792 - D02307874

AUTHOR: Charlotte Drury, Waste Co-ordinator Waste Management

SUMMARY

Evaluation and selection of tenders for Contract No CPA/180792 – Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility.

RECOMMENDATION

- 1 That Council accept all conforming tenders received for the hire of plant and trucks for the operation of Buttonderry Waste Management Facility for inclusion on a priority ranking list for a period of twelve months.**
- 2 That Council authorise the Director Shire Services to arrange engagement of plant as required from time to time from Panel 1 for the effective operation of the facility in accordance with Contract CPA/180792 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.**
- 3 That Council authorise the General Manager to arrange engagement of plant as required from time to time from Panel 2 for the effective operation of the facility in accordance with Contract CPA/180792 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.**
- 4 That Council approve an estimated annual expenditure of \$1,013,000.00 (excl GST) for all plant and trucks against this contract, however actual expenditure may vary significantly with fluctuations in demand.**

BACKGROUND

Since January 1999 Council has operated the Buttonderry Waste Management Facility (BWMF) using a combination of hire plant and trucks, contracted services and internal labour. Due to the specialised, consistent and long term nature of the work at BWMF, it has been found advantageous to create a pool of available hired plant and trucks specifically for work at the facility. To ensure that the plant and trucks are secured at the most competitive rates, tenders have been invited for various individual items of plant or combination of plant items and operators as follows:

- Dozer D6 with operator.
- Bogie Trucks with operators.
- 20 Tonne Excavators with operators.
- Backhoe and Truck combination with two operators.

The dozer is required to spread top soil, excavation material or other suitable material and assist with the construction of cell walls. It may be required to obtain cover material, rocks or other materials as directed. The dozer is required on average three days per week.

Bogie trucks are required to transport cover material, crushed concrete, rock or waste material. From time to time bogie trucks may also be required to collect materials such as clay, crushed concrete etc from locations outside the facility. Generally two bogie trucks are required five days per week.

The twenty tonne excavators are required to load cover material, rocks, crushed concrete or other materials onto bogie trucks, construct cell and bund walls, push up stockpiles, cover asbestos waste and screen concrete or rocks. Generally, two 20 tonne excavators are required five days per week.

The backhoe is required to load waste materials disposed of in the small vehicle transfer station onto a bogie truck for transfer to the landfill face. The backhoe may also be directed to load crushed concrete or excavation materials. The backhoe and truck combination is required seven days per week.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 4 May 2010 and in the Central Coast Express Advocate on 5 May 2010. The advertised closing date was 27 May 2010.

The invitation documents called for Schedule of Rate tenders, based on a detailed specification.

The following addendum was issued to all prospective Tenderers during the invitation period:

- 1 Change classification from a Goods Tender to a Services Tender in relation to the application of Wyong Shire Council's Local Preference Policy (24 May 2010).

Tenders closed at Council Chambers at 2.00pm on 27 May 2010.

The processing of this tender has been delayed while Council recently carried out an internal review into the engagement of contracted labour hire. As this contract relies upon the creation of a priority list for all complying plant, and the Director of Shire Services is required to have appropriate delegation to engage plant and operators from this priority list, it was included in this review.

The review was undertaken to ensure that Council was meeting all relevant legislative and State Government requirements. The review established that the use of Council-approved priority lists under this Contract is acceptable provided rigour and transparency is placed around the use of such lists.

To ensure that Council is providing appropriate transparency and increased probity around the use of the priority lists for plant and trucks hired under this contract, the following procedure will apply.

- 1 All complying plant and trucks will be placed on priority lists in order of their ranking (ranking of "1" being the highest).

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

- 2 For each item of plant the priority list will be divided into two panels based on price. Panel 1 will consist of the highest ranking Tenderers whose prices are relatively similar. Panel 2 will consist of the lower ranked Tenderers where there is a considerable increase in price.
- 3 The process of engaging plant as required from Panel 1 will be authorised by the Director of Shire Services.
- 4 If plant is required from Panel 2, Plant Pool will seek authorisation from the General Manager prior to proceeding.
- 5 To ensure this process follows the priority list approved by Council at all times, Plant Pool staff authorised to engage contractors from the priority list will use a recently installed software system for managing the engagement of plant and trucks. This system allows for the electronic management of priority lists for plant items including records of make and model, registration numbers and contractor details.

As Plant Pool staff contact contractors in order of the ranking outlined in the priority list, the system will record the date and time of calls and the availability of a contractor's plant. Warnings are flagged in the system if the procedures are not followed correctly. Reports will be generated from the software system and recorded in Council's Corporate Record system on a regular basis.

It should be noted that while it may be likely for trucks ranked 4 or lower on the priority list to be called upon from time to time during periods of high activity, there is a low probability for a backhoe with a ranking of 2 or lower or excavators with a ranking below 3 to be required.

Due to the delay in the tender assessment for the reasons outlined above, Council obtained agreement from all Tenderers to hold their tendered rates past the 90 day period stated in the contract, and advised all Tenderers that the commencement date of the contract will now be 27 September 2010 and not 7 August 2010 as originally advertised.

As the existing contract is due to expire on 6 August 2010, Council requested an extension to the term of this contract for a period of eight weeks from 7 August 2010 until 26 September 2010 at the existing contract rates. All current contractors agreed to this request.

EVALUATION OF TENDERS

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

Threshold Criteria:

- 1 Compliance with Tender documents.
- 2 Ability to manage financial, environmental, operational and safety risk requirements.

Weighted Criteria:

- 1 Assessed level of Local Content (MANDATORY)
- 2 Price
- 3 Plant offered and compliance with technical specification

4 Track record and past performance.

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

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

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

	Tender	Tendered plant	Status
1	Australian Grader Hire Pty Ltd	Dozer	Submitted on time
		Bogie Truck (x2)	
		Excavator	
		Backhoe and Bogie Truck Combination	
2	Australian Native Landscapes Pty Ltd	Dozer	Submitted on time
		Bogie Truck (x3)	
		Excavator (x2)	
		Backhoe and Bogie Truck Combination	
3	B&D Excavations Pty Ltd	Dozer	Submitted on time
		Excavator 1	
		Excavator 2	

	Tender	Tendered plant	Status
4	Serious About Civil Pty Ltd	Dozer	Submitted on time
		Bogie Truck 1	
		Bogie Truck 2	
		Bogie Truck 3	
		Excavator (x2)	
		Backhoe and Bogie Truck Combination	
5	Catt & Sons Pty Ltd	Bogie Truck (x2)	Submitted on time
		Excavator	
6	Duncan Excavations (NSW) Pty Ltd	Bogie Truck	Submitted on time
		Excavator (x2)	
		Backhoe and Bogie Truck Combination	
7	E & B Tipper Hire Pty Ltd	Bogie Truck (x2)	Submitted on time
8	Greenland Transport Pty Ltd	Bogie Truck	Submitted on time
9	Hall Group Enterprises Pty Ltd	4WD Tractor and slasher	Submitted on time
		Caterpillar 247B Series II Skid Steer Posi Track	
10	Hall Group Enterprises Pty Ltd	Dozer	Submitted on time
		Bogie Truck	
		Excavator (x2)	
11	John E Hogan Pty Ltd	Bogie Truck (x2)	Submitted on time
12	Kingston Industries Pty Ltd T/as Kingston	Bogie Truck (x9)	Submitted on time

	Tender	Tendered plant	Status
	Plant Hire	Excavator (x2)	
		Backhoe and Bogie Truck Combination	
13	Mozaf Pty Ltd T/as Active Excavation Works	Bogie Truck (x3)	Submitted on time
		Excavator (x2)	
14	R.K. Talbot Enterprises Pty Ltd	Bogie Truck (x3)	Submitted on time
		Backhoe and Bogie Truck Combination	
15	R.W. Leete Pty Ltd.	Dozer	Submitted on time
16	RL Equipment Pty Ltd	Bogie Truck	Submitted on time
17	Scape Constructions Pty Ltd	Dozer	Submitted on time
		Excavator	
18	TCX Pty Ltd	Bogie Truck (x2)	Submitted on time
		Bogie Truck 3	
		Excavator	
19	Viking Waste Services	Backhoe and Bogie Hook Lift Truck Combination and 4 Hook lift bins	Submitted on time
20	Wyong Shire Council	Excavator	Submitted on time

Assessment of Conformance

The Request for Tender required an hourly rate for a D6 equivalent Dozer including operator, Bogie Trucks including operator, 20 Tonne Excavator including operator and a Backhoe and Bogie Truck combination including 2 operators.

Tender No 9 (from Hall Group Enterprises Pty) was an alternative tender offering additional plant. This was submitted in addition to a conforming tender (No 10). The alternative tender included a 4WD Tractor and Slasher and a Caterpillar Skid Steer Posi-Track machine. Council has no use for this equipment at the present time and therefore the alternative Tender No 9 was not included in the detailed evaluation.

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

Tender No 19 (from Viking Waste Services Pty Ltd) was an alternative tender to a backhoe and bogie truck combination. The company tendered for a JCB 4CX Backhoe, a Volvo Bogie Drive Hook-Lift Truck, 4 x Hook-Lift Bins and 2 x Operators. Implementing hook lift bins would involve a major change to the transfer station operations that is not considered to be advantageous at present. This tender was therefore not included in the detailed evaluation. The company did not submit a conforming tender.

All other tenders were conforming and were progressed to the next stage of the evaluation.

Weighted Evaluation

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements). The score for the suitability of the plant and conformance with technical specifications was determined by an inspection undertaken by a Council mechanic. Some plant could not be inspected because reasonable attempts to contact the Tenderer to book an inspection were unsuccessful or the plant was located outside the Sydney to Newcastle region. This distance made it uneconomical to travel to the equipment for inspection.

All plant that could not be inspected received a minimum score. In the event that these items of plant were required at BWMF, a plant inspection to confirm the acceptability of the plant would be arranged prior to the commencement of any work.

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

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

Council adopted the Local Preference Policy to encourage the development and promotion of business and industry within the Central Coast. Under this policy, preferences will be applied to the provision of goods and services that have Local Content. The Local Content criterion will receive a mandatory weighting of 10% of the total evaluation criteria and other price and non-price criteria will receive a maximum cumulative weighting of 90%. However, the maximum adverse financial implication to Council per procurement transaction will be limited. For procurement of services the limits are as follows:

Expenditure Range – Most Competitive Offer (ex GST)	Maximum unfavourable financial implication %
>\$20,000 to <\$50,000	10% above the price component of the Most Competitive Offer
\$50,000 to <\$150,000	7.5% above the price component of the Most Competitive Offer
\$150,000 to <\$500,000	5% above the price component of the Most Competitive Offer
\$500,000 to <\$1M	3.5% above the price component of the Most Competitive Offer

Expenditure Range – Most Competitive Offer (ex GST)	Maximum unfavourable financial implication %
>\$1M	2.5% above the price component of the Most Competitive Offer

The majority of the Tenderers were located in the local region. These local companies did not nominate any subcontractors or goods sourced from outside the local region and therefore they were awarded 100% of the local content policy. Companies located outside the region were awarded the local content value of any goods or sub-contracted work sourced from within the local region.

Details of each category assessment are shown below.

DOZER

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

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

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
10	Hall Group Enterprises Pty Ltd	84.9
3	B&D Excavations Pty Ltd	77.6
17	Scape Constructions Pty Ltd	75.9
15	R.W. Leete Pty Ltd.	70.5
4	Serious About Civil Pty Ltd	64.4
1	Australian Grader Hire Pty Ltd	46.8
2	Australian Native Landscapes Pty Ltd	19.4

Tender No 10 (from Hall Group Enterprises Pty Ltd) is considered to offer the best value for money. Although the tendered rate is marginally higher than the second highest ranked tender (Tender No 3 from B&D Excavations), the plant offered is considered more suitable.

Hall Group Enterprises Pty Ltd tendered a 2000 model Caterpillar D6R XL which scored very highly in the mechanical assessment undertaken as part of the criteria for plant offered as the machinery is new, is currently located at the landfill and is performing to a very high standard.

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

B&D Excavations Pty Ltd, however, was given a minimum score (2/10) for mechanical assessment as the machinery was unable to be viewed due to distance. It was the suitability of the plant that resulted in Hall Group Enterprises Pty Ltd being ranked first.

A sensitivity analysis was then undertaken between the two tenders. This showed that in order for B&D Excavations Pty Ltd to score higher than Hall Group Enterprises Pty Ltd in the tender process overall, a mechanical assessment score of 3 x the minimum score would be required to change the result of the outcome. This was considered highly unlikely due to the age of the B&D Excavations machine being offered (18 years).

2 – Scoring: Post-Application of Local Preference Policy

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

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

Policy Criteria	Criteria Applied to Tender Assessment
Expenditure range of Most Competitive Offer	\$50,000 - \$150,000
Maximum Unfavourable Financial Implication	7.5% above Most Competitive Offer
Financial Impact Limitation To Be Applied to Preferred Offer	\$9,959.76

Based on these criteria the Most Competitive Offer was adjusted to include the Local Content Criterion. The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Panel No.	Tender No	Tender	Weighted Evaluation Score (Post application of Local Preference)
			Preferred Offer
1	10	Hall Group Enterprises Pty Ltd	94.9
1	3	B&D Excavations Pty Ltd	87.6
1	17	Scape Constructions Pty Ltd	85.9
1	15	R.W. Leete Pty Ltd.	80.5

1	4	Serious About Civil Pty Ltd	74.4
2	1	Australian Grader Hire Pty Ltd	56.8
2	2	Australian Native Landscapes Pty Ltd	22.2

Following the assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender No 10 from Hall Group Enterprises Pty Ltd was assessed as the **Preferred Offer**.

BOGIE TRUCKS

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

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

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
5	Catt & Sons Pty Ltd	85.7
5	Catt & Sons Pty Ltd	85.7
4	Serious About Civil Pty Ltd	83.9
4	Serious About Civil Pty Ltd	83.3
4	Serious About Civil Pty Ltd	81.5
18	TCX Pty Ltd	80.3
18	TCX Pty Ltd	80.3
18	TCX Pty Ltd	74.9
16	RL Equipment Pty Ltd	74.4
8	Greenland Transport Pty Ltd	66.9
14	R.K. Talbot Enterprises Pty Ltd	64.4
14	R.K. Talbot Enterprises Pty Ltd	64.4
14	R.K. Talbot Enterprises Pty Ltd	64.4
11	John E Hogan Pty Ltd	53.7
11	John E Hogan Pty Ltd	53.7
10	Hall Group Enterprises Pty Ltd	53.2
2	Australian Native Landscapes Pty Ltd	49.1

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
2	Australian Native Landscapes Pty Ltd	49.1
2	Australian Native Landscapes Pty Ltd	49.1
6	Duncan Excavations (NSW) Pty Ltd	48.3
13	Mozaf Pty Ltd T/as Active Excavation Works	40.7
13	Mozaf Pty Ltd T/as Active Excavation Works	40.7
13	Mozaf Pty Ltd T/as Active Excavation Works	40.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
1	Australian Grader Hire Pty Ltd	30.2
1	Australian Grader Hire Pty Ltd	30.2
7	E & B Tipper Hire Pty Ltd	28.7
7	E & B Tipper Hire Pty Ltd	28.7

Tender No 5 (from Catt & Sons Pty Ltd) is the highest scoring tender for the two bogie trucks tendered. Tender No 4. (from Serious About Civil Pty Ltd) ranked second for the next three bogie trucks. Generally only two bogie trucks are required on-site at any one time.

It is noted that the first two trucks tendered by Tenderer No 18 (from TCX Pty Ltd - company ranked 3rd) truck registration numbers UHK 164 and BL 20PZ (trucks ranked 6th and 7th) are the same two trucks tendered by Tender No 5 from Catt & Sons Pty Ltd.

Therefore, if the trucks were unavailable from Catt & Sons Pty Ltd it is unlikely that they would be available from TCX Pty Ltd. However the priority list would be followed in order of ranking at all times. TCX Pty Ltd have tendered a third truck (TCX008) which is ranked 8th.

Tender No 8 from Greenland Transport Pty Ltd included an alternative option of the original Bogie Truck tendered plus the addition of a handmade dog trailer. Council does not require a dog trailer at this time and therefore this alternative option was considered to be non-conforming and was not assessed as part of the tender process.

2 – Scoring: Post-Application of Local Preference Policy

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

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

Policy Criteria	Criteria Applied to Tender Assessment
Expenditure range of Most Competitive Offer	\$50,000 - \$150,000
Maximum Unfavourable Financial Implication	7.5% above Most Competitive Offer
Financial Impact Limitation To Be Applied to Preferred Offer	\$10,020.00

Based on these criteria the Most Competitive Offer was adjusted to include the Local Content Criterion. The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Panel No.	Tender No	Tender	Weighted Evaluation Score (Post application of Local Preference)
			Preferred Offer
1	5	Catt & Sons Pty Ltd	95.7
1	5	Catt & Sons Pty Ltd	95.7
1	4	Serious About Civil Pty Ltd	93.9
1	4	Serious About Civil Pty Ltd	93.3
1	4	Serious About Civil Pty Ltd	91.5
1	18	TCX Pty Ltd	90.3
1	18	TCX Pty Ltd	90.3
1	18	TCX Pty Ltd	84.9
1	16	RL Equipment Pty Ltd	84.4

Panel No.	Tender No	Tender	Weighted Evaluation Score (Post application of Local Preference)
			Preferred Offer
2	8	Greenland Transport Pty Ltd	71.8
2	14	R.K. Talbot Enterprises Pty Ltd	74.4
2	14	R.K. Talbot Enterprises Pty Ltd	74.4
2	14	R.K. Talbot Enterprises Pty Ltd	74.4
2	11	John E Hogan Pty Ltd	63.7
2	11	John E Hogan Pty Ltd	63.7
2	10	Hall Group Enterprises Pty Ltd	63.2
2	2	Australian Native Landscapes Pty Ltd	53.8
2	2	Australian Native Landscapes Pty Ltd	53.8
2	2	Australian Native Landscapes Pty Ltd	53.8
2	6	Duncan Excavations (NSW) Pty Ltd	58.3
2	13	Mozaf Pty Ltd T/as Active Excavation Works	41.4
2	13	Mozaf Pty Ltd T/as Active Excavation Works	41.4
2	13	Mozaf Pty Ltd T/as Active Excavation Works	41.4
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7

Panel No.	Tender No	Tender	Weighted Evaluation Score
			(Post application of Local Preference)
			Preferred Offer
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	36.7
2	1	Australian Grader Hire Pty Ltd	40.2
2	1	Australian Grader Hire Pty Ltd	40.2
2	7	E & B Tipper Hire Pty Ltd	38.7
2	7	E & B Tipper Hire Pty Ltd	38.7

Following the assessment of Local Content, the order of the rankings changed. Tender No 14 from R.K. Talbot Enterprises Pty Ltd was ranked higher than Tender No 8 from Greenland Transport Pty Ltd. The financial impact of the **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$10,020.00**
- Actual financial impact of Preferred Offer: **\$8,496**

The financial impact to Council in accepting the tender of R.K. Talbot Enterprises Pty Ltd is within the financial limitations set by the Local Preference Policy.

Additionally the order of rankings changed further down the priority list. Tender No 6 from Duncan Excavations (NSW) Pty Ltd was ranked higher than Tender No 2 from Australian Native Landscapes Pty Ltd. The financial impact of the **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$10,020.00**
- Actual financial impact of Preferred Offer: **\$21,376.00**

The financial impact to Council in accepting the tender of Duncan Excavations (NSW) Pty Ltd is above the financial limitations set by the Local Preference Policy. The change in ranking therefore cannot be accepted.

Finally, Tender No 1. Australian Grader Hire Pty Ltd was assessed higher than Tender No 12 from Kingston Industries Pty Ltd T/as Kingston Plant Hire. The financial impact of the **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$10,020.00**
- Actual financial impact of Preferred Offer: **\$13,360**

The financial impact to Council in accepting the tender of Australian Grader Hire Pty Ltd is above the financial limitations set by the Local Preference Policy. The change in ranking therefore cannot be accepted.

It is noted that generally only two to three bogie trucks are required on-site at any one time. The first change in rankings due to the application of the local preference policy begins at the 5th company ranked on the priority list e.g. the 10th bogie truck down the priority list. It is unlikely that Council will move this far down the priority list and therefore the financial impact of any change in the rankings is likely to be nil.

EXCAVATOR

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

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

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
4	Serious About Civil Pty Ltd	85.4
5	Catt & Sons Pty Ltd	82.7
4	Serious About Civil Pty Ltd	82.4
20	Wyong Shire Council	79.9
3	B&D Excavations Pty Ltd	78.1
18	TCX Pty Ltd	77.6
10	Hall Group Enterprises Pty Ltd	75.2
10	Hall Group Enterprises Pty Ltd	75.2
17	Scape Constructions Pty Ltd	67.9
3	B&D Excavations Pty Ltd	67.6
2	Australian Native Landscapes Pty Ltd	62.3
2	Australian Native Landscapes Pty Ltd	60.8
1	Australian Grader Hire Pty Ltd	39.0

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
13	Mozaf Pty Ltd T/as Active Excavation Works	38.9
13	Mozaf Pty Ltd T/as Active Excavation Works	38.9
6	Duncan Excavations (NSW) Pty Ltd	35.2
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	35.0
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	35.0
6	Duncan Excavations (NSW) Pty Ltd	29.2

Tender No 4 (from Serious About Civil Pty Ltd) is the highest scoring tender for the first excavator followed by Tender No 5 (from Catt & Sons Pty Ltd). This is followed by Tender No 4 (from Serious About Civil Pty Ltd) placed at number three. Generally only two excavators are required on-site at any one time.

2 – Scoring: Post-Application of Local Preference Policy

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

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

Policy Criteria	Criteria Applied to Tender Assessment
Expenditure range of Most Competitive Offer	\$150,000 - \$500,000
Maximum Unfavourable Financial Implication	5% above Most Competitive Offer
Financial Impact Limitation To Be Applied to Preferred Offer	\$8,161.80

Based on these criteria the Most Competitive Offer was adjusted to include the Local Content Criterion. The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Panel No.	Tender No	Tender	Weighted Evaluation Score
			(Post application of Local Preference)
			Preferred Offer
1	4	Serious About Civil Pty Ltd	95.4
1	5	Catt & Sons Pty Ltd	92.7
1	4	Serious About Civil Pty Ltd	92.4
1	20	Wyong Shire Council	89.9
1	3	B&D Excavations Pty Ltd	88.1
1	18	TCX Pty Ltd	87.6
1	10	Hall Group Enterprises Pty Ltd	85.2
1	10	Hall Group Enterprises Pty Ltd	85.2
2	17	Scape Constructions Pty Ltd	77.9
2	3	B&D Excavations Pty Ltd	77.6
2	2	Australian Native Landscapes Pty Ltd	66.5
2	2	Australian Native Landscapes Pty Ltd	65.0
2	1	Australian Grader Hire Pty Ltd	49.0
2	13	Mozaf Pty Ltd T/as Active Excavation Works	39.7
2	13	Mozaf Pty Ltd T/as Active Excavation Works	39.7
2	6	Duncan Excavations (NSW) Pty Ltd	45.2
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	35.0
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	35.0
2	6	Duncan Excavations (NSW) Pty Ltd	39.2

Following the assessment of Local Content, the order of rankings changed in the priority list. The first tender for an excavator from Duncan Excavations (NSW) Pty Ltd ranked higher than the two tenders above this from Mozaf Pty Ltd T/as Active Excavation Works. The financial impact of accepting each **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$8,161.80**
- Actual financial impact of Preferred Offer: **\$39,088.80**

The financial impact to Council in accepting each tender of Mozaf Pty Ltd T/as Active Excavation Works is above the financial limitations set by the Local Preference Policy. The change in ranking therefore cannot be accepted.

Additionally, Tender No 6 from Duncan Excavations (NSW) Pty Ltd was ranked higher than the next two tenders from Tender No 12 from Kingston Industries Pty Ltd T/as Kingston Plant Hire. The financial impact of accepting each Preferred Offer under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$8,161.80**
- Actual financial impact of Preferred Offer: **\$29,280.00**

The financial impact to Council in accepting the tender of Duncan Excavations (NSW) Pty Ltd is above the financial limitations set by the Local Preference Policy. The change in ranking therefore cannot be accepted.

It is noted that generally only two excavators are required onsite at any one time. The first change in rankings due to the application of the Local Preference Policy begins at the 14th ranking down the excavator priority list. The next change occurs at the 18th ranking and therefore it is extremely unlikely that Council will move this far down the priority list so that the likely actual financial impact will be nil.

BACKHOE AND BOGIE TRUCK COMBINATION

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

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

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
14	R.K. Talbot Enterprises Pty Ltd	87.8
4	Serious about Civil Pty Ltd	83.3
2	Australian Native Landscapes Pty Ltd	43.0

Tender No	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
6	Duncan Excavations (NSW) Pty Ltd	31.1
12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	29.3
1	Australian Grader Hire Pty Ltd	4.1

Tender No 14 (from R.K. Talbot Enterprises Pty Ltd) is the highest scoring tender for the backhoe and bogie truck combination followed by Tender No 4 (from Serious About Civil Pty Ltd). Generally only one backhoe/bogie truck combination is required onsite at any one time.

2 – Scoring: Post-Application of Local Preference Policy

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

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

Policy Criteria	Criteria Applied to Tender Assessment
Expenditure range of Most Competitive Offer	\$150,000 - \$500,000
Maximum Unfavourable Financial Implication	5% or \$25,000 above Most Competitive Offer
Financial Impact Limitation To Be Applied to Preferred Offer	\$13,806.00

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

Panel No.	Tender No	Tender	Weighted Evaluation Score (Post application of Local Preference)
			Preferred Offer
1	14	R.K. Talbot Enterprises Pty Ltd	97.8
1	4	Serious about Civil Pty Ltd	93.3
2	2	Australian Native Landscapes Pty Ltd	48.4
2	6	Duncan Excavations (NSW) Pty Ltd	41.1
2	12	Kingston Industries Pty Ltd T/as Kingston Plant Hire	29.3
2	1	Australian Grader Hire Pty Ltd	14.1

Based on these criteria the Most Competitive Offer was adjusted to include the Local Content Criterion. Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender No 1 from R.K. Talbot Enterprises Pty Ltd was assessed as the Preferred Offer.

Due Diligence

All conforming tenders were subjected to an in-house assessment of safety systems, quality control, environmental management and referee checks.

All Tenderers ranked high on the priority list are local contractors with a history of successfully completed contracts similar in nature and scope to the current works.

PROCESS REVIEW

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

RISK ASSESSMENT

General

When letting a contract, various risks exist that may result in the final contract cost exceeding the initial contract sum. These risks vary depending upon the type of work being undertaken; for example, design work versus construction work; and the type of contract, for example Lump Sum versus Schedule of Rates.

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not. For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

Contract risks include Generic Risks (generally found in most contracting situations) and Specific Risks leading to contract variations that have particular application to an individual contract. These major risks are summarised below for this contract.

Generic Risks

These are risks that Council manages through its contract administration procedures and processes. Major generic risks and mitigation measures for this contract include:

- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards' General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

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

- Unforeseen circumstances or conditions may require a greater utilisation of plant and trucks anticipated or additional plant to be brought in thus increasing the estimated contract cost.

Risk Contingency

The above risks are considered to be low/medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$100,000.00 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$1,013,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

The source of funds for the contract is the operation budget for Buttonderry Waste Management Facility in line item 4.5.13 Tip Operations in Council's Management Plan.

The tendered rates are not subject to rise and fall adjustments.

TIME-FRAME

The contract period is for 12 months commencing on September 27 2010.

APPROVALS

No additional approvals are required.

CONCLUSION

An assessment has been made of tenders received for various combinations of plant to be used at the Buttonderry Waste Management Facility. The ranked tenders shown for plant items listed in this report are recommended for acceptance and engagement in order of priority as shown in the report.

ATTACHMENTS

- 1 Confidential Assessment of Tenders (D02329593 - Distributed under separate cover) Enclosure

4.3 Thiess - Option to Extend Contract for a Further 24 Months

TRIM REFERENCE: CPA/122066 - D02324607

AUTHOR: Darrell Priestland, Holiday Parks Controller

SUMMARY

This report deals with the extension of the collection of bulk mixed waste and recyclable materials at the Council administered Central Coast Holiday Parks i.e. Toowoan Bay, Norah Head, Canton Beach and Budgewoi. The recommendation is to extend the contracts by a further two years. The conclusion of the initial three year contract period is 1 October 2010.

RECOMMENDATION

That Council exercise its option to extend the contract by two years commencing 1 October 2010 for Contract CPA 122066 – Collection of bulk mixed waste and recyclable materials at the Central Coast Holiday Parks. The estimated annual expenditure against this contract is \$220,000 including GST (\$200,000 excluding GST), however actual expenditure may vary slightly with annual rise and fall price adjustments and fluctuations in demand.

BACKGROUND

In August 2007 it was determined that significant savings could be achieved by calling tenders based on a specification and contract structure customised to the Central Coast Holiday Parks. The contract was structured to operate on a schedule of rates basis for a period of three years, with a Council-only option to extend by a further two years.

At the Ordinary meeting held on 12 September 2007 it was resolved unanimously on the motion of Councillor Pavier and seconded by Councillor Stevens:

“That Council accept Tender No 4 from Thiess Services Pty Ltd for a period of three years commencing on 1 October 2007. The estimated annual expenditure against this contract is \$152,755 including GST (\$138,868 excluding GST), however actual expenditure may vary slightly with annual rise and fall price adjustments and fluctuations in demand.”

Thiess Services Pty Ltd has fulfilled the contract requirements in accordance with the terms of the contract. The current contract continues with a flexible service structure, with a reduction of service frequency in shoulder and off-peak seasons. This contract also sees the Park Manager directing the contractor not to service empty bins. Only serviced bins will be charged.

You will note that the estimated annual expenditure for the original tender in 2007 is lower than the estimated annual expenditure for the extended contract. This is due to the increase in tipping charges, the increase in service due to the tourist growth (occupancy) in the Holiday Parks and the slightly higher base rates charged by the service provider. A comparison of industry rates was undertaken and demonstrated that Thiess is still competitive.

EXTENSION OF CONTRACT

Extensions are undertaken at the discretion of the Principal. In determining whether to award an extension to the contract, the Principal will consider the commercial and operational advantages that can be gained by undertaking a fresh tendering exercise and entering into a new contract.

The decision by the Principal to award an extension will include, but not be limited to:

- Commercial Advantage to Council.
- Quality of Supply.
- Reliability of Services.

A comparison of the current contract rates with general industry standard rates has been carried out and it was found that the current rates continue to provide Council with a competitive financial advantage. See below table.

CONTAINERS - BASE RATES AS OF JULY 2010			
	3.00M WASTE	3.00M RECYCLE	240LTR CO-MINGLED
Thiess Services	\$59.20	\$16.20	\$2.70
Veolia Services	\$60.00	\$30.00	\$7.50
JR Richards	\$60.00	\$25.00	\$11.00

JR Richards & Sons Waste and Recycling Services have additional weekly rental charges of \$1.00 for all the containers.

Holiday Park Contract Manager (Australian Tourist Park Management) continue to liaise with the waste contractor in relation to conformance with the tender and work practices and system procedures. To date the contractor has been found to be in compliance with its obligations under the contract.

Tendered rates for the collection of bulk mixed waste and recyclable materials, in line with the Consumer Price Index rise, will be adjusted on the anniversary of the original awarding of the contract.

CONCLUSION

It is recommended that Council exercise its option to extend the following contract with the current approved contractors for the period 1 October 2010 to 30 September 2012:-

Contract CPA 122066 – Collection of bulk mixed waste and recyclable materials at the Council administered Central Coast Holiday Parks.

ATTACHMENTS

Nil.

5.1 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan

TRIM REFERENCE: F2007/01471 - D02326184

AUTHOR: Margaret Collins, PA to Manager Contracts and Special Projects

SUMMARY

Section 67 of the Local Government Act requires Council approval for the works detailed in this report to be undertaken on private property. These works are being funded under the Tuggerah Lakes Estuary Management Plan (TLEMP).

RECOMMENDATION

That Council approve the works detailed in Table A to be carried out on the following properties under the TLEMP at no cost to the property owner:

- ***Lot 8 DP 543157 Cedar Brush Creek***
- ***Lot 9 DP 543157 Cedar Brush Creek***
- ***Lot 44 DP 755224 Palm Grove***

BACKGROUND

The TLEMP has been developed to improve water quality, ecology, general amenity and the foreshore areas of Tuggerah Lake, Budgewoi Lake and Lake Munmorah. The plan provides for a range of projects to be carried out over a five year period. A number of these projects relate to reducing the amount of sediment entering the Lakes as a result of bank erosion in the various streams, creeks and rivers that discharge into the lakes. The works under this plan are being fully funded by a Federal Government grant. In 2008, consultant Cardno Lawson Treloar undertook an assessment of Wyong River and Ourimbah Creek to identify areas of streambank degradation and prioritise areas for rehabilitation. That assessment is documented in the Streambank Management Plans for Wyong River and Ourimbah Creek. A significant number of the sites identified within these plans are on private property. The prioritisation of sites within these plans forms the basis for funding under the Federal grant.

This report identifies four private properties that have been prioritised for improvement works in the 2010 / 2011 financial year under the TLEMP. Council's approval to the expenditure of funds on these works will be required.

PROPOSAL**Works on Private Property**

Section 67 of the Local Government Act (LGA) relates to Council undertaking works on private property. This Section deals with and sets out procedures for circumstances where Council spends public money to undertake works on private lands, and those works improve the land/provide the private landowner with a benefit (as compared to where Council spends public moneys on public infrastructure/public benefit). The priority is given to works on public land but there are circumstances where high public benefit (in terms of the TLEMP) is achieved by works on private land. Examples of such work referenced under this Section, which are relevant to works being undertaken under the TLEMP, include fencing, tree planting, tree maintenance, excavation, land clearing and tree felling.

Where Council is carrying out these types of works on private property and does not have an approved fee, or is charging less than an approved fee, Council must approve the works before they are carried out by resolution at an open meeting. Funding for these works may be from various sources and are not necessarily revenue funds.

Where it is proposed to undertake works on private property, an agreement is entered into with the property owner relating to the sharing of costs. Agreements are based on the following principles:

- Council, through TLEMP funding, will provide all rehabilitation works.
- If, as a result of the rehabilitation works, off-stream stock watering is required this is to be provided by the land owner.
- Council, through TLEMP funding, will provide initial maintenance (up to 12 months) to establish tube stock planted as part of the works.
- The property owner will provide for the ongoing maintenance of any fencing and maintenance of revegetated areas after the initial maintenance period.

Should a major flood event occur that results in damage to rehabilitated areas, beyond that which could be carried out as part of normal maintenance, any remedial works would be subject to a separate round of assessment under the TLEMP.

In the past, work has been carried out to maintain the streambanks of Wyong River and Ourimbah Creek within private properties. This work was not reported to Council as it was minor in scale, with significant components of the work that constituted direct improvements to property value, such as fencing, being funded by the owner. This type of maintenance work will continue to be undertaken without formal reporting to Council. However, the scale and nature of works under the TLEMP warrant reporting to, and obtaining formal approval from Council in the accordance with Section 67 of the Local Government Act. Further works of this type will be the subject of future reports to Council for the duration of time for which funding is provided under the TLEMP.

Causes of Erosion and Rehabilitation Methods

The 2008 Cardno Lawson Treloar consultant's report identified that areas of significant erosion within Wyong River and Ourimbah Creek are a result of causes such as excessive clearing of trees close to the streambank, uncontrolled stock access to the stream, intrusion of weeds such as privet and lantana (that do not have root systems capable of holding the soil in flood events) and gradual erosion resulting in over-steepening of the bank, which has the potential for significant slippage when saturated.

The typical rehabilitation methods detailed within the report, and which form the basis for works to be carried out at individual sites, include:

- Revegetation of the riparian zone.
- Fencing to prevent stock access to the stream and revegetated areas.
- Clearing of weeds/undesirable vegetation.
- Excavation of the streambank to provide a batter that will support revegetation.
- The provision of toe protection to eroding streambanks by either hard engineering works such as the placement of sandstone rock work/construction of retaining walls or softer works such as the placement of local materials such as tree trunks to protect the eroding bank until such time as native vegetation is re established.

OPTIONS

Typically owners do not consider that these works will benefit them directly. They claim, for example, that where their stock water currently comes directly from the stream, fencing will mean that they may have to install off-stream watering if access is to be restricted by a new fence. Revegetation of streambanks, which are then fenced to prevent stock access to the new plants, is seen as a loss of pasture. Similarly, battering of the streambank that is to be revegetated and fenced is also seen as a loss of pasture.

While it may be considered that the above activities provide long term assets e.g. fences, trees etc for the properties concerned, many owners have indicated that they will not consent to the works being undertaken if they are required to make any significant contribution to their cost. There are therefore no viable alternative options if Council is to pursue the desired environmental outcomes.

PROPOSED WORKS

As part of the 2010/11 works program for the TLEMP, it is proposed to undertake construction work on three properties as detailed in Table A. These works will provide significant environmental benefits through stabilising and controlling areas identified as having high erosion risk, and providing appropriate revegetation and fencing to assist in the long term sustainability of these works.

Table A - Proposed Work on Private Property as Part of the Tuggerah Lakes Estuary Management Plan

Property Description	Extent of Proposed Work	Approximate Cost of Work (excl GST)
<i>Lot 8 DP 543157 Cedar Brush Creek</i>	<ul style="list-style-type: none"> Batter 240 metres of streambank Provide toe protection to 240 metres of streambank Remove weeds / undesirable vegetation from 1,000 square metres of streambank Revegetate 4,560 square metres of streambank and riparian zone Install 300 metres of stock fence 	\$384,747.45
<i>Lot 9 DP 543157 Cedar Brush Creek</i>	<ul style="list-style-type: none"> Batter 240 metres of streambank Provide toe protection to 240 metres of streambank Remove weeds / undesirable vegetation from 1,000 square metres of streambank Revegetate 5,040 square metres of streambank and riparian zone Install 950 metres of stock fence 	\$383,956.25
<i>Lot 44 DP 755224 Palm Grove</i>	<ul style="list-style-type: none"> Batter 55 metres of streambank Provide toe protection to 55 metres of streambank Remove weeds / undesirable vegetation from 1,040 square metres of streambank Revegetate 880 square metres of streambank and riparian zone Install 100 metres of stock fence 	\$145,587.75

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Not applicable	
A More Sustainable Economy	Not applicable	
A More Sustainable Environment	Implementation of Estuary Management Plan and Stormwater Management Works.	3.2.8
Infrastructure	Not applicable	
Organisation	Not applicable	

Contribution of Proposal to the Principal Activity

The proposed works are one of the identified projects under the TLEMP, and will provide ongoing improvements to water quality on the affected streams and for water entering Tuggerah Lake.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Nil Impact.
Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Nil Impact.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	The landholders within the Shire's water catchment areas will see this environmental project as an example of land use best practice.
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil Impact.
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil Impact.
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact.

5.1 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan (contd)

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.	The health of the Shire's waterways will be enhanced by the restoration of degenerated streams and the education of land holders.
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	As part of the Tuggerah Lakes Estuary Management Plans implementation of these projects will contribute to the community's ownership and understanding of the importance of the Shire's waterways.

Financial Implications

The works are fully funded through the TLEMP using Federal Government grant funds.

Principles of Sustainability

The works when established will provide a natural long term solution to stream degradation and erosion issues.

CONSULTATION

Paul Wise asked the report to address the "community benefit and prioritisation" - please see highlighted information under 'Proposal'. Where rehabilitation works are proposed to be undertaken on private land, extensive discussions are held with owners to obtain their permission to undertake the works. This is a requirement under Section 67 of the LGA, together with consideration of possible cost sharing arrangements. Extensive consultation has occurred with landholders, and between the Estuary Management Unit with Roads and Drainage Unit and Open Space and Recreation Unit.

GOVERNANCE

The works have been approved by the Federal Government under its Caring for Our County initiative.

CORPORATE RISKS

Risk	Possible Outcome	Mitigation Method
Risk of non-compliance with Section 67 of Local Government Act	Loss of Council reputation Penalties from non-compliance	Obtain Council approval prior to expenditure of funds

5.1 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan (contd)

Risk	Possible Outcome	Mitigation Method
Fraud and corruption allegations from favouring certain land-owners	Loss of Council reputation Investigations into Council practices and possible penalties	Obtain Council approval prior to expenditure of funds

CONCLUSION

For Council to undertake rehabilitation works on private property to achieve its TLEMP objectives it will need to agree to the use of Federal Funding to fully pay for these works. The works listed in Table A (above) are scheduled for completion in early 2011 as part of the TLEMP. Council approval is recommended to the undertaking of these works on private property at no cost to the property owner.

ATTACHMENTS

Nil.

5.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02333400
AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

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

RECOMMENDATION

*That Council **allocate** an amount of \$5,350.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.*

BACKGROUND

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

Donations may also be made to individuals or groups in pursuit of excellence, including sporting and cultural excellence, subject to CCIG Policy. Funds may also be allocated for emergency assistance in the event of natural disasters such as bushfires, flood or drought anywhere in Australia, subject to CCIG Policy. The funds are granted subject to approval of the Council as a whole.

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

5.2 Proposed Councillors' Community Improvement Grants (contd)

Contribution of Proposal to the Principal Activity

The Councillors' Community Improvement Grants were developed to help charitable community groups and in doing so helping the broader community.

Link to Shire Strategic Vision

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

Financial Implications

Expenditure is approved until the end of the 2010-11 financial year. Unspent approvals lapse 30 June 2011.

Principles of Sustainability

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

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

CONSULTATION

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

GOVERNANCE

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

CORPORATE RISKS

Nil impact.

CONCLUSION

The proposed allocations contained in this report are permissible under the Council's policy on Councillors' Community Improvement Grants. The process has been correct and Council may confirm the grants at its option.

5.2 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2010-11

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 25/08/2010	2,550	2,650	2,000	3,949	200	750	250	500	500	1,000	14,349
Available allocation as at 25/08/2010	12,450	12,350	13,000	11,051	14,800	14,250	14,750	14,500	14,500	14,000	135,651
Proposed Allocations for 8 September 2010											
Budgewoi Dunecare (\$400)								400			400
Central Coast Hash House Harriers (\$5,000) (only \$2,000 for events) (\$1,000 already resolved)				500	250						750
Central Coast Outreach Services (\$668) (\$150 already allocated)					300						300
Gwandalan Public School (Student: B Coggins) (\$250) (GM approval payment in advance)							250				250
Lifeline Central Coast (\$100)			100								100
Mingara Relay for Life 2010 (\$5,000) (\$550 already allocated)					250						250
National Servicemen's Association - Tuggerah Lakes Branch (\$2,500) (\$1,000 already resolved)		200		500	150						850
Northlakes United Junior Rugby Union (\$2,901) (\$100 already resolved)								700			700
Samaritans Foundation (\$2,000)			250								250
Wyong District Museum Historical Society (\$6,000)		300	250	500	250						1,300

5.2 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2010-11 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 25/08/2010	2,550	2,650	2,000	3,949	200	750	250	500	500	1,000	14,349
Available allocation as at 25/08/2010	12,450	12,350	13,000	11,051	14,800	14,250	14,750	14,500	14,500	14,000	135,651
Proposed Allocations for 8 September 2010											
Yarramalong Progress Association Inc (\$2,000) (\$500 already resolved)				200							200
Assist to hold Spring Festival in Yarramalong between 3-19 September 2010											
Total Proposed Allocations for 08/09/2010	0	500	600	1,700	1,200	0	250	1,100	0	0	5,350
Total Accumulated Allocations as at 08/09/2010	2,550	3,150	2,600	5,649	1,400	750	500	1,600	500	1,000	19,699
Balance Uncommitted as at 08/09/2010	12,450	11,850	12,400	9,351	13,600	14,250	14,500	13,400	14,500	14,000	130,301

ATTACHMENTS

Nil

6.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02338312

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

In accordance with Council's Code of Meeting Practice reports for the Information of Council are provided for adoption either by nominated exception or in total.

RECOMMENDATION

That Council deal with the following Information Reports by the Exception Method.

ATTACHMENTS

Nil.

6.2 Access from F3 Freeway to Hue Hue Road

TRIM REFERENCE: F2007/00245 - D02323366

AUTHOR: Bob Burch, Senior Transportation Engineer
Steven McDonald, Transportation Engineer

SUMMARY

This report responds to Council's resolution of 14 July 2010, regarding the benefits of an interchange from the F3 Freeway to Hue Hue Road.

RECOMMENDATION

- 1 That Council receive the report on Access from F3 Freeway to Hue Hue Road.**
- 2 That Council send a letter to the Roads and Traffic Authority requesting that it commence planning for an F3 Freeway interchange at Wyong to cater for the longer term needs arising from the Wyong Planning Strategy.**

BACKGROUND

At the Ordinary Meeting held on 24 February 2010, Council resolved as follows:

"RESOLVED unanimously on the motion of Councillor Eaton and seconded by Councillor McNamara:

That staff report on the feasibility of converting the new emergency access from the Hue Hue Road, Alison to the Freeway to permanent left in left out access.

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

AGAINST: NIL"

In accordance with the above resolution, a report was submitted to Council on 14 April 2010. At this meeting Council resolved as follows:

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

- 1 That Council note the report on the feasibility of converting the new emergency access from Hue Hue Road, Alison to the Freeway to permanent left in left out access.**
- 2 That Council's engineers submit a further report on possible construction methods and costs involved in converting this access to permanent left in/left out.**

6.2 Access from F3 Freeway to Hue Hue Road (contd)

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

AGAINST: NIL”

At its meeting held on 14 July 2010, Council considered a report on the possible construction methods and costs involved in converting the emergency access from the F3 Freeway to Hue Hue Road as a permanent left in/left out facility.

Council resolved that:

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

- 1 *That Council receive the report on Access from F3 Freeway to Hue Hue Road.*
- 2 *That Council consider a report identifying the benefits of such an interchange.*

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN”

Following Council resolution of 14 July 2010, this report has been prepared identifying the benefits of providing a permanent freeway interchange north of Alison Road.

Previous reports to Council on 14 February 2010 and 14 July 2010 (see attached) have identified the feasibility, construction method and indicative cost of \$45 million to construct a permanent northbound interchange on the F3 Freeway north of Alison Road at the existing emergency access facility.

The previous reports have identified that the Roads and Traffic Authority (RTA) have a mandatory requirement of a minimum of 2 kilometres between the end of an acceleration lane and the commencement of a deceleration lane on Freeways.

Whilst the RTA has acknowledged that this requirement is not satisfied between the southbound Link Road exit and Sparks Road entry, it is the safety concerns that have been raised at this location regarding conflicting lane changing movements that has led to the establishment of stricter guidelines for the spacing of freeway access points.

With the provision of an acceleration lane from the emergency access, the distance between the end of the acceleration lane and the commencement of the deceleration lane for the service centre would be only approximately 500 metres. Therefore the RTA's mandatory distance requirement could not be satisfied.

The provision of an exit ramp at Alison Road was also considered, however this would also not meet the mandatory criteria for distance from the Tuggerah Interchange.

Consequently, this report will only examine the benefits of a northbound exit ramp at the location of the existing emergency access. The estimated cost of constructing a northbound exit ramp is in the order of \$30 million.

DATA COLLECTION

Travel time surveys were undertaken for the three possible routes from the Tuggerah Interchange to the Wyong Town Centre (intersection of Anzac Avenue and Margaret Street). The surveys were undertaken in August 2010, during the weekday morning and afternoon peak periods and the weekday mid morning period.

The routes surveyed were as follows:

- 1 Exit F3 Freeway at Tuggerah Interchange and travel east along Wyong Road and north along Pacific Highway to Wyong.
- 2 Exit F3 Freeway at Tuggerah Interchange and travel west along Wyong Road, north along Old Maitland Road and east along Alison Road to Wyong.
- 3 Travel north along F3 Freeway to the proposed exit ramp north of Alison Road, south along Hue Hue Road and east along Alison Road to Wyong. This route was broken into two trips and timed separately, ie. F3 Freeway to the emergency access then Hue Hue Road from the emergency access into Wyong.

The results of the travel time surveys for each alternate route are given in the following table;

Route No	Peak	Distance (km)	Travel Time (Min)	Speed Zones	Comments
1	AM	4.75	7min 19sec	70-60-50	Stopped by 3 sets of traffic signals
2	AM	6.56	6min 51sec	80-60-50	Current 60 km/h Road Work Speed Zone on Old Maitland Road is temporary
3	AM	6.59	6min 03sec	110-80-60-50	
1	Mid Morning	4.75	6min 24sec	70-60-50	
2	Mid Morning	6.56	5min 52sec	80-60-50	Current 60 km/h Road Work Speed Zone on Old Maitland Road is temporary
3	Mid Morning	6.59	5min 15sec	110-80-60-50	
1	PM	4.75	8min 18sec	70-60-50	Some traffic congestion on Highway leading into the Wyong CBD
2	PM	6.56	6min 54sec	80-60-50	Current 60 km/h Road Work Speed Zone on Old Maitland Road is temporary
3	PM	6.59	6min 08sec	110-80-60-50	

- * Route 3 – Times adjusted to simulate Freeway exit and turning movement onto Hue Hue Road.

The results of the survey indicate that there is minimal difference (generally less than 1 minute) in travel time between Tuggerah and Wyong (northbound) for the three alternative routes available. The major difference is in the afternoon peak period, when the F3 Freeway route is quicker by approximately 2 minutes when compared to the Highway route. The two 40km/h school speed zones were operating in Alison Road during the AM and PM peak surveys. The time for the Old Maitland Road route will be reduced when the road works are completed and the speed limit is increased to 80km/h.

The distance travelled along route 1 via Wyong Road and Pacific Highway is the shortest by approximately 1.8km.

In order to subjectively assess the benefits of an additional northbound freeway exit north of Alison Road, an Origin/Destination survey is required. This survey will determine the volume of vehicles that currently exit the freeway at Tuggerah with a destination in the Wyong Town Centre. The approximate cost to have a suitably qualified traffic consultant undertake an Origin/Destination survey is \$10,000.

CONCLUSION

In terms of travel time it can be seen by the results of the survey that there would be little benefit in providing a northbound freeway exit north of Alison Road.

The Tuggerah Interchange currently experiences some congestion in the afternoon peak, however it is only traffic entering the freeway to travel north that is affected. Northbound traffic exiting the freeway onto Wyong Road is largely unaffected by the traffic congestion and with the continued upgrading of Pacific Highway through Tuggerah and Wyong, improved travel times can be expected in the future. The RTA is currently planning for the upgrading of the Tuggerah Interchange to improve safety and capacity.

Old Maitland Road provides a suitable alternative for access to the Dooralong and Yarramalong valleys and has spare capacity to carry increased traffic into the Wyong Town Centre. Once the Mardi Suite of Works is complete the 80km/h speed limit on Old Maitland Road will be restored, further improving travel times.

In order to establish the number of motorists that would utilise an additional northbound exit an Origin/Destination survey is required at an indicative cost of approximately \$10,000, however in the absence of this data it is assumed that there would be some shift of Wyong bound traffic to the alternative freeway exit.

Other than providing an additional option for northbound freeway motorists to exit the freeway, particularly if there was an incident at the northbound freeway exit at Wyong Road or other traffic congestion on Wyong Road or the Highway, there appears little justification for a freeway northbound exit to Hue Hue Road at present.

In the absence of an origin/destination survey, it is anticipated that there would be limited value to the community to justify expenditure in the order of \$30 million for it at present.

Council has developed a list of existing State Road intersections that require immediate capacity improvement works to alleviate significant traffic congestion, particularly on Wyong Road. An investment of \$30 million toward these projects would appear to represent a more appropriate investment in terms of overall road network efficiency and safety.

An exit and/or southbound entry ramp to the freeway in this vicinity may be a longer term option as development proceeds in the Wyong Township. The Roads and Traffic Authority should be requested to commence planning for an F3 Freeway interchange at Wyong to cater for the longer term needs arising from the Wyong Planning Strategy.

ATTACHMENTS

- | | | | |
|---|---|-----------|-----------|
| 1 | Access from F3 Freeway to Hue Hue Road (14.7.2010) | Enclosure | D02271039 |
| 2 | Emergency Access from Freeway to Hue Hue Road (14.4.2010) | Enclosure | D02188242 |

6.3 Woolworths Shopping Centre and District Medical Centre - Lake Munmorah

TRIM REFERENCE: RZ/7/2004 - D02325604

AUTHOR: Lynda Howson, Senior Strategic Planner

SUMMARY

Submitting a response from Mr David Harris MP, the Parliamentary Secretary for the central Coast and Member for Wyong and from Mr Robert Coombs MP, Member for Swansea in relation to the rezoning request for a Shopping Centre and district medical centre at Lake Munmorah.

RECOMMENDATION

That Council receive the report on Woolworths Shopping Centre and District Medical Centre - Lake Munmorah.

Council at its meeting of 14 October 2009 resolved unanimously on the Motion of Councillor Best and seconded by Councillor Symington:

- "1 That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now report what progress has been made, outlining key issues for resolution and indicative timeframes.*
- 2 That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah).*
- 3 That Council formally thank the Lake Munmorah Chain Valley Bay Precinct Committee for their strong interest and support for this important community infrastructure.*
- 4 That Council formally seek assistance from the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong to expedite this matter.*

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

AGAINST: NIL"

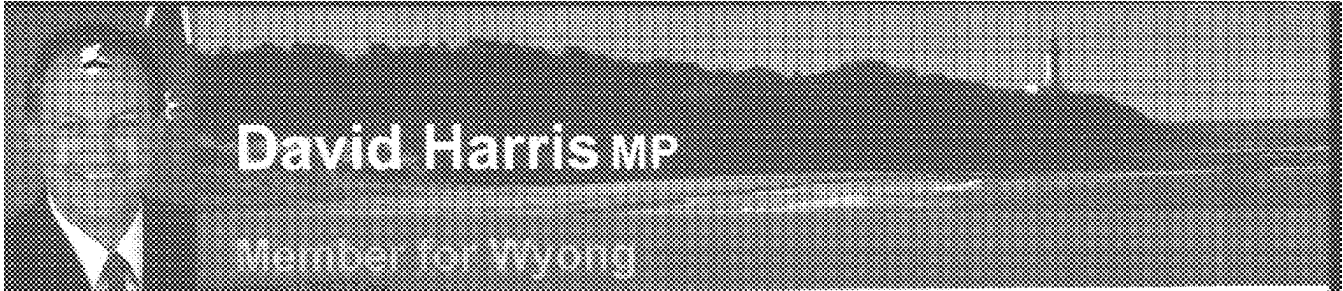
Correspondence has now been received from Mr David Harris MP, the Parliamentary Secretary for the Central Coast and Member for Wyong and from Mr Robert Coombs MP, Member for Swansea. As Councillors would be aware, this matter has now proceeded through to the draft Local Environmental Plan (LEP) stage. A draft Voluntary Planning Agreement (VPA) is being finalised and it is expected that the VPA together with the draft

**6.3 Woolworths Shopping Centre and District Medical Centre - Lake
Munmorah (contd)**

LEP and draft Development Control Plan (DCP) will be exhibited for public comment in September 2010.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Response from Mr David Harris MP Member for Wyong | D02252692 |
| 2 | Response from Mr Robert Coombs, MP Member for Swansea | D02192738 |



Ms Gina Vereker
Director, Shire Planning
Wyong Shire Council
PO Box 20
WYONG NSW 2259

27 May 2010

Dear Ms Vereker

I refer to representations I made on your behalf to the Hon Tony Kelly, Minister for Planning concerning rezoning request for a Village Centre at Lake Munmorah.

Please find enclosed a reply from the Minister.

Thank you for bringing your matter to my attention. I trust that the information received from the Minister will be of assistance.

Yours sincerely

DAVID HARRIS MP
Member for Wyong
Parliamentary Secretary for the Central Coast

Electorate office: 243 Main Road, Toukley • Mail: PO Box 31, Toukley NSW 2263
Phone: 4397 1000 • Fax: 4397 1012 • Email: wyong@parliament.nsw.gov.au





Hon Tony Kelly MLC
 Minister for Planning
 Minister for Infrastructure
 Minister for Lands
 Deputy Leader of the Government in the Legislative Council
 Leader of the House in the Legislative Council

25 MAY 2010

25 MAY 2010

Mr David Harris, MP
 Member for Wyong
 PO Box 31
 TOULKLEY NSW 2263

10/05523

Dear Mr Harris

I refer to your representations on behalf of Ms Gina Vereker, Director Shire Planning, Wyong Shire Council, concerning a rezoning request for a Village Centre at Lake Munmorah.

The Lake Munmorah Village Centre rezoning site is within the area covered by the proposed North Wyong Shire Structure Plan, which is being developed by the Department of Planning, the Department of Environment, Climate Change and Water (DECCW) and Wyong Shire Council. The Structure Plan, when completed, will determine the location of residential, employment and conservation lands for the northern part of Wyong Shire. It is expected that the draft Structure Plan will be placed on public exhibition within the coming months.

I understand that there have been several unresolved issues with the Lake Munmorah rezoning proposal, including an objection from DECCW. I am advised that the Department of Planning has met with DECCW concerning their issues, and is able to address the concerns that have been raised. Accordingly, Council should work towards resolving any other remaining issues with the draft LEP as a matter of priority.

Once any other outstanding issues have been resolved, Council should submit its request to the Department of Planning for the rezoning of the village centre to be placed on public exhibition. I have asked that any such request be treated as a priority so that the draft plan may be exhibited as soon as possible.

Should you have any further queries about the Lake Munmorah Village Centre rezoning proposal, I have arranged for Mr Michael Leavey, Regional Director, Hunter and Central Coast region, to assist you. He may be contacted at the Department's Hunter office on (02) 4904 2708.

Yours sincerely

Tony Kelly MLC
 Minister for Planning

Level 34, Governor Macquarie Tower
 1 Farrer Place, Sydney NSW 2000
 T (02) 9228 2699 F (02) 9228 2988

Room 309 Parliament House
 Macquarie Street, Sydney NSW 2000
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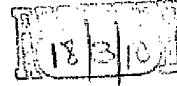
Robert Coombs MP
Member for Swansea

With Compliments

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Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council



Mr Robert Coombs, MP
Member for Swansea
PO Box 306
SWANSEA NSW 2281

09/02275

15 MAR 2010

Dear Mr Coombs

I refer to your representations on behalf of Ms Gina Vereker, Director Shire Planning, Wyong Shire Council, concerning a rezoning request for a Village Centre at Lake Munmorah.

The Lake Munmorah Village Centre rezoning site is part of the proposed North Wyong Shire Structure Plan, which is being developed by the Department of Planning, the Department of Environment, Climate Change and Water (DECCW) and Wyong Shire Council. The Structure Plan, when completed, will determine the location of residential, employment and conservation lands across the northern part of Wyong Shire, and it is expected that the draft Structure Plan will be placed on public exhibition within the coming months.

I understand that there have been several unresolved issues with the Lake Munmorah rezoning proposal, including an objection from DECCW. I am advised that the Department of Planning has met with DECCW concerning their issues, and is able to address the concerns that have been raised in light of the direction of the draft Structure Plan. Accordingly, Council should work towards resolving any other remaining issues with the draft LEP as a matter of priority.

Once any other outstanding issues have been resolved, Council should submit its request for a s.65 certificate to the Department of Planning, and I have asked that any such request be treated as a priority so that the draft plan may be placed on public exhibition as soon as possible.

Should you have any further queries about the Lake Munmorah Village Centre rezoning proposal, I have arranged for Mr Michael Leavey, Regional Director, Hunter and Central Coast Region, to assist you. He may be contacted at the Department's Hunter office on (02) 4904 2708.

Yours sincerely

Tony Kelly MLC
Minister for Planning

6.4 Warnervale Town Centre Progress Report

TRIM REFERENCE: F2004/00535-07 - D02329669
AUTHOR: Kathryn Heintz, Strategic Land Use Planner

SUMMARY

Council has requested a monthly update on the progress of the Warnervale Town Centre project. The attached report provides the current status of the Warnervale Town Centre project for the month of August 2010.

RECOMMENDATION

That Council receive the report on Warnervale Town Centre Progress Report.

MAJOR MILESTONES ACHIEVED THIS MONTH * Refer to Attachment 1 for more detail.

<i>Item 1(a)</i>	<i>Appointment of a Warnervale Town Centre Project Manager</i>	A package is currently being prepared for the recruitment of a Project Manager.
<i>Item 1(b)</i>	<i>Biocertification Assessment for the Warnervale Town Centre</i>	Consultant engagement process is underway for this project.
<i>Item 1(c)</i>	<i>Assessment of the Viability of Units within the Warnervale Town Centre</i>	Consultant engagement process is underway for this project.
<i>Item 1(d)</i>	<i>Amendments to Warnervale Town Centre Development Control Plan 2008 (DCP)</i>	The Department of Planning has agreed to consider Council's suggested amendments.
<i>Item 1(e)</i>	<i>Preparation of Warnervale Town Centre Public Domain Plan</i>	The preparation of the Public Domain Plan is progressing well.
<i>Item 2(c)</i>	<i>Amendment to Biocertification Legislation and Biocertification Methodology</i>	A submission on the draft Biocertification Methodology has been forwarded to the Department of Environment, Climate Change and Water (DECCW).
<i>Item 2(e)</i>	<i>Private Sector Development</i>	Liaison with Woolworths, Landcom and Yeramba Estates is underway in relation to preparation of Part 3A Major Project Application and Development Applications.

<i>Item 2(f)</i>	<i>Railway Station DA</i>	Council has advised RailCorp that the management costs provided in the draft Plan of Management are acceptable, with additional funds required for project management costs. This represents a significant advance in the assessment of this DA.
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ATTACHMENTS

- 1 Attachment 1 - Warnervale Town Centre Progress Report - August 2010 D02330671

Warnervale Town Centre Progress Report – August 2010

1 ITEMS FOR WHICH COUNCIL HAS RESPONSIBILITY:

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
a	Appointment of a Warnervale Town Centre Project Manager	TBD	Commenced	10%	December 2010	<ul style="list-style-type: none"> At the Ordinary Meeting of Council dated 28 July 2010, Council resolved unanimously on the motion of Councillor BEST and seconded by Councillor VINCENT: <ol style="list-style-type: none"> That Council progress the Warnervale Town Centre Project by appointing a Project Manager. That Council continue to lobby the various State and Federal Governments agencies to assist with infrastructure delivery and work with landowners to deliver this important project. A recruitment package is currently being prepared for the purpose of recruiting a Project Manager for the Warnervale Town Centre project. The Project Manager is to be hired by 1 December 2010.
b	Biodiversity Certification Assessment for the Warnervale Town Centre	\$25K	Commenced	10%	December 2010	<ul style="list-style-type: none"> Biodiversity certification (Biocertification) will provide for the protection of biodiversity, including threatened species at the strategic planning stage. Certification can switch off the need for threatened species assessment under the <i>Environmental Planning and Assessment Act 1979</i>, providing more certainty for local government, development applicants and other stakeholders. Council is in the process of engaging a Consultant to prepare a Biodiversity Certification Assessment of Warnervale Town Centre (and Wyong Employment Zone). Council has committed to making a Biocertification application to the Department of Environment, Climate Change & Water (DECCW) by November 2010. The timing of the application will depend on DECCW timeframes for the adoption of the Biocertification methodology - see Part 2(c).
c	Assessment of the Viability of Units within the Warnervale Town Centre	\$20K	Commenced	10%	October 2010	<ul style="list-style-type: none"> At the Ordinary Meeting of Council dated 12 May 2010, Council resolved unanimously on the motion of Councillor EATON and seconded by Councillor BEST: <p><i>That Council staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i></p> Council is in the process of engaging a Consultant to prepare an assessment of

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						viability of residential units within the Warnervale Town Centre. <ul style="list-style-type: none"> It is expected that this report will be prepared by October 2010.
d	Amendments to Warnervale Town Centre Development Control Plan 2008 (DCP)	Internal Staff Resources	Commenced	25%	December 2010	<ul style="list-style-type: none"> A letter was sent to the Director-General of the Department of Planning on 23 July 2010, formally requesting that Council be permitted to amend some items within the DCP. A number of amendments are sought, including changes in relation to: <ul style="list-style-type: none"> Development Targets; Modification of some intersection alignments and treatments; Various Water Sensitive Urban Design (WSUD) measures; Indicative Staging Plan; Street lane widths; Relocation of footpath alignments away from property boundaries; Increasing width for services along roads; Width of cycleways and bicycle routes; Realignment of the Matarom Road extension; and Setbacks for town centre civic precinct land. On 16 August 2010, the Department of Planning advised that it agreed to Council's request to undertake a review of the DCP and requested that Council submit the final scope of recommended amendments to the Department of Planning for review.
e	Preparation of Warnervale Town Centre Public Domain Plan	Internal Staff Resources	Commenced	25%	Draft Report – End 2010 Adopted - February 2011	<ul style="list-style-type: none"> The Warnervale Town Centre DCP requires the consent authority to prepare a Public Domain Plan. The Public Domain Plan will address: <ul style="list-style-type: none"> Open Space Structure Paving Planting Street Furniture Lighting Safety & Amenity Movement, Pedestrian Amenity and Traffic Management Signage Water Sensitive Urban Design requirements Indicative Costing, Staging and Procurement Council has prepared a Project Management Plan to prepare the Public Domain Plan internally, with some external assistance with design drawings.

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						<ul style="list-style-type: none"> The Public Domain Plan is expected to be adopted by February 2011.
f	Water & Sewer Infrastructure (southern side of ridgeline)					<ul style="list-style-type: none"> Council is proceeding with investigation and design of both water and sewer component of this project. <ul style="list-style-type: none"> Trunk water: Temporary Water pump station in Nikko Rd and the delivery main detail design in progress. Trunk sewer: Option of gravitating the WTC sewage into SPS C13 in Minnesota Rd is being pursued. This will result in considerable savings in time and cost due to eliminating the need for the proposed SPS 7AB and reduced sewer lengths.
		Internal Staff Resources	Commenced	75%	September 2010	
						<ul style="list-style-type: none"> Construction tenders to be called by: <ul style="list-style-type: none"> Sewer infrastructure construction by November 2010. Water infrastructure construction by September 2010. Tender selection can take up to 3 months, and construction will take 6-8 months.
		Water – \$800K Sewer – \$6 million	Early 2011	0%	Mid 2011	
g	Water & Sewer Infrastructure (northern side of ridgeline)					<ul style="list-style-type: none"> Northern side of the ridge will not have sewer infrastructure until at least 2015, but interim options using a developer-funded temporary pump station could be pursued if necessary.
		TBD	TBD	0%	TBD	
h	Section 94 Development Contributions					<ul style="list-style-type: none"> Council had completed the Draft S.94 Contributions Plan revision, with proposed contributions rates well below the \$34,682/lot cap imposed elsewhere in Warnervale area. On 4 June 2010, the Minister for Planning issued a S.94E Direction capping contributions at \$20,000 per lot/dwelling from 7 June 2010. On 9 June 2010, a briefing of the Councilors was held which outlined the problems that the latest direction will present including a significant funding shortfall that will either need to be borne by ratepayers or result in a significant reduction in the level of community infrastructure proposed. The Department of Planning (DoP) has advised that it will provide details to
		Internal Staff Resources	Commenced	75%	TBD	

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						<p>Council on how these changes can be implemented. This needs to be done before any timeframes can be given and any changes can be made.</p> <ul style="list-style-type: none"> The Draft Section 94 Contributions Plan to be revised and submitted to the DoP once the DoP provide more information on what can be levied for and how the latest changes are to be implemented. No time frame can be provided for this at the current time.
i	Community Facilities					<ul style="list-style-type: none"> Human Services Plan for the Warnervale Town Centre has been developed. Progress cannot be made until community infrastructure priority is determined and Section 94 Contributions Plan and Special Infrastructure Contributions (SIC) Plan are finalised. However, consideration is being given to rationalising the number of the proposed community facilities in the Warnervale Town Centre.
	i Aquatic Centre	\$26 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	ii Knowledge Centre	\$10 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	iii Integrated Child and Family Centre	\$3 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	iv Youth Precinct	\$700K	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
	v Arts & Cultural Centre	\$1.25 million	TBD	0%	TBD	<ul style="list-style-type: none"> As above.
j	Integrated Water Cycle Management (IWCM)					<ul style="list-style-type: none"> In order to manage downstream wetland hydrology, storm water harvesting infrastructure is required. To this end, Council has prepared the Porters Creek Stormwater Harvesting Scheme for the catchment area. The Scheme will cover Warnervale Town Centre, Wyong Employment Zone and Precinct 7A and it is intended this will supersede the IWCM reports prepared by Ecological Engineering for WEZ and WTC. Warnervale Town Centre cost apportionment is \$7.1M. To fund the project,
	i Design	Internal Staff Resources	Commenced	100%	Completed February 2010	

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
						<p>Council requires:</p> <ul style="list-style-type: none"> - Section 94 Contributions funding for the new development areas of Warnervale Town Centre, Wyong Employment Zone and Precinct 7A in the western part of the catchment; and - General revenue and/or grants funding in order to build trunk infrastructure for the eastern part of the network, given that the eastern part of the catchment is located in an existing • In March 2009 the Federal Government released its "Water for the Future" initiative, which provides grant funding for up to 50% of eligible costs for works including stormwater harvesting and reuse projects. Council submitted an application on 9 February 2010. • DEWHA has been contacted and could not advise of an indicative date by which a funding decision will be made. • Easements need to be acquired over private land and development approvals sought to build and operate the Scheme. • The Warnervale Town Centre DCP needs to be amended to reference the Porters Creek Stormwater Harvesting Scheme. • No construction work has commenced to date.
ii	Construction	\$14 million	TBD	0%	TBD	

2 ITEMS FOR WHICH COUNCIL HAS PARTIAL RESPONSIBILITY AND/OR A FACILITATION ROLE:

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
a	Main Access Road						
	i Design	Landcom / Woolworths / Council	\$600K	Commenced	100%	Completed -July 2010	<ul style="list-style-type: none"> • Design of the Main Access Road has been completed.
	ii Construction	Landcom /	\$5.77 million	Mid 2011	0%	March	<ul style="list-style-type: none"> • Construction cost estimates have been prepared and agreement

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
		Woolworths / Council				2012	<p>has been reached between the 3 relevant landowners as to an equitable cost sharing agreement for construction of the Main Access Road.</p> <ul style="list-style-type: none"> • Council has successfully sought a \$2 million State Government "Local Infrastructure Support Fund" grant to reduce the cost of these works.
b	Intersection of Sparks Road / Main Access Road						
	i Design	RTA / Landcom / Woolworths / Council	\$600K	Commenced	75%	September 2010	<ul style="list-style-type: none"> • The RTA has designed a concept plan for this intersection, and GHD have prepared a design for the intersection as part of the Main Access Road design consultancy. • NOTE: \$600K included in Main Access Road design budget.
	ii Construction	RTA / Landcom / Woolworths / Council	\$7-10 million	Early 2011	0%	February 2012	<ul style="list-style-type: none"> • Agreement is yet to be reached on cost sharing arrangements for the intersection, although Council has written to the Federal Government seeking funding assistance for this intersection.
c	Biodiversity Certification – Amendment to Legislation and Adoption of Methodology	DECCW	N/A*	Commenced	75%	September 2010	<ul style="list-style-type: none"> • The current biodiversity certification provisions under the <i>Threatened Species Conservation Act 1995</i> do not define the term "improve or maintain biodiversity values". The legislation needed to be amended before it could be applied to WTC. • The <i>Threatened Species Conservation Amendment (Biodiversity Certification) Bill 2010</i> was introduced to Parliament on 20 May 2010, and passed through the Upper House without amendment on 8 June 2010. • Biocertification methodology is expected to be adopted by the Minister for Environment & Climate Change in September 2010. The adoption of the methodology is the final step prior to Council making a formal Biocertification Application.
d	Biodiversity Certification – Obtain funding for the purchase of offset lands.	DECCW / NSW Treasury	\$4 million	Late 2010	0%	Early 2011	<ul style="list-style-type: none"> • The State Infrastructure Contribution (SIC) Plan – Warnervale Town Centre Special Contributions Area allows \$4 million for purchase of Biodiversity offsets by DECCW as part of the Biodiversity Certification of the Warnervale Town Centre.

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
							<ul style="list-style-type: none"> • DECCW to prepare a submission to NSW Treasury to obtain funds committed for these offsets.
e	Private Sector Development						
	i Landcom	Landcom	N/A*	Commenced	10%	Early 2012	<ul style="list-style-type: none"> • Landcom is preparing a Development Application for approximately a 150-lot residential subdivision. This subdivision is likely to be staged. • DA to be determined by Council, however if the development has a capital investment value (CIV) over \$10 million, this DA will be determined by the Joint-Regional Planning Panel (JRPP).
	ii Woolworths	Woolworths	N/A*	Commenced	10%	Late 2013	<ul style="list-style-type: none"> • Woolworths is preparing a Part 3A Major Project Application for a retail/commercial development of between 20,000-25,000m², as part of Stage 1 of the Woolworths development. Later stages to follow. • Part 3A Major Project Application to be determined by the Department of Planning.
	iii Yeramba	Yeramba Estates	N/A*	Commenced	10%	TBD	<ul style="list-style-type: none"> • Yeramba Estates is preparing a Development Application for approximately a 98-lot residential subdivision. • DA to be determined by Council.
f	North Warnervale Railway Station						
	i Development Application (DA/261/2005)	Council / RailCorp	Internal Staff Resources- N/A*	Commenced	90%	Late 2010	<ul style="list-style-type: none"> • A Development Application (DA/261/2005) for the North Warnervale Railway Station is currently being assessed by Council. • Due to the potential impacts on the Wyong Daisy population, Council cannot approve the DA without DECCW concurrence. • A Plan of Management (PoM) specifically regarding the Wyong Daisy Reserve is needed prior to concurrence being considered by DECCW. • RailCorp is finalising the PoM, and updating the Statement of

Warnervale Town Centre Progress Report – August 2010 (contd)

#	ITEM DESCRIPTION	RESPONSIBLE AUTHORITY	EST. COST	START DATE	WORK COMPLETE	EST. COMPLETION DATE	COMMENTS
							<p>Environmental Effects and DA plans to reflect the current DCP and to integrate with the proposed Woolworths development and the Main Access Road.</p> <ul style="list-style-type: none"> On 30 July 2010, Council advised RailCorp that a review of the costings provided in the draft Plan of Management had been undertaken and that Council accepts the cost estimate of \$514,000 with the addition of a further \$50,000 for Council project management costs.
	ii Construction	RailCorp / NSW Treasury	c. \$40 million*	TBD	0%	TBD	<ul style="list-style-type: none"> No funding has been set aside for this item by the State Government; therefore no dates can be provided for construction and/or completion. RailCorp has advised that once funding is provided, construction of the North Warnervale Railway Station will take 3-4 years.
9	Electricity Connection / Substation						
	i Design of Substation	Energy Australia	N/A*	Commenced	25%	TBD	<ul style="list-style-type: none"> Energy Australia to construct electricity substation to service additional loads – this may take 2-3 years to construct. However, interim arrangements can be made in the meantime, by drawing additional loads from existing Charmhaven and/or Wyong substations. Meetings held with Energy Australia to determine issues to be addressed – EA to now approach Woolworths, Landcom, Yeramba Estates to discuss the electricity loads required and delivery timeframes.
	ii Construction of Substation	Energy Australia	c. \$20 million*	TBD	0%	TBD	<ul style="list-style-type: none"> Interim arrangements may involve drawing additional loads from existing Charmhaven and/or Wyong substations.

6.5 Mardi to Mangrove Link Project Status

TRIM REFERENCE: f2007/01120 - D02330421

AUTHOR: Claire Cam, Engineer Water & Waste

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date \$56.5 m

Project Estimate \$120.6m

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		17 January 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		35%
Work Package 2 – Wyong River Pump Station	19 February 2010		40%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		18%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		70%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		18%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		1%

6.5 Mardi to Mangrove Link Project Status (contd)

Milestone 2:		31 January 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		12%
Milestone 3:		25 April 2011	
Commissioning	1 February 2011		

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	17 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	25 April 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- A Landholder Release and Close-Out Process has been developed. John Holland Group will not be entitled to the 85% construction payment claim until Landholders have certified completion of restoration works, as per WS-SPEC, unless Council considers the landholder is acting unreasonably by not certifying completion of restoration.
- Restoration has been practically completed on 5 properties and 5 landholders have signed restoration completion certifications
- The Property Team is working closely with Landholders and John Holland Group to facilitate land access, to minimise disturbance to landholders particularly with stock management, and to ensure Property Management Plans are being complied with.
- The Property Team has secured agreements with a number of landholders to obtain additional work areas for John Holland and agree minor variations to the pipeline route.

Stakeholder Liaison

Community

- The structure and content of weekly works and traffic updates have been changed in response to community calls for greater detail and specificity. The updates are emailed to residents who register via email or phone.
- A huge project billboard is being developed for the Flora Festival. The billboard will replace the planned project brochure update and will also be used (in a different format) for the schools education programs.
- The broad community is being updated via the media on progress and key project elements as opportunities arise. A recent milestone reached in the Mardi Dam project with the dam now refilling was an opportunity to highlight the synergy between the two projects and the long term plan behind both.
- The process for analysis and reporting of the community complaints register revised with more emphasis being placed on identifying categories of complaint, capturing issues and closing complaints. This is essential for effectively managing concerns before they escalate into systemic problems.
- A major update of the existing website content is underway to provide more real time information. Much of the existing content is dated from before construction began.
- Three photographic shoots have been taken to provide new images for the website update.
- A new photographic display will also be developed for the Springtime Flora Festival using the new images.
- Traffic message boards along Yarramalong Road are being moved and updated as required to accommodate road works and community sensitivities.
- Traffic updates are provided to local emergency services, schools and bus companies every week. The updates are also uploaded to the Mardi-Mangrove Link (MML) Project pages of the GWCWA website and issued to the media.
- Traffic information and project updates are regularly provided in Council's ShireWide News column every fortnight. General project information is also running in the Gosford Council news column approximately once per month.

Landholder

- The regular traffic update has been overhauled with one landowner expressing concern that the weekly updates did not provide enough detail. Traffic and works updates go out each Monday to help keep the community informed of any possible impact of the project.
 - Detailed response letters are being written to reply to landholder issues as the construction phase gathers momentum.
 - Direct landholder liaison is continuing as required.
-
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Incidents

- There have been no environmental or OH&S incidents during the last reporting period.
-

Major Achievements / Issues

- Approximately 3.7km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid as of 30 August 2010.
- Four hundred (400) metres of pipeline for the Wyong-Mardi Rising Main (Work Package 3) has been laid as of 30 August 2010.
- Restoration of the construction corridor for both the Wyong-Mardi Rising Main and Mardi-Mangrove Transfer Main has commenced.
- Construction of the access bridge at Chainage 16400 (McPherson) is complete.
- Construction of the access bridge at Chainage 7600 is complete.
- The temporary road bridge at Bunning Creek is complete. Work has commenced on the permanent road bridge at Bunning Creek.
- Excavations for the pump wet well at Wyong River Pump Station are complete and the mass concrete plug has been poured. The floor of the wet well has been poured and is now complete.
- Detailed excavations for the footings of Mardi Mangrove Transfer Pump Station are complete.

ATTACHMENTS

Nil.

6.6 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02337422

AUTHOR: Maggie Rowland, Administration Assistant

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

Question Asked / Councillor	Department	Meeting Asked	Status
Q89/10 - Valhalla Development Chain Valley Bay	Shire Planning	14 July 2010 Cr Wynn	A response will be submitted to Council's meeting of 22 September 2010.
Q93/10 - Northern Graffiti Forum	Shire Services	11 August 2010 Cr Vincent	A response will be submitted to Council's meeting of 22 September 2010.
Q97/10 - Voluntary Planning Agreement with Woolworths, Lake Munmorah	Shire Planning	25 Aug 2010 Cr Wynn	A Councillor Business Update is currently being prepared.
Q98/10 - Deer population at Buttonderry Tip	Shire Services	25 Aug 2010 Cr Wynn	A response will be submitted to Council's meeting of 22 September 2010.
Q99/10 - Planning Powers	Shire Planning	25 Aug 2010 Cr Best	A response will be submitted to a Council meeting in October 2010.
Q100/10 - Toukley Drug and Alcohol Clinic	Shire Planning	25 Aug 2010 Cr Best	A response will be submitted to a Council meeting in October 2010.

6.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
326 National Natural Disaster Funding	Shire Planning	8 August 2007 Cr Eaton / Cr Best	Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received. A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.
298 The Long Jetty Commercial Initiative	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. The Masterplan project is expected to commence in 2011/2012.
9.2 Notice of Motion – Community Gardens	Shire Planning	22 July 2009 Cr Wynn / Cr Graham	A report will be prepared for Council's consideration once community consultation has been completed. The Policy is being drafted. Under review prior to formal referral to Council in September.
8.1 Notice of Motion – Energy Reduction Targets	Shire Planning	9 September 2009 Cr Wynn / Cr Best	This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced. A draft report has been prepared, however taking into account the broad range of issues that effect energy usage and energy reduction, the report is being rewritten to canvass a broader range of options than requested in Council's resolution. The report will be prepared for September.

6.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
8.2 - Notice of Motion – Possibility for the Establishment of an environmental Committee	Shire Planning	9 September 2009 Cr Wynn / Cr Best	This item is being considered as part of the Committee Review.
8.4 - Notice of Motion – Proposed Additional Development Policy	Shire Planning	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.
5.1 - Notice of Motion – Planning Disputes Mediation Process Trial	Shire Planning	10 February 2010 Cr Eaton / Cr Graham	This item has been included in the Legal and Policy Works Program to be commenced mid 2010.
5.2 - Notice of Motion – Elected Council Independent Legal Advisor	Legal and Policy	10 February 2010 Cr Eaton / Cr Graham	Actioned. Council to employ internal legal Counsel which has been endorsed by Council.
9.5 - Notice of Motion – Sea Level Rise Notification	Legal and Policy	24 February 2010 Cr Eaton / Cr Graham	Legal advice received. Meeting to be held with communications.
9.2 - Notice of Motion – Economically and Environmentally sustainable Living – Demonstration House	Shire Planning	24 February 2010 Cr Best / Cr McNamara	Report will go to council on 13 th October Ordinary Meeting.
10.1 - Notice of Motion – LDO Coal Chain Valley Bay Colliery	Shire Planning	10 March 2010 Cr Wynn / Cr Vincent	A letter has been issued to the LDO informing it of the Council resolution. A letter was forwarded to Department of Planning in relation to Resolution 4. To address Resolution 5, an audit and assessment of roads impacted by the proposal has been completed. Impact considered to be negligible. Council will continue to monitor.
8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course	Corporate Services	14 April 2010 Cr Eaton / Cr Best	A report will be prepared for Council's consideration once legal advice has been received.
7.3 - Notice of Motion – Warnervale Road Commencement	Shire Services	28 April 2010 Cr Eaton / Cr Best	Item expected completion date the beginning of 2011.

6.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)	Shire Services	12 May 2010 Cr Wynn / Cr Vincent	Consultation to occur with community groups on the matching fund guidelines prior to submitting a report to Council meeting of 22 September 2010.
7.6 - Notice of Motion – Warnervale Town Centre Viability	Shire Planning	12 May 2010 Cr Eaton / Cr Best	Consultants have been engaged to provide a viability assessment and once the results are available they will be provided to Council.
U18/10 - Solar panels – Action Sheet Motion of Urgency – Installation of Solar Panels on Council Buildings	Shire Planning	12 May 2010 Cr Eaton / Cr Wynn	Report to be submitted to Council's meeting of 22 September 2010.
9.3 - Notice of Motion – Central Coast Tourism Annual Funding	General Manager's Unit	26 May 2010 Cr Webster / Cr Graham	The Finance Section has been advised to include an additional \$55,000 expenditure in the budget during the September Budget Review (as this resolution was after the adoption of the 2010-11 Annual Plan). A Memorandum of Understanding for 2010-11 has been drafted addressing funding, reporting and implementation of the Destination Management Plan. Central Coast Tourism advised on 18 August 2010 that they are reviewing the draft document.
9.1 - Notice of Motion – Department of Housing Expansion	Shire Planning	9 June 2010 Cr Best / Cr Eaton	The Department of Housing has been contacted and Council is awaiting a response from the Department on a suitable briefing date.
8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes	Shire Planning	14 July 2010 Cr Wynn / Eaton	A response will be submitted to Council's meeting of 22 September 2010.
8.3 - Notice of Motion – Council's Opposition to Commercial Whaling	Shire Services	14 July 2010 Cr Best / Wynn	A date for the report will be advised after the commencement of Council's Event Coordinator in late August 2010.

6.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
8.1 - Notice of Motion – Priority Region for NBN – National Broadband Network	Corporate Services	28 July 2010 Cr Best / Eaton	A response will be submitted to Council's meeting of 22 September 2010.
7.1 - Notice of Motion - Broadcasting Ordinary Council Meetings on Local Community Radio	Corporate Services	11 August 2010 Cr Wynn / Best	This item is currently being investigated for feasibility; a report will be prepared for October 2010.
7.2 - Notice of Motion - Lakes Contamination	Shire Planning	11 August 2010 Cr Best / Eaton	A response will be submitted to Council's meeting in October 2010.
U21/10 - Motion of Urgency - Proposed State Environmental Planning Policy (SEPP)	Shire Planning	11 August 2010 Cr Wynn / Symington	Letters issued as requested. Communications department are currently preparing a media release for Council's website. Following this, local news resources, such as the Express Advocate, Lakes Mail and local radio (2GO, CFM, Star FM) and ABC Central Coast, will be utilised. Resources, such as the Newcastle Herald and Newcastle radio, may also potentially form part of the media campaign.
10.1 – Notice of Motion – University Parking Solutions	Shire Planning	25 August 2010 Cr Eaton / McNamara	A report will be submitted to a Council meeting in November 2010.
10.2 – Notice of Motion – San Remo Disability Friendly Xtreme Sports Park	Shire Planning	25 August 2010 Cr McBride / Wynn	Community consultation program scheduled over the coming 4 months. Report back to Council in January in time to influence rolling works and budget for 2011/12.
10.3 – Notice of Motion – Coastwide Coal Poll on Longwall Coal Mines by Kores	Shire Planning / General Manager's Unit	25 August 2010 Cr Best / Wynn	Correspondence is being prepared to the State Government.

6.6 Outstanding Questions Without Notice and Notices of Motion (contd)

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
10.4 - Notice of Motion – Amendment to General Manager's delegations	10 March 2010 Cr Graham / Eaton	Briefing scheduled for 8 September 2010
Q91/10 - Winter Lifeguard Trials	28 July 2010 Cr Symington	Response included in this business paper.

ATTACHMENTS

Nil.

7.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06257 - D02326231
AUTHOR: Luke Sulkowski, Operations Manager

7.1 Q91/10 - Winter Lifeguard Trials

The following question was asked by Councillor Symington at the Ordinary Meeting on 28 July 2010:

“Could staff please report by either a briefing or a report to Council, on the early information gained from the ongoing “winter” lifeguard trials?”

In accordance with the following Council resolution of 10 March 2010, lifeguards have been patrolling both Shelly Beach and Soldiers Beach since 1 July 2010.

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

- 1 That following this season's successful trial of extended discretionary work hours and water and beach safety awareness program (at a cost of \$17,000/yr) as detailed in Council's resolution of 12 August 2009, Council continue to permanently fund this program*
- 2 That Council trial an extended Lifeguard coverage at Soldiers and Shelly Beach for three months (July, August and September 2010 including weekends), as detailed in Table 3.*
- 3 That at its completion, staff report to Council on the outcomes and effectiveness of the trial in a timeframe that will allow Council to consider continuation of the service in 2011-12.*
- 4 That the funds to implement these additional services be included in the draft 2010-11 Management Plan.”*

During the trial, Lifeguards are collecting data for the purpose of ascertaining the value of trial. Information collected includes;

- the number of swimmers in the water in each hour;
- number of members of the public on the beach;
- number of rescues, first aid treatments; and
- other data that will help Council evaluate the success of the trial.

Photographic evidence is also being collected to help verify the data. This information is being captured and electronically recorded by staff, in the field, via a hand held device.

7.1 Q91/10 - Winter Lifeguard Trials (contd)

Beach Usage data collected from 1 July 2010 to 15 August 2010 have thus far yielded the following information:

- Shelly Beach has averaged nine swimmers in each hour of patrol through the trial period thus far compared to Soldiers Beach 5
- Beach Users not entering the water have averaged 50 people per patrol hour at Shelly Beach across the period; Soldiers Beach has averaged 22.
- Of all designated patrol hours so far in the trial, there have been no swimmers in the water during a whole hour (e.g. 0 swimmers between 10-11 am on a given day) at Soldiers Beach for 30% of the time and no swimmers in the water at Shelly Beach for 18% of the time.
- Sunday has been by far the most popular day at both beaches with Shelly Beach averaging 17 swimmers per hour on Sundays and Soldiers Beach averaging seven swimmers per hour.
- Thursdays have been the least popular day for swimming at Shelly Beach with an average of three swimmers per hour. Wednesdays have been the least popular swimming day at Soldiers Beach with an average of two swimmers per hour.
- During the July school holidays, there has been an average of 11 swimmers per hour at Shelly Beach, and an average of six swimmers per hour at Soldiers Beach, i.e. both beaches exceeding their overall average during this period.
- The most popular hour of day for use at both beaches by both swimmers and surfers has been between 11:00 am and 12:00 pm.
- The least popular hour during designated patrol times for swimmers at each beach has been between 9:00 am and 10:00 am.

No comparative data has been collected at beaches that are not part of the trial.

In addition to these statistics, there have been a number of incidents throughout the period which the lifeguards have responded to:

- Three rescues of people caught in rips
- One medical emergency involving a man at Shelly Beach who required oxygen treatment and an ambulance after over exertion in the surf.
- Seven incidents requiring treatment of lacerations or other types of bleeding wounds.
- Two minor incidents requiring treatment of jellyfish stings
- One suspected spinal injury requiring rescue with spinal board and admittance to hospital via ambulance.

To date Council has received a number of letters of support for the trial from members of the public. The trial was particularly well received over the July school holidays.

7.1 Q91/10 - Winter Lifeguard Trials (contd)

Further analysis of statistics gathered from the full trial period will be collated at the completion of the trial with a full report presented to Council for consideration in accordance with the previous resolution. This report is expected to be provided to Council in December 2010.

ATTACHMENTS

Nil.

8 September 2010

To the Ordinary Meeting

Councillor

8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling

TRIM REFERENCE: F2004/06765 - D02333326

AUTHOR: Councillor Wynn

Councillor Wynn has given notice that at the Ordinary Meeting to be held on 8 September 2010, she will move the following Motion:

- "1 That Wyong Shire Council introduce a fluorescent light globe and battery recycling program.*
- 2 That Wyong Shire Council enable this recycling to occur by providing suitable collection sites."*

COUNCILLOR NOTE

Fluorescent light globes and batteries contain toxic elements that can potentially pollute our air and water when sent to landfill.

These items are extremely common in our society now and we are not dealing with them properly in the waste stream.

A program for the collection and recycling of these items is already successfully running in Lake Macquarie City Council area.

The program would only collect clean, unbroken, domestic fluorescent light globes and only domestic batteries not automotive.