

The indicative scheme has been designed with the majority of higher buildings in the northern part of the site where there is less potential for impact. The southern part of the site will contain the water park which will be a lower scale structure with lesser potential for impact. The main impacts on adjoining development will be visual impacts, overlooking and overshadowing. Whilst these impacts have been considered in the preparation of the Planning Proposal (see the Urban Design Report enclosure), a more detailed analysis of these impacts will be undertaken as part of the draft DCP process.

Figure 5: Overall Vision for The Entrance Town Centre



Social

The proposal will not result in any adverse social issues as the proposed development remains consistent with the existing zoning of the land. The proposal forms part of the overall revitalisation strategy of Wyong Council for The Entrance Town Centre that has been widely workshopped and discussed with the local community, business owners and other relevant stakeholders. The proposal is seen as a major catalyst in this revitalisation and therefore it will be of great social benefit.

Economic

The proposal will not result in any adverse economic issues as the proposed development remains consistent with the existing zoning of the land. No major retail space will be provided, ensuring that the development will not compete with the role of the more central precincts of the town centre. The proposal will result in significant creation of local jobs both during construction and in the longer term. The development, comprising accommodation for both permanent residents and tourists, will increase the amount of spending in the town centre.

2.5 Planning Proposal - RZ/6/2012 - Key (Iconic) Development Site No 2 - Klumper Site, The Entrance (contd)

The proposed development has an estimated construction cost in the order of \$350 million. Using the Australian National Accounts Input-Output data, this construction investment would generate direct employment of 1,934 full-time and part time construction jobs for the total construction period. These construction jobs would be spread over the development timeframe for the subject site. It would also generate additional jobs in supporting industries and other businesses servicing the expenditure by the employed workers. This is the indirect employment generated by the construction phase of the subject site.

Upon completion, the proposal is estimated to generate over 1,000 full-time and part-time jobs to service the proposed retail areas, tavern, retail uses, regional water park and 5 star hotel accommodation. New residents and visitors will also increase demand for goods and services in the local area and thus create indirect employment.

STRATEGIC CONTEXT

The NSW Government and Council have prepared a number of strategic documents that relate to The Entrance Town Centre, which provide the planning context for the Planning Proposal.

The Planning Proposal:

- Furthers the future strategic direction for Town Centres in the Central Coast Regional Strategy
- Furthers the future strategic direction for and character of Precincts 3 and 6 in The Entrance Peninsula Planning Strategy 2009
- Contributes to the vision and is consistent with the provisions of The Entrance Town Centre Masterplan 2011
- Is consistent with all applicable State Environmental Planning Policies
- Is consistent with all applicable Section 117 Directions
- Is consistent with the Department of Planning and Infrastructure's (DoPI's) criteria for spot rezonings

LEP AMENDMENT PROCESS - The Gateway Process

The current LEP Amendment Process, known as the Gateway Process, was introduced via changes to the *Environmental Planning and Assessment Act* (EP&A Act) 1979, effective 1 July 2009. The process has been implemented in order to streamline the LEP amendment process, reduce timeframes for undertaking LEP amendments and increase the transparency of the process.

The introduction of the Gateway process has resulted in a number of changes to terminology and processes involved in LEP amendments. In short, any submission a Council makes to the DoPI to amend an existing LEP must be supported by a Planning Proposal prepared in accordance with the DoPI guidelines.

Planning Proposals under this process must document the objectives, proposed provisions, justification and proposed community consultation processes to be undertaken for each proposal.

Prior to community consultation being undertaken, the Planning Proposal must be supported by the local DoPI office, the LEP Review Panel and the Gateway (generally the Minister). The Gateway determination can endorse the proposal, require amendments to the proposal

or refuse the proposal in its entirety. If endorsed for consultation, the Gateway will also determine timeframes for completing procedures within the process. Council no longer has delegation to approve a draft LEP for public exhibition.

The legislative amendments also provide for a feedback loop to the Gateway should a Council decide to amend a Planning Proposal for any reason during the process.

This enables the Gateway to determine any additional consultation requirements considered necessary.

CONSULTATION

Under the Gateway process the State and Commonwealth public authorities to be consulted are nominated by the Gateway determination and the views of these authorities are, therefore, not known until after the initial Gateway determination.

Under the Gateway process the level of community consultation is tailored for each Planning Proposal by the initial Gateway determination.

The Planning Proposal will be updated accordingly following this consultation.

CONCLUSION

This LEP Amendment request, in respect of WLEP 1991, for the purpose of 'switching off' Clauses 42B, 42CA and 68, inserting enabling provisions into Part 3, Division 6 of the *Wyang Local Environmental Plan (WLEP) 1991* and to include the additional uses of *Recreation Facility and Shop*, to permit the proposed development described above, has been assessed and is supported for the following reasons:

- It provides for an employment generating development at a strategically significant location that is considered important for the evolution of The Entrance Town Centre and has significant potential to provide the catalyst to simulate further economic development and growth and revitalise The Entrance Town Centre
- It is consistent with Council's strategic planning, The Entrance Peninsula Planning Strategy and The Entrance Town Centre Masterplan
- It is consistent with State Government strategic planning and The Central Coast Regional Strategy
- The site is not affected by any significant hazards that could not be mitigated
- The site does not possess any known significant environmental sensitivities that could not be mitigated
- The site has access to all relevant infrastructure and services
- The site can be provided with adequate access arrangements
- The future development/use of a mixed use development on the site could comply with all relevant Chapters of Wyong Development Control Plan (DCP) 2005
- The future development/use of a mixed use development on the site could comply with all relevant provisions of the Wyong Retail Centres Strategy
- It is consistent with all relevant State Environmental Planning Policies (SEPPs)
- It is consistent with all relevant s117 (Ministerial) Directions
- It is consistent with all of the DoPI's criteria for spot rezonings

This Planning Proposal can be seen as the next step in the planning process that aims to achieve the revitalisation of The Entrance Town Centre. It follows a significant undertaking

2.5 Planning Proposal - RZ/6/2012 - Key (Iconic) Development Site No 2 - Klumper Site, The Entrance (contd)

by Council in the preparation of The Entrance Peninsula Planning Strategy, the draft Iconic Sites DCP and The Entrance Town Centre Master Plan. This process has involved extensive consultation with the local community, business owners and relevant stakeholders.

As discussed in detail in this report, the Planning Proposal is fully consistent with these documents and also the relevant regional planning strategies and state policies.

It is, therefore, recommended that LEP Amendment request, RZ/6/2012, be supported for assessment through the Gateway Process as detailed, for the purpose of 'switching off' Clauses 42B, 42CA and 68, inserting enabling provisions into Part 3, Division 6 of the *Wyong Local Environmental Plan (WLEP) 1991*, and including the additional uses of *Recreation Facility and Shop*, to permit the proposed development.

ATTACHMENTS

- | | | | |
|---|---|-----------|-----------|
| 1 | Existing Clauses to be Switched Off by the Planning Proposal - RZ/6/2012 - 'Key' Site, The Entrance | | D03046952 |
| 2 | Figure 2 - Indicative Development Schedule - Page 28 | | D03061669 |
| 3 | Figure 3 - Indicative Development Design - Page 30 | | D03061673 |
| 4 | Planning Proposal - Draft Amendment Wyong LEP 1991 - 9-11 & 31-39 The Entrance Rd West, 1-11 & 4 Bent Street (& Bent Street itself), 3-9 & 6 Oakland Avenue (and part of this road) and 2, 3 4 Clifford Street, The Entrance - Klumper Site - Ingham Planning | Enclosure | D03039628 |
| 5 | Urban Design Report - Appendix A to the Planning Proposal - Thrum Architects (distributed under separate cover) (D03039684) | | |

ATTACHMENT A

EXISTING CLAUSES TO BE "SWITCHED OFF" BY THE PLANNING PROPOSAL

As mentioned above, the Planning Proposal seeks to switch off Clauses 42B, 42CA and 68 of WLEP 1991. These clauses are reproduced as follows:

42B Development in Zones Nos 2 (c) and 2 (g) at The Entrance

- (1) This clause applies to the land within Zone No 2 (c) or 2 (g) shown edged heavy black on the building height map.
- (2) The objective of this clause is to facilitate the construction of larger scale buildings on amalgamated land parcels in a form that is consistent with the natural topography of the land, and where it can be demonstrated to the Council's satisfaction that the potential impacts associated with such development would be within acceptable limits.
- (3) In the case of development on land within Zone No 2 (g), any permanent residential accommodation to be provided within the buildings on that land is to occupy less than fifty percent of the gross floor area of all of the buildings on that land.
- (4) For the purposes of this clause, a **building height** is the vertical distance from natural ground level at any point within a building to the top-most ceiling of the building directly above that point.
- (5) For the purposes of this clause, **medium or high-rise building** means a building with a building height greater than 10 metres, but no building height of which at any point exceeds the height nominated for the land at that point on the building height map, on a parcel (or parcels) of land greater than 1,800 square metres in total area.
- (6) The Council may consent to the erection of a medium or high-rise building on the land to which this clause applies, but only where it is satisfied that:
 - (a) having regard to the future neighbourhood character, the proposed building will not be visually intrusive by way of its bulk, scale, design or colour, and
 - (b) the proposed building will not unreasonably overshadow any public space or adjacent residential area or significantly impact on privacy or views, and
 - (c) any roof structure over and above the height nominated for the land beneath it on the building height map is designed and incorporated into the building in a way that is both interesting and attractive, and
 - (d) an assessment of the effects (including cumulative effects) of wind tunnelling has been made and that the wind impacts will be within acceptable limits, and
 - (e) due regard has been given in the design to any other matters that may be specified in a development control plan applying to the land.
- (7) Buildings with a building height in excess of 10 metres in height on a parcel (or parcels) of land having a total area of 1,800 square metres or less, are prohibited.
- (8) State Environmental Planning Policy No 1—Development Standards does not apply to height requirements for buildings on land to which this clause applies.

Clause 42CA - Setbacks for certain buildings fronting The Entrance Road

- (1) Buildings erected on land to which Building Profile A, B, C or D applies, as shown on the building height map, must not protrude beyond the profile established for those buildings on that map, despite any other provision in this plan.
- (2) State Environmental Planning Policy No.1 – Development Standards does not apply to a requirement made by this clause.

Clause 68 - Managed Resort Facilities—The Entrance

- (1) This clause applies to:
 - (a) Lots 1 and 2, DP 536168 and Lot 1, DP 513519, being land within Zone No 3 (d) and having frontage to Marine Parade, The Entrance Road and Ocean Parade, The Entrance, and
 - (b) Lot 5, DP 790801, Lots A, C and D, DP 382461 , Lots 1–4, SP 20363, Lots 1 and 2, DP 517291 and Lot 1, DP 25611, being land within Zone No 2 (g) and having frontage to Wilfred Barrett Drive, The Entrance Road West, Oakland Avenue and Bent Street, The Entrance, and
 - (c) Lots 1, 2 and 3, DP 571197, Lots 1–4, DP 367602, Lot 10–12, DP 23428 and Lot 15, DP 832013, being land within Zone No 2 (g) and having frontage to The Entrance Road West, Oakland Avenue and Clifford Street, The Entrance.
- (2) In this clause, **managed resort facility** means an establishment providing for holiday accommodation or recreation and may include permanent accommodation, entertainment facilities, recreation facilities, a boat shed, boat loading facilities, a general store, convention facilities, holiday cabins, a hotel, house boat facilities, a marina, a motel, restaurants, tourist shops ancillary to the establishment or a club used in conjunction with any such facilities.
- (3) Despite the provisions of clause 10 of this plan, a person may, with the consent of the Council, carry out development for the purpose of a managed resort facility on the land to which this clause applies.
- (4) The Council may consent to the use for permanent residence of up to seventy-five per cent of the accommodation provided by a managed resort facility. In determining the proportion concerned, the Council must have regard to the nature of the facility and its relationship to surrounding land uses, and must be satisfied that the granting of the consent will not result in the dominant use of the land on which the facility is located being for a purpose other than that of a managed resort facility.
- (5) **Note:** Subclause (5) (including the Table) as contained in draft *Wyong Local Environmental Plan 1991 (Amendment No 118)* is excluded and comprises deferred matter as referred to in section 70 (4) and (5) of the Environmental Planning and Assessment Act 1979.

INDICATIVE SCHEME

7.2 DEVELOPMENT COMPONENTS, STATISTICS

STATISTICS:

The GFA and FSR statistics for the indicative scheme proposed for the site are as follows:-

Total Site Area:	39,267 m ²
Gross Floor Areas:	
Building A (Serviced Apartments)	27 floors 16,680m ²
Building B (Serviced Apartments)	25 floors 15,125m ²
Building C (Residential)	19 floors 11,590m ²
Building D (Residential)	16 floors 8,945m ²
Building E (Residential)	22 floors 11,895m ²
Building F (Residential)	20 floors 10,235m ²
Building H (5 Star International Hotel)	31 floors 20,250m ²
Convention Centre (Level 1)	1,300m ²
Retail (Ground Floor)	7,050m ²
Tavern (Ground and First Floor)	448m ²
Internal Arcades + Food Court etc	1,746m ²
Staff Rooms + Backup Kitchen Admin etc	380m ²
GFA Total	105,644m²

Floor Space Ratio:	GFA	105,644m ²
	Site Area	39,267m ²
	FSR	2.690 : 1 (3:1 if water park is included)

Other Areas:

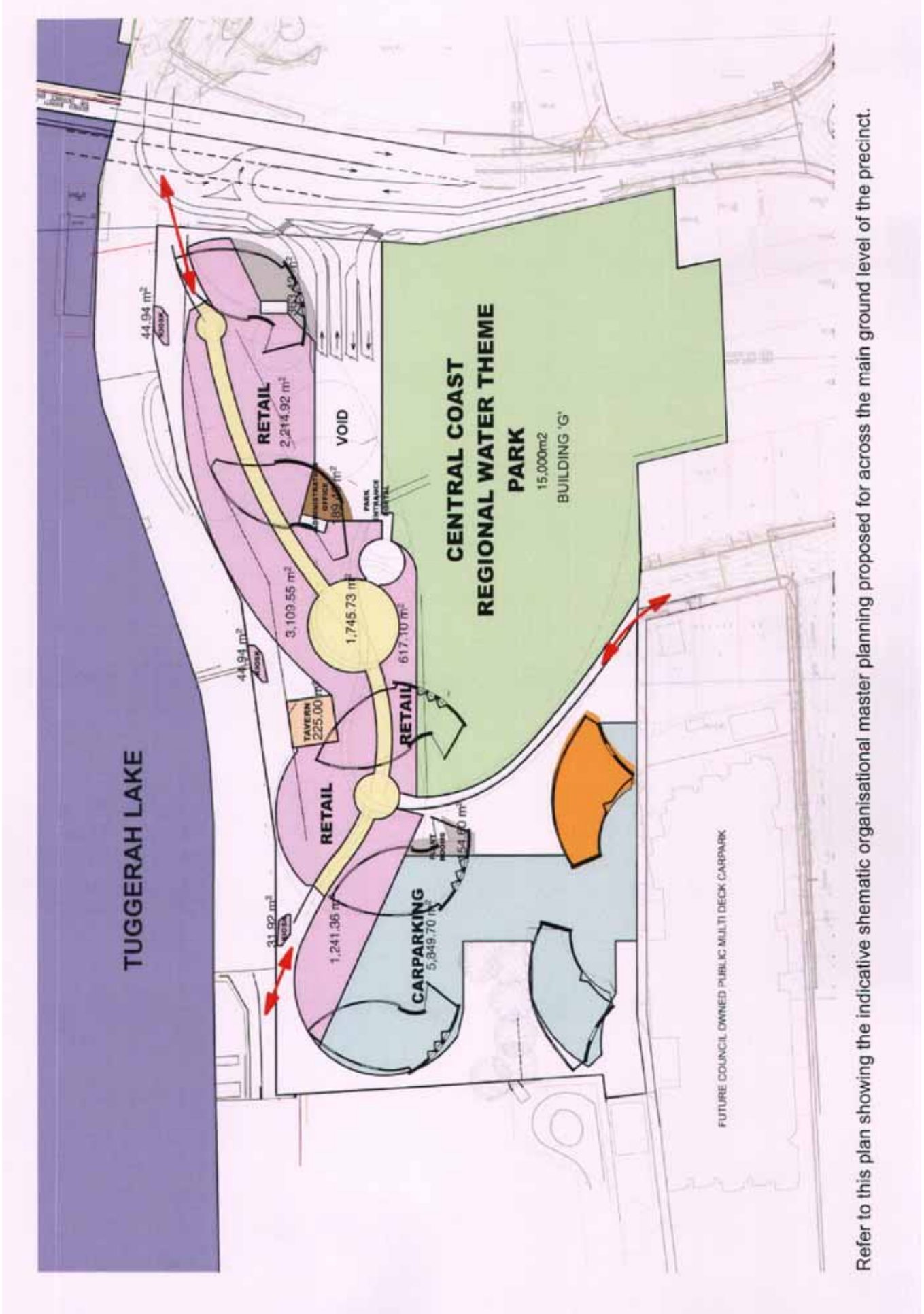
- Regional Water Theme Park: 15,000 sqm
- On-Ground Open Space.
- Podium Open Space at Level 1.
- Covered Public & Private Carparking Areas
- Plant Rooms & Loading Areas etc.

DEVELOPMENT COMPONENTS:

The principle components proposed by the indicative scheme for the site are:

1. International standard Water Theme Park.
2. All year round indoor environment and heated water activities.
3. Climate responsive technology, operable roofs + resource sustainability innovations.
4. International standard Civic Plaza upgrade to the lake foreshore.
5. Five (5) star destination category hotel complex.
6. Convention Centre.
7. First class serviced apartment towers.
8. Residential apartments – Living precinct.
9. Shopping Mall including air-conditioned Food Court.
10. Retention of existing heritage building.
11. Under cover Public Carpark, easy access, all on one level.





Refer to this plan showing the indicative schematic organisational master planning proposed for across the main ground level of the precinct.

2.6 Tuggerah Town Centre State Significant Site

TRIM REFERENCE: F2009/01895 - D03054372

MANAGER: Paul Bowditch, Manager Place Management

AUTHOR: Lynda Hirst; Senior Strategic Planner

SUMMARY

This report details the current status of planning for the Tuggerah Town Centre State Significant Site.

RECOMMENDATION

- 1 That Council receive the report on the Tuggerah Town Centre State Significant Site.**
- 2 That Council authorise the General Manager to execute the Offset Agreement that will include the dedication by Westfield of its environmental lands to the south of Westfield Tuggerah Shopping Centre.**
- 3 That Council advise the Department of Planning and Infrastructure upon execution of the Offset Agreement.**

BACKGROUND

On 23 January 2009 the Minister for Planning gave official notice in the Government Gazette that he had received a proposal to amend Schedule 3 of the State Environmental Planning Policy (SEPP) (Major Projects) 2005 to include the Tuggerah Town Centre as a State Significant Site (SSS).

The Tuggerah Town Centre (TTC) area covers approximately 120 hectares, including land adjacent to the Tuggerah Rail Station and Westfield Limited land holdings, and incorporating land either side of the Westfield Tuggerah Shopping Centre known as the "Triangle" and "Gateway" sites.

On 1 May 2009 the Minister further advised Council that Westfield Limited had submitted a concept plan under Part 3A of the Environmental Planning and Assessment Act, (EP&A Act) 1979 for a proposal involving residential, retail, community and employment generating uses on the Gateway Site, within the Tuggerah Town Centre study area. Whilst this Part 3A application has been transitioned into the new planning framework and held in abeyance, it is still Westfield's intent for the Concept Plan submitted with the Part 3A process to form part of the SSS for the TTC.

The Department of Planning and Infrastructure (DoPI) have been preparing a SSS Study for the TTC to review the strategic direction for the area and establish planning parameters to guide development within the Town Centre. It is anticipated that the SSS study may result in land use and zoning changes for land within the TTC.

In May 2011 at a meeting between the DoPI, Council staff and Westfield, DoPI tabled draft concept and zoning plans for the TTC. Council staff reviewed the draft plans and provided formal feedback to the DoPI raising concerns regarding flooding and traffic issues. To date, no response from the DoPI has been received in regard to these issues.

Since that time the DoPI have been liaising with key stakeholders, including Westfields, regarding the provision and funding of key infrastructure to support the future development of the TTC. It is anticipated that a draft Voluntary Planning Agreement (VPA) will be finalised by the DoPI shortly. This will enable the exhibition of all documents pertaining to the SSS study.

At its Ordinary Council Meeting on 14 December 2011, Council resolved the following Motion:

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

- 1 That Council note the preparedness of Westfield Group to commence its 750 million dollar Tuggerah Gateway development adjoining the F3 Freeway.*
- 2 That Council note that the development will be modelled on the highly successful Norwest Business Park concept and will deliver some 2,000 jobs during construction, over 7,000 jobs on completion and delivering a total of 35,000 jobs in the region over the next 20 years.*
- 3 That Council reaffirm its commitment to local job generation, having regard to this region’s unemployment rate of twice the state average and a youth unemployment rate of a massive 32%.*
- 4 That Council seek to further advocate to have the necessary State Government zonings and approvals expedited, while recognising that it is not the consent authority.*
- 5 That Council request the General Manager to report on the progress of the development to date and any impediments which are delaying the delivery of this key infrastructure and job generating project.*

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

AGAINST: NIL”

In regard to Resolution No 5 above, Council received correspondence from the DoPI on the 22 May 2012. Refer to Attachment 1 for a copy of the Department’s letter.

The DoPI has advised that it “has recently been working closely with Westfield and relevant state agencies, in particular, Transport for New South Wales (TNSW), to finalise resolution of these issues to enable the study to progress”.

OFFSET STRATEGY

In addition to the SSS study being undertaken by the DoPI, Council staff have been working closely with Westfield to develop an Offset Agreement for the revegetation and rehabilitation of Council land at Glenning Valley to offset development on Westfield land within the TTC.

As part of its landholdings within the TTC, Westfield owns the "Triangle" site to the east of the Westfield Tuggerah Shopping Centre. This site is heavily vegetated and contains the threatened plant, Biconvex Melaleuca (*Melaleuca biconvexa*) which is listed as a vulnerable species on the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

Consultation between Council, Westfield and the NSW Office of Environment and Heritage (OEH) identified a Council owned site at Glenning Valley as being suitable to compensate for the loss of vegetation, specifically the *M. Biconvexa*, required to develop the Triangle Site. To secure this offset arrangement, an agreement has been drafted between Council and Westfields. The agreement proposes a financial contribution by Westfield towards the environmental management of the Glenning Valley offset site beyond its existing arrangements. This will ensure that development of the TTC will achieve no net loss of biodiversity values and contribute to the regional population of *M. Biconvexa*.

The Offset Strategy involves the following:

- 1 Rehabilitation and revegetation of Council owned land, being Lot 11 and 12 DP 729013 and Lot 105 DP 805181 Wyong Rd, Glenning Valley, to offset development on the Westfield owned "Triangle" Site, being Lot 100 and 101 DP 740706, and Lots 2 and 3 DP 521487, Gavenlock Road, Tuggerah.
- 2 Funding for management of the Glenning Valley offset site for a maintenance period of 10 years by Westfield to the value of \$300,000 under a staged payment plan.
- 3 Dedication by Westfield, at no cost to Council, of its environmental lands to the south of the Westfield Tuggerah Shopping Centre to compensate Council for the sterilisation of the Glenning Valley offset site.

It is anticipated that the Offset Strategy will be exhibited with the other documentation prepared by the DoPI as part of the TTC SSS study. The DoPI have indicated that the public exhibition of these documents will commence shortly.

A plan indicating the location of the Glenning Valley Offset site owned by Council and a further plan indicating the location of the "Triangle" Site owned by Westfield is provided as Attachment 2 and 3.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Letter from DP&I - update Tuggerah Town Centre | D03017541 |
| 2 | Glenning Valley Offset Site - Lot 105 DP 805181, Lots 11 & 12 DP 729013 | D03025554 |
| 3 | Tuggerah Town Centre - Triangle Site - Lot 100 & 101 DP 740706, Lots 2 & 3 DP 521487 & Conservation Land to be Dedicated to Council - Lot 10 DP 10625 | D03025562 |



22 May 2012

Mr Paul Bowditch
Manager Place Management
Wyong Shire Council
PO Box 20
WYONG NSW 2259

12/08963

Dear Mr Bowditch

I refer to your letter dated 21 December 2011 and our previous e-mail responses on 12 December 2011 and 21 May 2012 about the state significant site study for the Tuggerah town centre

As you are aware, the Tuggerah town centre is subject to a number of complex issues including capacity of the road infrastructure, ecological values of the land, flooding and stormwater.

The Department has recently been working closely with Westfield and relevant state agencies, in particular Transport for New South Wales (TNSW), to finalise resolution of these issues and to enable the study to progress. The resolution of the biodiversity VPA between Council and Westfield is also critical to enable public exhibition of the study.

The Department anticipates that the public exhibition will commence shortly.

Yours sincerely

A handwritten signature in black ink that reads 'Josephine Wing'.

Josephine Wing
Manager Centres and Urban Renewal





3.1 CPA/181540 - Hire of Tipping and Other Trucks

TRIM REFERENCE: CPA/181540 - D03061757

MANAGER: John Barnard, Manager Plant Fleet Depots

AUTHOR: Gordon Prior; Coordinator Level 2

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/181540 - Hire of Tipping and Other Trucks.

RECOMMENDATION

- 1 That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181540 – Hire of Tipping and Other Trucks.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

BACKGROUND

Due to a combination of the fluctuating nature and diversity of its operations, Council frequently finds it necessary to externally hire tipping trucks with a driver. The demand for externally hired trucks is a function of the composition of the works program at any given time. To ensure that these items are readily available at the most competitive rates, tenders are invited every two to three years. The current tender expires on 31 July 2012.

Initially, when an item is required, the item is provided from Council's own plant pool if available. When Council owned trucks are not available (due to previous allocations), the Plant Pool Coordinators source the required trucks from a ranked listing of contracted external providers compiled through a tender assessment process. Offers of hire start with the contractor with the highest ranking for the relevant truck and if that contractor is not available at the time required, offers proceed down the ranking list until the required numbers of trucks are sourced.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender for the period 8 – 12 November 2011 and closed on 1 December 2011.

3.1 CPA/181540 - Hire of Tipping and Other Trucks (contd)

TENDER SUBMISSIONS

26 Submissions were received from the following organisations and are listed below in alphabetical order.

Company
A and C Plant Hire Pty Ltd
Activaz Pty Ltd
B J MAC Excavations and Plant Hire Pty Ltd
Casson Trucking and Earthmoving Pty Ltd
Central Coast Tipper Hire Pty Ltd
Coates Hire Operations Pty Ltd
Emery Excavations Pty Ltd
FB Heavy Plant Vegetation Management Consulting Pty Ltd
Greenland Transport Pty Ltd
Gregory Excavations Pty Ltd
John E Hogan Pty Ltd
Julcat Earthmoving Pty Ltd
Kasm Excavations Pty Ltd
Kennards Hire Pty Ltd
Koppman Earthmoving Pty Ltd
North Western Truck Services Pty Ltd
P & C Harvey Pty Ltd
Posvelle Pty Ltd
R K Talbot Enterprises Pty Ltd
Rods Haulage Pty Ltd
Scape Constructions Pty Ltd
Talbot Plant Hire Pty Ltd
TCX Pty Ltd
Teric Pty Ltd
The Asphalt Man Pty Ltd
Universal Mobile Tower Hire

No late Tenders were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) The tendered price and price structure; as well as any other potential costs to Council that may be identified.
- b) Truck condition, age, environmental/green fleet, suitability.
- c) Previous performance based on work completed for Council and/or referee checks.
- d) Assessed level of Local Content

3.1 CPA/181540 - Hire of Tipping and Other Trucks (contd)

FINANCIAL IMPLICATIONS

The procurement of Trucks will be centrally coordinated by Council's Plant and Fleet Unit and charged to the respective project or maintenance programs as transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated value of the arrangement is \$1,100,000 per annum, the actual value will vary in response to the nature and timing of Council's maintenance and works programs.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10 A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

The tender is for a two year period with one Principal actionable extension of 12 months. A further report will be submitted to Council prior to the expiry of the two year period should the 12 month option be sought to be exercised.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this project by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this project has occurred.

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Confidential Attachment A Tender Evaluation on Tenders for Contract CPA181540 Hire of Tipping and Other Trucks - | Enclosure | D02980609 |
| 2 | Rankings - CPA/181540 2012/2014 (D03039112) - | Enclosure | D03039112 |

3.2 CPA/181543 - Hire of Plant and Machinery

TRIM REFERENCE: CPA/181543 - D02980676

MANAGER: John Barnard, Manager Plant Fleet Depots

AUTHOR: Gordon Prior; Coordinator Level 2

SUMMARY

Evaluation and selection of tenders for Contract No CPA/181543 - Hire of Plant and Machinery.

RECOMMENDATION

- 1 That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181543 – Hire of Plant and Machinery.**
- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

BACKGROUND

Due to a combination of the fluctuating nature and diversity of its operations, Council frequently finds it necessary to externally hire plant and machinery with an operator. The demand for externally hired plant and machinery is a function of the composition of the works program at any given time. To ensure that these items are readily available at the most competitive rates, tenders are invited every two to three years. The current tender expires on 31 July 2012.

When an item is required, the item is provided from Council's own plant pool if available in the first instance. When Council owned plant or machinery is not available (due to previous allocations), the Plant Pool Coordinators source the required plant and machinery from a ranked listing of contracted external providers which has been compiled through a tender assessment process. Offers of hire commence with the contractor with the highest ranking for the relevant piece of plant or equipment and if that contractor is not available at the time required, offers proceed down the ranking list until the required numbers of plant or machinery are sourced.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender for the period 8 – 12 November 2011 and closed on 1 December 2011.

3.2 CPA/181543 - Hire of Plant and Machinery (contd)

TENDER SUBMISSIONS

54 submissions were received from the following organisations and are listed below in alphabetical order.

Company
A & C Plant Hire Pty Ltd
A & T Direct Excavations Pty Ltd
A Class Hire Pty Ltd
Accurate Asphalt and Road Repairs Pty Ltd
Activaz Pty Ltd
Active Hire Pty Ltd
Adam Lowe Pty Ltd
Alpha Civil Pty Ltd
Ausco Modular Pty Ltd
Australian Grader Hire Pty Ltd
Barry Bros Specialised Services Pty Ltd
Base Course Management NSW Pty Ltd
Beaumont Family Trust
Central Coast Slashing Services Pty Ltd
Coates Hire Operations Pty Ltd
Conplant Pty Ltd
Duncan Excavations NSW Pty Ltd
Earthmoving Hire Australia Pty Ltd
Emery Excavations Pty Ltd
Environmental Land Contracting Pty Ltd
FB Heavy Plant Vegetation Management Consulting Pty Ltd
Finlay Screening and Crushing Systems Pty Ltd
G S Excavations Pty Ltd
Galtee Excavations Pty Ltd
Gmon Pty Ltd
Goodworth Landscaping and Excavations Pty Ltd
Gregory Excavations Pty Ltd
Hardyards Outdoor Constructions Pty Ltd
Huski Excavations Pty Ltd
John E Hogan Pty Ltd
Julcat Earthmoving Pty Ltd
KASM Excavations Pty Ltd
Kennards Hire Pty Ltd
Kingston Industries Pty Ltd
Koppman Earthmoving Pty Ltd
Livpac Investments Pty Ltd
Mcphan Cranes and Transport
Mel-Ray Pty Ltd
Posvelle Pty Ltd
R & D Parry Pty Ltd
R W Leete Pty Ltd
Scape Constructions Pty Ltd
Shane Whiteford Pty Ltd
Sharpe Bros Australia Pty Ltd
Stabilised Pavements Australia Pty Ltd
Stanton Corporations Pty Ltd

3.2 CPA/181543 - Hire of Plant and Machinery (contd)

Company
Stanton Sales and Hire Australia Pty Ltd
Talbot Plant Hire Pty Ltd
TCX Pty Ltd
Teric Pty Ltd
The Asphalt Man Pty Ltd
The Entrance Excavations Pty Ltd
Transpacific Industrial Solutions Pty Ltd
Wrights Excavations Pty Ltd

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) The tendered price and price structure; as well as any other potential costs to Council that may be identified.
- b) Plant or machinery item condition, age, environmental/green fleet, suitability.
- c) Previous performance based on work completed for Council and/or referee checks.
- d) Assessed level of Local Content

FINANCIAL IMPLICATIONS

As this contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is therefore not a budget figure, but rather it is simply an indication of the overall scope of the arrangement. Although the estimated value of the arrangement is \$11,000,000 (\$5,500,000 per annum), the actual value will depend on the quantities ordered as requirements arise over the life of the arrangement. The total amount ordered under this arrangement could therefore vary significantly if demand patterns alter for this service.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

3.2 CPA/181543 - Hire of Plant and Machinery (contd)

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10 A (2) (d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

The tender is for a two year period with one Principal actionable extension of 12 months. A further report will be submitted to Council prior to the expiry of the two year period should the 12 month option be sought to be exercised.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this project by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this project has occurred.

ATTACHMENTS

- | | | | |
|---|---|-----------|-----------|
| 1 | Confidential Attachment A Tender Evaluation Report on tenders for Contract CPA181543 Hire of Plant and Machinery (distributed under seperate cover) | Enclosure | D02980610 |
| 2 | Confidential Attachment - Final Version - Plant Rankings - CPA/181543 | Enclosure | D03039851 |

3.3 CPA/200746 - Asphaltic Concrete - Category One - Supply Only

TRIM REFERENCE: CPA/200746 - D03060144

AUTHOR/MANAGER : Andrew Pearce, Manager Roads & Drainage

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/200746 Asphaltic Concrete Category One – Supply Only.

RECOMMENDATION

- 1 That Council decline to accept all tenders for the supply of Asphaltic Concrete Category One – Supply only, in accordance with the Local Government (General) Regulation 2005 Clause 178 (1) (b).**
- 2 That Council cancel the proposal for the contract for the supply of Asphaltic Concrete Category One – Supply only, in accordance with the Local Government (General) Regulation 2005 Clause 178 (3) (a).**

BACKGROUND

Asphaltic Concrete is used by various sections within Wyong Shire Council as part of ongoing road pavement, car park and pathway construction and maintenance works.

These materials are predominately sourced through Council's existing period based contracts which allow for both the supply and lay of asphaltic concrete which generally requires the use of specialist equipment. These include CPA/200746 Asphaltic Concrete Category 2 - Supply and lay of Asphaltic Concrete and CPA/200744 Asphaltic Heavy Patching.

Council does however use smaller quantities of asphalt picked up directly from the asphalt plant in its own trucks for such purposes as pothole patching and footpath repair works.

Council presently has only one item of plant, a single axle truck with an internal heating system within the truck body, capable of maintaining asphaltic concrete at workable temperatures for periods beyond a few hours.

Regular steel body tipping trucks are only able to pickup and transport the material on the basis that the material is applied within a short period of time. Failure to apply the material within the workable time will result in the material losing core temperature before hardening and ultimately becoming a solid mass and waste product.

Council also does not have the specialist equipment to store bulk asphaltic concrete in temperature controlled bins at its depots which would allow for Council's trucks to pickup and use the product within close proximity.

3.3 CPA/200746 - Asphaltic Concrete - Category One - Supply Only (contd)

Access to supply point is therefore currently a major consideration to enable use of Asphaltic Concrete by Council's work crews.

The actual quantities of supply only asphaltic concrete used by Council are ultimately dependant on a number of variable factors. These include the Council's choice of road maintenance techniques, fleet composition, convenience of supply point, composition of the works program and weather conditions at the time.

There is no current contract for the supply only of asphalt as the materials are acquired by WSC by calling quotations on a periodical basis.

Council called tenders in August 2011 for a period of two years in the interest of achieving the most competitive rates. The closing date was 28 September 2011.

Four submissions were received from the following organisations listed in alphabetical order.

- Bitupave Pty Ltd T/A Boral Asphalt
- Downer Australia Pty Ltd
- Fulton Hogan Industries Pty Ltd
- Tropic Asphalts Pty Ltd

Each organisation nominated one pickup point located within their asphalt manufacturing plant, with these ranging from the Central Coast to across the Hunter region, thereby travelling costs and downtime of staff and equipment is a major consideration in determining the true cost of each tender.

CURRENT STATUS

Ongoing wet weather experienced in 2011/2012 stretched Council's resources to undertake pothole repair. This has led to a re-evaluation of the pothole repair techniques and particularly the increased use of asphaltic concrete.

Council has historically repaired potholes using dedicated emulsion blower truck technology. Council currently owns 3 of these trucks which were purchased between 2004 and 2007. A 4th older truck was disposed of but not replaced in 2011.

These trucks work by spraying a mixture of aggregate and emulsion into the pothole to seal the road from further water ingress and restore a more even surface. The use of emulsion blower trucks offers a number of advantages over other options such as the use of asphaltic concrete in terms of high production rates, less manual handling and exposure of staff to traffic and the elements.

It is considered however that whilst these trucks may offer high production and lower unit rates than other alternatives, the pothole repair is not as long lasting as the alternative of repair with hot mix asphaltic concrete. Recent ongoing wet weather and the requirement to undertake regular reworking of repairs has highlighted this situation.

It is also noted that Council is currently into year 2 of a program aimed at increasing the overall condition of the Shire's road pavements. This program is on track. This increase in condition is predicated to reduce the reactive requirements with respect to undertaking temporary pothole patching repairs. Increased scope will thereby exist into the future to undertake longer lasting repairs in a more proactive and programmed manner.

3.3 CPA/200746 - Asphaltic Concrete - Category One - Supply Only (contd)

In 2011 staff initiated a trial for the regular use of hot mix asphalt in its potholing operations through the allocation of an existing Council owned single axle truck with heating capabilities to Council's road maintenance section. This trial has been run successfully with daily pickups from a facility at Doyalson, the site of the only Asphalt manufacturing Plant in the region.

In recognition of the identified opportunity to review council's operational activities with respect to pothole patching and the impending need to plan for the replacement of a number of existing pothole trucks which are reaching the end of their asset lives, Council's 2012/2013 Strategic Plan identified the following action:

- *Undertake a review of pothole patching technology, techniques and resourcing and implement recommendations to deliver best value*

The outcome of this project will ultimately provide more accurate forecasts of individual load volumes, frequency of collection and total volumes of supply only asphaltic concrete for use in Council's operations. These figures are needed to accurately calculate the total cost to Council of each individual tender given a combination of the tendered lump sum price and Council's own transport costs under a known scenario are required to be considered in order to accurately determine which tender represents the best value to Council.

At this time, given the inherent number of variables with respect to predicting the future demand for supply only asphaltic concrete, it would be prudent that Council postpone the current tender until a more accurate demand profile is known.

In the interim, Council staff will engage regional based asphaltic concrete suppliers on an as required basis via calling regular quotations to trial supply options that represent the best value option to Council based on anticipated usage and number of truck movements to the nominated supply point at that particular period of time.

It is envisaged that once initiatives identified in the 2012/13 strategic plan are implemented in respect to pothole patching technologies, Council will be in a better position to more accurately identify supply only asphaltic concrete requirements and enter into a longer term contract. New tenders for aggregated requirements will be called at this point in time.

GOVERNANCE

In accordance with the Local Government (General) Regulation 2005 Clause 178 (1) (b) a Council can accept or reject a tender.

Further Clause 178 (3) requires that if Council rejects a tender it must do one of the following by resolution:

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

3.3 CPA/200746 - Asphaltic Concrete - Category One - Supply Only (contd)

In this instance, option "a", cancellation of the contract, is recommended.

CONCLUSION

At this time, given the inherent number of variables with respect to predicting the future demand for supply only asphaltic concrete and ultimately the true cost to Council of each tender, taking into account both the tendered price and the cost of travel and downtime of staff and equipment to pickup from the nominated supply point, it would be prudent that Council postpone the current tender until a more accurate demand profile is known.

It is envisaged that once initiatives identified in the 2012/13 strategic plan are implemented in respect to pothole patching technologies, Council will be in a better position to more accurately identify supply only asphaltic concrete requirements. Tenders for aggregated requirement will be called at this point in time.

ATTACHMENTS

Nil.

3.4 CPA/209236 - Construction of Concrete Pile Retaining Wall at Alison Road, Wyong

TRIM REFERENCE: CPA/209236 - D03063797

MANAGER: Gary Kinney, Project Director

AUTHOR: Tim Burch; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/209236 – Construction of Concrete Pile Retaining Wall at Alison Road, Wyong.

RECOMMENDATION

- 1 That Council decline to accept any of the tenders.**
- 2 That Council cancel the proposal for the contract.**
- 3 That Council decline to invite fresh tenders because the market has responded and no further commercial advantage to Council would be expected.**
- 4 That Council note that staff will investigate if a more cost effective design that mitigates to an acceptable level the risk of collapse of the river bank and its associated public road and utility infrastructure into Wyong River can be identified.**
- 5 That Council note in the event that such a solution can be identified that Council staff will project manage the works directly by calling a number of smaller contracts for the various packages of work with the aim to more effectively manage the risks presented by this work.**
- 6 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

BACKGROUND

A section of bank on Wyong River referred to as Site WY82 is proposed for stabilisation and rehabilitation works under the Estuary Management Plan (EMP). The site is immediately west of the bridge across Porters Creek, and is adjacent and visible from Alison Rd. EMPs objective for the project was to mitigate the loss of sediment at the site.

Numerous surveys, investigation and design options have been prepared for the site dating back to 2007. Since that time the bank has showed signs of continued erosion and bank failure including localised slumps/slides and soil tension cracking observed at the top of bank.

3.4 CPA/209236 - Construction of Concrete Pile Retaining Wall at Alison Road, Wyong (contd)

Last year, a new consultant (WorleyParsons) was engaged to review options to stabilise and rehabilitate the site having a broader consideration for the long term protection of Council's road and utility assets within metres of the top of bank. There is also a critical optical fibre (Nextgen) utility in close proximity which is the main north/south connection between Sydney and Brisbane emergency services/hospitals. Nextgen have informed us if the utility were damaged compensation from the responsible party would be in the order of \$200,000/min.

In early February 2012, two significant slides occurred at the site arising from heavy rainfall which caused the undermining of the existing pedestrian pathway/cycleway and exposure of Council owned utilities.

Precautionary works have been implemented. This includes the provision of barricades and temporary fencing. Survey monitoring of the site is also undertaken weekly to confirm whether the bank is continuing to rotate or slump.

This report summarises the tender processes and responses received for the construction of that retaining wall.

INVITATION TO TENDER

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 5 June 2012 and the Central Coast Express Advocate on 6 June 2012. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm on Thursday 28 June, 2012.

The invitation documents called for schedule of rate tenders, based on a detailed specification.

A compulsory pre-tender meeting was held at the proposed work site at 10am on Thursday 14 June, 2012 to allow tenderers to become familiar with site conditions.

Seven (7) addenda were issued to all prospective tenderers during the invitation period, including an extension of the closing time one week, requested by Tenderers to accommodate the changes raised in addenda.

Tenders closed at Council Chambers at 2pm on Thursday 5 July, 2012.

TENDER SUBMISSIONS

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

- 1 Australian Prestressing Services Pty Ltd
- 2 Australian Prestressing Services Pty Ltd (Alternate)
- 3 Civilbuild Pty Ltd.
- 4 Civil Team Engineering Pty Ltd
- 5 Civil Team Engineering Pty Ltd (Alternate)
- 6 Robson Civil Projects Pty Ltd
- 7 Talis Civil Pty Ltd
- 8 Talis Civil Pty Ltd (Alternate)

3.4 CPA/209236 - Construction of Concrete Pile Retaining Wall at Alison Road, Wyong (contd)

TENDER EVALUATION & REVIEW

Tenders were proposed to be evaluated against the criteria and weightings documented in the Contract Development Plan that was approved by the Director Infrastructure Management & Director Environment & Planning Services prior to tenders being invited (Trim D02970137).

All of the eight (8) tenders received significantly exceeded the pretender estimates provided prior to tendering and the project budget. Accordingly a cursory review of tenders only was undertaken with a decision made by the Tender Evaluation Panel to cancel the evaluation process.

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

RECOMMENDATION

Based on the tender responses received it is clear that the proposed design can not be constructed within the approved budget. This in part can be attributed to the 50 year design criteria specified in the brief given to WorleyParsons and the significant risks that the works present to a contractor..

It is recommended that:

- 1 That Council decline to accept any of the tenders.
- 2 That Council cancel the proposal for the contract.
- 3 That Council decline to invite fresh tenders because the market has responded and no further commercial advantage to Council would be expected.

It is further recommended that staff investigate if a more cost effective design that mitigates to an acceptable level the risk of collapse of the river bank and its associated public road and utility infrastructure into Wyong River can be identified. This option may include reducing the scope (length) of the wall and design criteria, for example to a lesser design life, such as 15-20 years.

ATTACHMENTS

- 1 Confidential Attachment 'A' to Business Paper Tender Evaluation Report D03070875
CPA/209236 (distributed under separate cover) -

3.5 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel

TRIM REFERENCE: CPA/211385 - D03068894

MANAGER: Daryl Mann, Manager Water and Sewer

AUTHOR: Greg Cashin; Commercial Manager Water and Sewerage

SUMMARY

Evaluation and selection of tenders for CPA/211385 Expressions of Interest for Central Coast Pumps and Pipes Panel.

RECOMMENDATION

- 1 That Council select:**
 - ***Sinclair Knight Merz***
 - ***Parsons Brinckerhoff Australia Pty Ltd***
 - ***MWH Australia Pty Ltd******to form the Central Coast Pumps and Pipes Panel and for these companies to be invited to tender for Work Packages within the scope of the Panel for an initial period until 30 June 2015, with the potential of a two year extension subject to performance.***

- 2 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

BACKGROUND

Gosford and Wyong Councils are each undertaking sewage pumping station (SPS) improvement programs. The Councils propose to separately deliver their SPS program using a conventional contract delivery approach, i.e. design contracts followed by separate construction contracts. The Councils are each proposing to package projects based on geographical or work type characteristics.

To obtain efficiencies in design procurement and enhance incorporation of lessons learned into the program, a Pumps and Pipes Panel of design consultants is being established to service both Councils. Tenders for individual work packages will be invited from the panel. The establishment of the panel and the bundling of works will provide a number of advantages over the current project by project tendering approach including:

- economies of scale by aggregating individual projects into packages of work, reducing Council's procurement effort and costs;
- Additional time and resourcing advantages as the panel will allow a simplified tender process to be used. Tender responses will be limited to price, methodology and personnel as all commercial and capability issues have been addressed in the EOI;

3.5 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel (contd)

- consistency of outcome as the panel members come to know the Councils' processes and requirements; and
- ready incorporation of lessons learned into future projects as a result of the consistency of designers.

Although the focus of the panel will be on SPS and rising mains, work relating to gravity sewers, water pumping stations and water pipelines may also be included in work packages. Work packages may include options analysis, concept design, detailed design and/or tender documentation. The panel arrangements incorporate ongoing performance assessment of the individual consultants, with a mechanism to replace a panel member for non-performance.

The Panel will initially be created on behalf of the Councils but would ultimately become the Central Coast Water Corporation (CCWC) Pumps and Pipes Panel, subject to the actual timing of establishment of the CCWC as a Water Supply Authority and the performance of the panel program. Until the CCWC is established each Council will separately tender work to the panel.

The panel will have an initial end date of 30 June 2015, with provision to extend for a further 2 years at the discretion of the Councils/CCWC (as applicable).

The panel is compatible with Council's existing panel for project management. The ability to use the project management panel for the water and sewer design work was assessed, however the composition and skills of the project management panel are not aligned with the water and sewer design work. Similarly the Department of Local Government's LGP1208 panel was considered, however this panel does not contain the majority of companies that Council would ordinarily expect to tender for this work.

REQUEST FOR EXPRESSIONS OF INTEREST

The Request of Expression of Interest (EOI) was released on 7 May 2012. The Request for EOI was advertised on eTender as well as in the Sydney Morning Herald and Central Coast Express Advocate.

EOI closed on eTender at 2.00pm on 7 June 2012.

EOI SUBMISSIONS

The following EOI were received and are listed in alphabetical order:

ADW Johnson
AECOM Australia Pty Ltd
Arup Pty Ltd
Aurecon
Brown Consulting
Cardno Pty Ltd
GHD Pty Ltd
H&H Consulting Engineers Pty Ltd
Haripur Pty Ltd
Hunter Water Australia

3.5 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel (contd)

MWH Australia Pty Ltd
NSW Public Works
Opus International Consultants
Parsons Brinckerhoff Australia Pty Ltd
RGH Consulting Group Pty Ltd
Sinclair Knight Merz
SMEC Australia Pty Ltd
URS
Worley Parsons

No late submissions were received.

EOI EVALUATION

No conflict of interest were declared by the members of the Evaluation Panel.

The relative ranking of Applicants as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

Threshold Criteria:

- 1 Compliance with EOI documents.
- 2 Material acceptance of proposed contract conditions and panel commercial arrangements.

Weighted Criteria:

- | | | |
|---|------------------------|-----|
| 1 | Proposed personnel | 30% |
| 2 | Company experience | 30% |
| 3 | Management systems | 20% |
| 4 | Corporate arrangements | 20% |

FINANCIAL IMPLICATIONS

All work undertaken through the Panel will be competitively tendered. Selection of the Panel does not bind Council to a specific amount of work to be tendered.

All projects put to the panel will be subject to individual business cases, PAT review and formal tender assessment processes.

RELEVANT LEGISLATION

The EOI process has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

Information provided by Applicants which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*. A consistent standard for all Applicants has been used in assessing any request for confidentiality by an Applicant.

**3.5 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel
(contd)**

PUBLIC CONSULTATION

No public consultation specific to this project was necessary and none has occurred.

ATTACHMENTS

- 1 CPA 211385 Confidential EOI Evaluation Report (distributed under separate cover) - D03068723

4.1 Confirmed Minutes of 21 March 2012 and Draft Minutes of the 21 June 2012 Wyong Shire Governance Committee meetings

TRIM REFERENCE: F2004/07245 - D02936051

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Monica Redmond; Councillor Services Officer

SUMMARY

To submit, the Minutes of the Ordinary and Confidential Session of 21 March 2012 Governance Meeting, which were confirmed by the Governance Committee at its meeting on 21 June 2012 and the Draft Minutes of the Ordinary Session of the 21 June 2012 Governance Committee Meeting for consideration by Council.

RECOMMENDATION

- 1 That the Council adopt the minutes of Ordinary and Confidential Sessions of the Wyong Shire Governance Committee Meeting held 21 March 2012 which were confirmed by the Committee on 21 June 2012.**
- 2 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 21 June 2012.**
- 3 That Council note the Committee recommendation from 21 June 2012 meeting regarding Item 2.5 Strengthening Stores/Procurement Organisational Structure and request that the General Manager direct staff to:**
 - a continue to implement a phased change process over the next 12 months that includes revision of controls, corporate reporting, structural reporting lines, delegations and store operations.**
 - b consider that probity includes the concepts of impartiality, integrity, confidentiality, fairness, conflicts of interest and transparency noting that value for money is dealt with under best value.**

BACKGROUND

Council, at its meeting of 23 May 2012, adopted the Draft Minutes of the Ordinary and Confidential Session of the 21 March 2012 Governance Meeting. These minutes were confirmed by the Governance Committee at its meeting of 21 June 2012. (see Attachments 1 and 2)

At its meeting on 21 June 2012, the Committee considered Item 2.5 Strengthening Stores/Procurement Organisational Structure and adopted the following:

"That the Committee recommend that Council:

- a Continue to implement a phased change process over the next 12 months that includes revision of controls, corporate reporting, structural reporting lines, delegations and store operations.*

- b Consider that probity includes the concepts of impartiality, integrity, confidentiality, fairness, conflicts of interest and transparency noting that value for money is dealt with under best value."*

The above recommendation has been included in the recommendation of this report and is now submitted to Council for consideration.

The draft minutes of the 21 June 2012 Governance Meeting are set out in full below:

WYONG SHIRE COUNCIL

DRAFT MINUTES OF THE WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL HELD IN THE TIM FARRELL AND WILFRED BARRETT COMMITTEE ROOMS AT WYONG CIVIC CENTRE, HELY STREET, WYONG ON 21 June 2012 COMMENCING AT 9:00 AM

PRESENT

Mr Bruce Turner (Chairperson), Mr Jason Masters (external member),
Councillors R L Graham (departed at 10.01 am) and S A Wynn (arrived at 9.07 am).

IN ATTENDANCE

General Counsel,
Director Environment & Planning Services
Manager Major Projects (attended from 9.00 am to 10.01 am),
Internal Auditor (arrived at 9.01 am)
Senior Internal Auditor (arrived at 9.01 am)
External Auditor (arrived at 9.02 am)
General Manager (arrived at 9.03 am),
Director Corporate Services (attended from 10.24 am to 11.24 am),
Manager Human Resources (from 10.33 am to 11.24 am)
Internal Ombudsman (arrived at 11.43 am),
Councillor Services Officer.

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.00 am and advised in accordance with the Code Of Meeting Practice that the meeting was being recorded.

The Chairman confirmed the existence of a quorum, which was maintained throughout the meeting.

APOLOGIES

The General Counsel advised that the Internal Ombudsman, Ms Lilly Mojsin, had been called to attend to an urgent matter and requested that discussion on item 2.7 - Report from Internal Ombudsman report be deferred to later in the meeting. He also advised that the General Manager had advised that he would be a late arrival to the meeting.

The Chairperson advised that he would change the Order of the Agenda to accommodate arrivals/departures of attendees at the meeting, however for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the Chair of the Audit and Risk Committee for the Institute of Internal Auditors and a member of the Board, and also Chair of the Audit and Risk Committee for the Department of Premier and Cabinet, which includes oversight of the Division of Local Government and the Office of Environment and Heritage (OEH), and remained in the meeting.

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman and is an Independent Member of the Assurance & Audit Committee at Woollahra Municipal Council and also that he has been engaged by an IT Company in Newcastle (Kinetics) to write a White Paper on Procurement in Local Government and remained in the meeting.

2.7 Report from Internal Ombudsman

Director Environment and Planning Services, Ms Gina Vereker, declared a non-pecuniary significant interest in the matter for the reason that a matter referred in this report involves staff within the Environment and Planning Services Department and participated in consideration of this matter.

The Mayor, Councillor Bob Graham, was present during consideration of this item.

RECOMMENDATION

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

4.1 Confirmed Minutes of 21 March 2012 and Draft Minutes of the 21 June 2012 Wyong Shire Governance Committee meetings (contd)

1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 30 November 2011 meeting and Draft minutes of 21 March 2012 meeting

The Mayor, Councillor Bob Graham, was present during consideration of this item.

RECOMMENDATION

- 1 *That the Committee confirm the draft minutes of the Ordinary and Confidential Minutes of the Wyong Shire Governance Committee Meeting, held on 21 March 2012 which were adopted at Council's Ordinary Meeting of 23 May 2012.***
- 2 *That the Committee confirm the confirmed Minutes of the Ordinary and Confidential Meeting of the Wyong Shire Governance Committee Meeting, held 30 November 2011, which were adopted at Council's Ordinary Meeting of 23 May 2012.***

BUSINESS ARISING

There was no business arising.

1.3 Status Report on Outstanding Actions

The Mayor, Councillor Bob Graham, was present during consideration of this item.

RECOMMENDATION

That the Committee confirm the Status Report on Outstanding Actions for the Wyong Shire Governance Committee.

2.1 Enterprise Risk Management Strategy

The Mayor, Councillor Bob Graham, was present during consideration of this item.

RECOMMENDATION

That the Governance Committee receive the Enterprise Risk Management Strategy report.

4.1 Confirmed Minutes of 21 March 2012 and Draft Minutes of the 21 June 2012 Wyong Shire Governance Committee meetings (contd)

2.2 Critical Path Reporting on Major Projects

The Mayor, Councillor Bob Graham, was present during consideration of this item and left after discussions concluded 10.01 am.

Manager Major Projects, Mr Brad Foot, was present during consideration of this item and left after discussions concluded 10.01 am.

RECOMMENDATION

That the Committee note that the Report on Critical Path Reporting on Major Projects.

2.3 2011 - 15 Strategic Plan - March Quarter Review (Q3)

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

Director Corporate Services, Mr David Jack, arrived at 10.24 during consideration of this item.

HR Manager, Ms Marie Hanson-Kentwell, arrived at 10.33am during consideration of this item.

RECOMMENDATION

That the Committee note the third Quarterly Review (Q3) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 23 May 2012.

2.4 Information Management Status Report

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee receive the report on Council's Information Management status.

2.5 Strengthening Stores/Procurement Organisational Structure

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee recommend that Council:

- a Continue to implement a phased change process over the next 12 months that includes revision of controls, corporate reporting, structural reporting lines, delegations and store operations.*
- b Consider that probity includes the concepts of impartiality, integrity, confidentiality, fairness, conflicts of interest and transparency noting that value for money is dealt with under best value.*

2.6 Further Report on Statement of Business Ethics

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee endorse the updated Statement of Business Ethics as detailed in the report subject to edits suggested by the Committee.

2.7 Report from Internal Ombudsman

Director Environment and Planning Services, Ms Gina Vereker, declared a non-pecuniary significant interest in the matter for the reason that a matter referred in this report involves staff within the Environment and Planning Services Department and participated in consideration of this matter.

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

The Internal Ombudsman, Lilly Mojsin, arrived at 11.43 am and was present during consideration of this item.

RECOMMENDATION

That the Committee note the report of the Internal Ombudsman.

4.1 Confirmed Minutes of 21 March 2012 and Draft Minutes of the 21 June 2012 Wyong Shire Governance Committee meetings (contd)

2.8 Compliance Reviews

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee consider options for compliance reporting.

2.9 Legal Matters/issues

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee note the report on Legal Matters/Issues.

2.10 Risk Register Report

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee receive the status of WSC registered risks - as tracked by the Corporate Risk Register.

2.11 Internal Audit Report

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

Director Corporate Services, Mr David Jack, arrived at 10.24 am was present during consideration of this item, which included discussions on the Human Resources audit, and left after discussions concluded on this item at 11.24 am.

HR Manager, Marie Hanson-Kentwell, arrived at 10.33 am, was present during consideration of this item, which included discussions on the Human Resources audit, and left after discussions concluded on this item at 11.24 am.

RECOMMENDATION

That the Committee receive the Internal Audit Report.

2.12 Status Report on Outstanding Internal Audit Agreed Actions

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee receive the Status Report on Outstanding Internal Audit Agreed Actions.

2.13 Other Matters

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.

3.1 External Audit Plan 2011-12

Mr Dennis Banicevic, tabled a document 'Changes to Code Update 20 – June 2012' prepared by PricewaterhouseCoopers. (D03045625).

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee note the External Audit Plan 2011-12 financial year.

3.2 Mardi Mangrove Link Project

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

That the Committee note the report on the Mardi to Mangrove Link Project.

3.3 Draft Wyong Local Environmental Plan 2012 - Risk Register

The Mayor, Councillor Bob Graham, left the meeting at 10.01 am and was absent during consideration of this item.

RECOMMENDATION

The Committee receive the report on Draft Wyong Local Environmental Plan 2012 - Risk Register.

THE MEETING terminated at 12.35 pm

The next meeting is scheduled for Wednesday, 19 September 2012 at 9.30am

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | MINUTES - Governance Committee Meeting - 21 March 2012 | | D02953726 |
| 2 | MINUTES - Confidential Governance Committee Meeting - 21 March 2012 (Distributed under Separate Cover) - | Enclosure | D02963566 |

WYONG SHIRE COUNCIL

**MINUTES OF THE
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL**

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 21 March 2012
COMMENCING AT 9:30 AM

PRESENT

Mr Bruce Turner (Chairperson), Mr Jason Masters (external members), Councillor B Graham (Mayor) and Councillor S Wynn(arrived at 9.46 am).

IN ATTENDANCE

General Manager, Director Environment And Planning Services, Director Corporate Services (for part of meeting), Corporate Planning Executive (for part of meeting), Manager Land Use Planning And Policy Development, General Counsel, Internal Auditor, Senior Internal Auditor, Internal Ombudsman and a Councillor Services Officer.

The Chairperson, Mr Bruce Turner, declared the meeting open at 9.36 am and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

APOLOGIES

Notification was received from Councillor Sue Wynn who advised that she will be a late arrival to the meeting.

1.1 Disclosure of Interest

Disclosure regarding all Agenda items

Mr Bruce Turner, Chairperson, disclosed a non pecuniary interest with insignificant conflict for the reason that he is the chair for the Department of Premier and Cabinet, Audit and Risk Committee which has oversight of the Division of Local Government and the Office of Environment and Heritage (OEH), and remained in the meeting.

Disclosure regarding all Agenda items

Mr Jason Masters, Independent Member, disclosed a non pecuniary interest with insignificant conflict as he is the Chair of the Audit and Risks Committees for both the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman and Member of the Audit and Risks (A & R) Committee at Woollahra Municipal Council and remained in the meeting.

RECOMMENDATION

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

1.2 Confirmation of the adopted Minutes of the Wyong Shire Governance Committee Meeting - 30 November 2011

RECOMMENDATION

- 1 *That the Committee confirm the Ordinary and Confidential Minutes of the Meeting of the Wyong Shire Governance Committee Meeting, held 30 November 2011, which were adopted at Council's Ordinary Meeting of 8 February 2012.*
- 2 *That the Committee note that departure and return times are incorrectly recorded as "pm" in the Minutes of the Ordinary Meeting under the following items:*
 - *Report 1.1 - Disclosure of Interest*
 - *Report 2.1 - Enterprise Risk Management Strategy*
 - *Report 2.6 - 2011 – 15 Strategic Plan – September Quarter Review (Q1) and*
 - *Declaration of Interest under Information Reports**and request that these times be amended to read as "am".*

1.3 Status Report on Outstanding Actions

RECOMMENDATION

That the Committee confirm the Status Report on Outstanding Actions for the Wyong Shire Governance Committee.

1.4 Address by Invited Speakers

RECOMMENDATION

- 1 *That the Committee receive the report on Invited Speakers.*
- 2 *That the Committee agree that meeting practice be varied to allow this item to be dealt with at the start of the meeting.*

2.1 Notice of Intention to Deal with Matters in Confidential Session

RECOMMENDATION

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

Report no. 4.1 External Audit Tender Report
- 2 *That Council note its reason for considering Report No 4.1 in Confidential Session is because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, should the discussions be held in a non-confidential environment.*
- 3 *That Committee request the Chairperson to report on this matter in open session of Committee Meeting.*

3.1 Wyong and Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests

Councillor Wynn arrived at the chamber at 9.46 am during consideration of this item.

Ms Gina Vereker, The Director Environment and Planning, addressed the meeting at 9.45 am and provided further information regarding the development of the *Composite Local Environmental Plan*, the statutory requirements and the processes involved and left the meeting at 10.23 am.

Mr Martin Johnson, the Manager Land Use and Policy Development, answered questions during discussions on this item and left the meeting at 10.23 am.

RECOMMENDATION

That the Committee receive the report on Wyong and Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests.

3.2 Enterprise Risk Management Strategy

RECOMMENDATION

That the Committee receive the Enterprise Risk Management Strategy report.

3.3 Critical Path Reporting on Major Projects

RECOMMENDATION

That the Committee note that a Report on Critical Path Reporting on Major Projects will be tabled at the next Governance Committee Meeting.

3.4 2011 - 15 Strategic Plan - December Quarter Review (Q2)

RECOMMENDATION

That the Committee note the second Quarterly Review (Q2) report of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 22 February 2012.

3.5 Information Management Status Report

RECOMMENDATION

That the Committee receive the report on Council's Information Management status.

3.6 Report from Internal Ombudsman

RECOMMENDATION

That the Committee note the report of the Internal Ombudsman.

3.7 Compliance Reviews

RECOMMENDATION

That the Committee note the Report on Compliance Reviews.

3.8 Legal Matters/issues

RECOMMENDATION

That the Committee note the report on Legal Matters/Issues.

3.9 Risk Register Report

RECOMMENDATION

That the Committee receive the status of WSC registered risks, as tracked by the Corporate Risk Register, noting its inconsistencies and anticipating improvement through the ERM Strategy post 30 June 2013.

3.10 Internal Audit Report

The General Manager left the meeting at 11.04 am and returned at 11.20 am during consideration of this item.

RECOMMENDATION

That the Committee receive the Internal Audit Report and the Committee emphasise the importance of delivering the agreed Internal Audit Plan.

3.11 Status Report on Outstanding Internal Audit Agreed Actions

RECOMMENDATION

- 1 That the Committee receive the Status Report on Outstanding Internal Audit Agreed Actions.**
- 2 That the Committee request the General Manager to have the Senior Executive Team review the Outstanding Internal Audit Agreed Action List and provide comments back to the next meeting of the Governance Committee.**

3.12 Report on Statement of Business Ethics

RECOMMENDATION

- 1 That the Committee receive and note the Report on Statement of Business Ethics.**
- 2 That the Committee request the General Manager to have this Statement updated by the Manager Contract and Project Management to reflect current practice and re-submitted to the Committee for consideration to the next Governance Committee meeting.**

3.13 Other Matters

The Director Corporate Services, Mr David Jack and the Corporate Planning Executive, Ms Mellissa McKee joined the meeting at 12.25pm during discussions on this item.

RECOMMENDATION

That the Chairman invite Committee Members to raise any issues which may require consideration by the Committee.

CONFIDENTIAL SESSION

At this stage of the meeting being 12.27 pm (the General Counsel, Internal Auditor, Senior Internal Auditor, Internal Ombudsman and the Councillor Services Officer left the meeting and the Committee moved into Confidential Session for consideration of the following confidential item.

CONFIDENTIAL ITEM

4.1 External Audit Tender Report

OPEN SESSION

The meeting resumed in Open Session and the General Manager reported the decisions of Closed Session as follows:-

4.1 External Audit Tender Report

RECOMMENDATION

- 1 That the Committee endorse the External Audit Tender Report for presentation to Council with enhancement in the following areas:**
 - a Quality of Audit Firm**
 - b Price**
 - c Comparison with number of other Council's**

- 2 That the Committee request the General Manager to consider the inclusion of an appropriate clause in the contract that states "Council has discretion to preclude the successful tenderer from other Council consultancies if there is a perceived conflict of interest."**

THE MEETING terminated at 12.45 pm.

4.2 Payment of Public Liability Professional Indemnity Insurance Policy

TRIM REFERENCE: F2012/00538 - D03046775

MANAGER: Marie Hanson-Kentwell, Manager Human Resources

AUTHOR: David Secomb; Insurance Controller

SUMMARY

Approval is required to renew Council's Public Liability/Professional Indemnity insurance with Statewide Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2012 to 30 June 2013.**
- 2 That Council approve the premium payment of \$493,591 ex GST.**

BACKGROUND

Council's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of Council's Public Liability Professional Indemnity insurance with NSW Local Government (Jardine Lloyd Thompson) Mutual Liability Scheme known as Statewide Mutual, for the period 30 June 2012 to 30 June 2013.

Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Council & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' Councils. The contributions made by Councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover at the high limits Councils require.

The ceiling limits for both Property and Public/Professional Indemnity insurance are currently unobtainable in the Australian insurance market. In order for JLT to seek alternative terms for these risks an approach to Lloyd's of London insurance market would be required and such an exercise would be costly and time consuming.

WSC has been a contributor to this scheme for many years. To withdraw, Council is required to give at least three months written notice prior to the end of the financial year.

CURRENT STATUS

Council's Public Liability Professional Indemnity insurance for the period 30 June 2011 to 30 June 2012 is with Statewide Mutual.

4.2 Payment of Public Liability Professional Indemnity Insurance Policy (contd)

THE PROPOSAL

The premium applicable to Wyong Shire Council (WSC) for this insurance renewal is \$493,591 ex GST which is an increase of 3.5% on last year's premium. This is the first increase for a number of years. Limits of protection under this policy are: -

- Public Liability \$400,000,000
- Products Liability \$400,000,000
- Professional Indemnity \$300,000,000

Council shall bear the first \$50,000 of each and every Occurrence or Claim (in respect of Professional Indemnity).

OPTIONS

There is no advantage for Council to pursue its own tender process as there are no available competitive insurers within Australia offering this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW Councils.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

Long term Financial Strategy

Not applicable

Asset Management Strategy

Not applicable

Link to Community Strategic Plan (2030)

Not applicable

Budget Impact

No additional impact to budget

CONSULTATION

Not applicable

GOVERNANCE AND POLICY IMPLICATIONS

Local Government Act 1993 – Section 382 requires Council to insure itself and staff against public liability and professional indemnity.

MATERIAL RISKS AND ISSUES

Inefficient work practices - Inefficient work practices leading to increased costs, missed opportunities and community dissatisfaction with Council.

Inaccuracies in Information - Inaccuracies in 149 Certificate information supplied by Council leading to litigation.

Legislative change - Legislative change that conflicts with local priorities leading to enforced changes in levels of service and community dissatisfaction with Council (e.g. brothels, communication towers, on-site sewer charges).

Resource & Equipment Selection Processes - Inadequate processes for selecting appropriate resources, technology, plant and equipment for major projects undertaken by Council leading to inefficiency in operations and/or inadequate return on investment.

Unsafe working environment - An unsafe working environment leading to accidents and possible injury to people and possible financial penalties to Council.

Service Unit Plans - Operational Plans not effectively prepared or implemented leading to key objectives not being achieved.

Legislative Requirements - Council not complying with legislative requirements leading to penalties, civil claims and/or contractual disputes.

Emergency response to calamitous events- Inadequate emergency response to calamitous events (e.g. natural disaster (flood, bushfire, avian flu, foreshore degradation), terrorist action, etc.) leading to suffering by community and dissatisfaction with Council.

CONCLUSION

Adequate insurance cover is mandatory, prudent and best practice.

Prospecting for international suppliers will be costly and difficult for WSC and has low chances of success.

Cover is only available from a single Australian supplier and combining WSC buying power with NSW Councils provides the best value possible.

ATTACHMENTS

Nil.

4.3 Contract Variations and Finalisation - June 2012

TRIM REFERENCE: F2007/01410 - D03059125

MANAGER: David Witherdin, Manager Contract and Project Management

AUTHOR: John McCarthy; Purchasing Coordinator

SUMMARY

This paper reports on variations, proposed variations, contract budget adjustments and finalisations to contracts which have exceeded their contract value and are over \$150K in value.

The report covers contract variations processed in June 2012.

RECOMMENDATION

- 1 That Council receive the Contract Variations and Finalisation for June 2012.
- 2 That Council notes additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Hire of Minor Plant and Equipment	CPA/145091	\$2,728,420.00	\$228,420.00
Sludge Dewatering of No. 2 Sludge Lagoon at Charmhaven STP and No. 1, No. 2, and No. 3 Sludge Lagoons at Mannering Park STP	CPA/190437	\$226,599.00	\$11,822.00

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

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that Council must invite tenders before entering into a contract with an estimated value greater than \$150,000.00 (excl GST) and section 377 of the Act requires the acceptance of tenders which are required to be invited by Council under the Act to be by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

4.3 Contract Variations and Finalisation - June 2012 (contd)

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract and the risks, or may be expressed as a specific dollar value.

Council develops contract estimates and risk based contingency sums as accurately as possible to allow the number of works undertaken in an annual program budget to be maximised, but some risk remains that programs may have to be materially curtailed if unforeseen costs exceed these estimates.

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure. The purpose of this report is to make Council aware and to explain the reasons why variations occur, where an increase in the approved contract value has been impacted.

THE PROPOSAL

The report for June 2012 advises on the following 2 contracts that have exceeded their contract ceilings.

- CPA/145091 – Hire of Minor Plant and Equipment
- CPA/190437 - Sludge Dewatering of No.2 Sludge Lagoon at Charmhaven STP and No. 1, No. 2 and No. 3 Sludge Lagoons at Mannering Park STP

Details of the variations are contained in Attachment 1.

Summary of variations processed in June 2012

Total number of variations processed for the reporting period	15
Total number of Contracts impacted	12
Contracts requiring increase to the contract estimate	2
Contracts where current funds are sufficient to complete	10
Contracts finalised in the reporting period	0

OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations that exceed their approved contract estimates.
Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly reporting of variations that exceed their approved contract estimates. - Local Government Act requirements in relation to Tenders.

CONCLUSION

In accordance with contract reporting changes approved by Council at the meeting of 14 February 2012, only contract variations that exceed an approved contract value require Council disclosure.

This report is provided for Council's information only.

ATTACHMENTS

- 1 Contract Variations - June 2012 - D03058546

4.4 Community Engagement Policy

TRIM REFERENCE: F2011/01226 - D03061453

MANAGER: Maxine Kenyon, Director

AUTHOR: Sue Ledingham; Manager Community Engagement

SUMMARY

The purpose of the draft Engagement Policy is to set the framework for all community engagement activities conducted by Wyong Shire Council, other than notification and consultation in accordance with statutory requirements.

RECOMMENDATION

- 1 That Council adopt the draft Engagement Policy as a standard for all community engagement activities and that community engagement is a component of all future planning and project management.**
- 2 That Council note the implementation of the policy will be undertaken as a component of day to day business through Service Unit Business Plans.**

BACKGROUND

Community Engagement is already in place at Council. The aim of the Engagement Framework is to ensure that community engagement activities undertaken by Council are completed in a synergised way making efficient use of Council resources and time.

During engagement activities undertaken as part of the development of the Community Plan (2008) and Shire Strategic Vision (2009), the community expressed a desire for more information from Council on key projects, to have their say about Council activities and be more involved in decision-making on projects and issues that impacted them. Residents were keen to be actively involved with Council and felt that they had something positive to offer in making the Wyong Shire a great place.

Results of the Central Coast Quality of Life Study (2008) indicated residents who felt that they had opportunities to be involved in planning and the provision of services were likely to have a higher level of wellbeing.

Council has also been informed by its community through various surveys such as the Reputation Survey in 2010 and the Omnibus Surveys in 2009 and 2011 how important engagement is rated.

In 2010, Council began development and implementation of an Engagement Framework. In 2011 further analysis of this framework was undertaken to look at how engagement could be incorporated into Council's business was completed which resulted in the development of a more comprehensive framework.

Wyong Shire Council's Engagement Framework 'Engage Me' provides the policy direction, strategy, plans and resources to ensure a consistent approach to engaging and communicating with the people that live, learn, do business and visit the Wyong Shire. It is designed for both internal and external engagement and will be a fundamental component of all project and service planning. The strategy is designed to provide opportunities for different groups to participate in different ways.

'Engage Me' relates to the many programs, services and activities and is applicable to both internal and external engagement and the relationship between the two.

A Councillor briefing session of the 'Engage Me' framework was held on 9 November 2011, with endorsement by Councillors of the framework and to develop the policy and strategy for implementation. This framework was developed with input from all Council Service Units and encompasses the different principles and qualities of engagement as recognised through leading community engagement practice and standards such as International Association for Public Participation Australasia (IAP2) and AccountAbility Principles as defined in the *AA1000 AccountAbility Principles Standard (2008)*.

Whilst there is no official engagement policy adopted by Wyong Shire Council; staff have been working through the endorsed framework with guidance from Council's Engagement section and using the strategies and tools to develop engagement plans and activities. The Engagement section have also been implementing many of the key actions such as the Resident ePanel, the online Consultation Hub and individual training for staff as they work through the many steps needed for planning effective engagement.

Not having a policy to support the Engagement Framework can lead to inconsistent measures of importance and acceptance of community engagement as a vital part of project planning and management within Council itself.

The newly adopted WSC Strategic Plan 2012 – 16 has a specific section set aside in regards to working with the community and the principles and strategies that Council have previously endorsed in the Engagement Framework on our promise to complete this consultation appropriately.

THE PROPOSAL

The draft Engagement Policy has been developed to support the 'Engage Me' Framework and to set the standard for all community engagement activities conducted by Wyong Shire Council and those that participate in the engagement activities.

The aim of Council's 'Engage Me' Framework is to ensure that Council actively seeks feedback about its proposed strategies, plans, programs, products and services. It aims to engage with the community through a broad range of approaches to ensure that the community can participate in engagement should they choose to do so.

Recognising that this will not always be a perfect solution and that it takes time to build consistency in approach to engagement, the purpose of the draft Engagement policy is designed to support a consistent approach and standard for engagement so that WSC stakeholders can have trust and understanding in the organisation on how it engages with them.

4.4 Community Engagement Policy (contd)

The 'Engage Me' framework and this draft policy are supported by an engagement spectrum which identifies the commitment and approaches Council will undertake to engaging with its stakeholders. (Attachment 1)

The Local Government Act 1993 states under Section 232 (2)

The role of a councillor is, as an elected person:

- To represent the interests of the residents and ratepayers
- To provide leadership and guidance to the community
- To facilitate communication between the community and the council.

The draft Engagement Policy provides the direction of this facilitation, therefore it is important that the community are aware of how Council plans to undertake this and they are also aware of their role. The draft Engagement Policy also asks the community to agree with and follow the principles found in the draft Engagement Policy, as engagement is a two way process.

The following principles apply to all community engagement undertaken by Wyong Shire Council:

LISTEN	to the needs and aspirations of the community
UNDERSTAND	the opinions, views, issues and interests and be consistent in the approach to engagement
RESPECT	the barriers, values and rights of each individual and be open and clear about what you are asking
RESPOND	be genuine, consider and value the input and close the loop with feedback
LEARN	from each other, value strengths and build relationships with trust and integrity.

The aim of the draft Engagement Policy is to better serve the needs and expectations of the community in the future by providing a consistent and transparent consultation process.

The adoption of the Engagement Policy is essential to ensuring that Council provides a uniform and collaborative approach to community consultation in the future. It will be included in all project planning and management processes to make sure that the community is consulted in regards to issues that could affect them.

OPTIONS

Council could decide to:

1. Adopt the draft Engagement Policy showing a public commitment to the open and transparent need for community consultation in the Wyong Shire area
2. Reject the recommendation and continue to provide community engagement services as they are currently developed and delivered.

STRATEGIC LINKS**Wyong Shire Council Strategic/ Annual Plan**

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community and Education	Customer and Community Relations	1 year action: Priority one action from the Engagement Strategy implementation plan	Customer and Community Relations	Impact on Service Unit KPI 75% of engagement conducted by WSC that is in line with Engagement Spectrum

Ultimately, all components of the Strategic/Annual Plan involve community engagement whether it is for the internal or external audience. Therefore, this Policy is relevant to all staff and Councillors.

Long Term Financial Strategy

Council's long term financial strategy requires the use of engagement in an internal and external capacity throughout all service unit areas.

When planning for projects (both current and future), thought needs to be given to the allocation of funds to properly complete any required community engagement activities by the service unit conducting the consultation.

If this policy is adopted it will be a key component of all program and project management processes ensuring good stakeholder engagement assists to support understanding of priorities and needs.

Asset Management Strategy

One of the objectives of the *Asset Management Strategy* is to:

- *Engage the community on desired service levels and ensure asset investment decisions consider whole of life costs, and balance the funding for investment in new and upgraded assets with the investment in asset renewal.*

The adoption of the Engagement Policy will ensure that this is achieved in a consistent and transparent manner.

Workforce Management Strategy

To accomplish the *Workforce Management Strategy* a continued, concerted effort across the organisation's 26 Business Units will be required to understand and align them to the needs of Council and the community.

The proposed adoption of the Engagement Policy will provide managers and employees with the base required to make informed people decisions in regards to the organisations strategic direction and budgetary resources to make a difference in understanding the needs of the community. It is important to acknowledge that not all staff have the necessary skills required to do engagement and can often feel challenged by the process, the policy and supporting framework is designed to address this through skill development and a training program will be developed.

Link to Community Strategic Plan (2030)

The *Community Strategic Plan 2030* (CSP 2030) identifies objectives and actions that all involve, in one way or another, engagement with the community. This document was formulated as a partnership with the community and NSW government during 2008 and 2009.

Many actions identified in the CSP 2030 for WSC to deliver will require engagement with the community, not simply during the initial feasibility and project delivery stage, but to actively develop and sustain relationships with the community and other stakeholders through the longer term to improve risk management and better outcomes in the future.

The adoption of the draft Engagement Policy will support staff so that engagement is completed in a consistent and collaborative manner and at a level that is appropriate to Council standards.

Budget Impact

Contained within the Customer and Community Relations Unit budget is provision for engagement support and advice to implement the 'Engage Me' framework.

There will be some costs associated with the adoption of the draft Engagement Policy to ensure that appropriate training and development is undertaken with Council staff. Training in engagement is a key component in the success for implementation of the draft Engagement Policy and to ensure the knowledge base of engagement practice within the organisation is increased. These costs are allocated in the 2012/13 and future budgets.

CONSULTATION

Council has been developing the engagement framework since 2010 with the first draft finalised in June 2011. Key components of the framework are the corresponding policies and strategies that will form the basis of this initiative.

The draft Engagement Policy forms part of this framework which was endorsed by Councillors at a briefing in November 2011.

Due to the number of previous consultations undertaken as noted in the Background section of this report, an on-line copy of the draft Engagement Framework including strategies and principles was provided for community input as part of the consultation process from January 2012 to date. Currently 123 community members have answered survey questions with 116 understanding the information provided on the first read through.

A balanced summary of the feedback from the community tells us that there is strong support for the Engagement Framework and they are looking forward to the opportunity to become involved and have their say.

There is a high preference for activities such as the Resident ePanel and surveys with an online approach preferred. Some community members indicated that we need to simplify the information that was provided to them and that they hope Council means what they say in regards to engagement and consultation with the community.

Consultation was undertaken with all Service Business Units throughout Council from 2010 to 2012 to develop the Engagement Framework and to finalise the draft Engagement Policy.

GOVERNANCE AND POLICY IMPLICATIONS

This policy will be applied by Wyong Shire Council staff and Councillors to assist them in the process of decision making and when planning and undertaking community engagement. This will be part of the future training program to be developed as part of the 'Engage Me' framework.

MATERIAL RISKS AND ISSUES

Community engagement is conducted throughout Council but not always in a structured way leaving Council vulnerable in its obligations, in particular risk management. The draft Engagement Policy has identified that engagement forms Council business and therefore has been included into project planning and will be included into service unit business planning in the future.

CONCLUSION

The draft Engagement Policy is a critical component of Council's Engage Me framework which has been developed to ensure that community engagement, both internal and external, is consistent, transparent and open for everyone involved.

The component of engagement features heavily in all of Council's plans and strategies and needs to be formally identified as important in the minds of all Councillors and staff when planning and delivering services and programs to our community.

Community engagement will be a key process in implementing the eight priority objectives of the Community Strategic Plan and in determining the success of these objectives and future plans.

ATTACHMENTS

- | | | |
|---|-----------------------------------|-----------|
| 1 | WSC Community Engagement Spectrum | D03061452 |
| 2 | WSC Draft Engagement Policy | D03061451 |



WSC- Community Engagement Spectrum

Increasing level of community impact



PURPOSE →	INFORM		CONSULT		ENGAGE	
	Inform	Educate	Consult	Involve	Collaborate	Empower
Engage	↑	↻	↔	↻	↻	↑
Goal	To provide the community with information to assist their understanding on the issue, problem, opportunities or solutions.	Provide the community with the knowledge and skills to enable them to make an informed decision.	To obtain feedback and information about attitudes, opinion and preferences that assist Council in its decision making.	To work on an ongoing basis with the community to ensure their concerns, ideas and hopes are listened to and understood.	To partner with the community in each aspect of the decision including the development of alternatives, sharing of resources and the discovery of the preferred solution.	To place final decision making in the hands of the stakeholders
Commitment	We will keep you informed.	We will equip you with a new shared understanding of the issues.	We will listen to and acknowledge concerns and hopes and provide feedback on if or how your input influenced the decision.	That the community will have a role in shaping the project, that it will be visible throughout, and that they will have some input into decisions.	We will look to you for advice and innovation in formulating solutions and incorporate this into the decisions to the maximum extent possible.	We will implement what you decide
Scope	We will plan our engagement early to ensure there is time to participate and that we identify issues, impacts and risks on those affected. We will use a variety of methods to enable those who wish to participate opportunity to do so.					
Methods	<ul style="list-style-type: none"> • Fact sheets • Website and Intranet • Mobile apps** • Face to face • On the phone • Exhibitions • Media releases • Social media i.e. Facebook, Twitter ** • Newsletters • Emails • Events 	<ul style="list-style-type: none"> • Workshops • Factsheets • Field visits • Events • Community based programs 	<ul style="list-style-type: none"> • Resident e-panel • Events • Asking questions - surveys • Workshop/Focus group • Community groups and networks • Council, 355 and Precinct Committees • Online discussion blogs, forums, Facebook ** • Community meetings 	<ul style="list-style-type: none"> • Project steering group • Volunteer groups • Community partnerships • Intranet • Working groups • Liaison groups • Online involvement blogs, forums ** 	<ul style="list-style-type: none"> • Local partnerships • Community partnerships • Neighbourhood matching funding • Place making projects 	<ul style="list-style-type: none"> • Ballots • Dedicated decision making • Referendums
Evaluate	We will continue to look at the best way to inform, educate, consult, involve and collaborate with our community so that we understand the best and most practical way for them to participate. We will make feedback clearly visible to encourage users to participate.					

Adapted from: IAP2 Spectrum of Public Participation and AAL0005ES

** - Please see Council's social media policy and guidelines before implementing. Our Communications team can help you with this.



Wyong Shire Council

POLICY FOR ENGAGEMENT

Policy No:

Policy Author: Coordinator Community Engagement
Manager Customer and Community Relations



**History of Revisions:**

Version	Date	Authority	TRIM Doc. #
1			
2			
3			

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A. POLICY SUMMARY

- A.1. The purpose of this policy is to set the framework for all community engagement activities conducted by Wyong Shire Council, other than notification and consultation in accordance with statutory requirements. Community engagement will be a key process in implementing the eight priority objectives of the Community Strategic Plan and in determining the success of these objectives.

B. POLICY BACKGROUND

- B.1. Wyong Shire Council is a proactive organisation which has a willingness to listen to and value what community members have to say about an issue, and through community engagement, seeks to use the ideas, knowledge and skills of members of the community to enhance its decision making.
- B.2. Community engagement provides an essential foundation for a strong and connected community and promotes active participation and a healthy democracy. It enables a closer relationship between Council and its community through an active exchange of information and ideas which promotes shared understanding in decision making to better represent the interests of the broader community.
- B.3. One of the challenges ahead is for a greater diversity of people to become more actively involved in participating in decisions that affect them.
- B.4. Engagement activities undertaken when the development of the Community Plan (2008) and Shire Strategic Vision (2009) were underway showed that the community expressed a desire for more information from Council on key projects, to have their say about Council activities and be more involved in decision-making on projects and issues that impacted them. Residents were keen to be actively involved with Council and felt that they had something positive to offer in making the Wyong Shire a great place.
- B.5. Results of the Central Coast Quality of Life Study (2008) indicated residents who felt that they had opportunities to be involved in planning and the provision of services were likely to have a higher level of wellbeing
- B.6. This policy recognises that the Local Government Act 1993 identifies the Mayor and/or General Manager as the official face, and spokesperson, of Council.

C. DEFINITIONS

- C.1. **Councillors** means the elected representatives who form the governing body of Wyong Shire Council. They make decisions as a whole.
- C.2. **The Act** means the *Local Government Act 1993*.
- C.3. **WSC or Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C.4. **Community engagement** is defined as 'to engage with local people to actively participate and assist in shaping policies, strategies and services that affect their lives'
- C.5. **Engagement strategies** will vary, the Wyong Shire Council Engagement Policy defines these as:

Inform to provide information, educate or give advice to the community;

Connect to seek feedback about attitudes, opinions and preferences that will assist Council in its decision making; and

Engage to partner and collaborate with the community.

C.6 **Community** - Our community includes all groups of people who live, work, visit, study and/or use services and facilities in Wyong Shire. For example, residents, ratepayers, business owners and operators, government and non-government agencies, suppliers, developers, users of Council services, local community groups and associations, volunteer agencies, Council staff and elected Councillors.

C.7 **Social media** means the use of social media tools such as Facebook, Twitter to communicate, consult, share information and interact with stakeholders using digital media.

C.8 **Stakeholder means the** many different groups of people that have a stake in the community. These groups include:

- people who live or own property in Wyong Shire
- people who work/study in or visit Wyong Shire
- businesses who operate from Wyong Shire
- community agencies that provide services to the people of Wyong Shire
- government agencies that provide services to the people of Wyong Shire

D. POLICY STATEMENTS

Jurisdiction

D.1. This Policy covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.

D.2. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

D.3. Amendment to this policy will occur in accordance with the procedure for Organisational Policy establishment contained in the WSC Policy for the Establishment of Policies.

D.4. It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy

D.5. **When we will engage** – Wyong Shire Council will consult for one or more of the following reasons:

- to provide information, educate or give advice to the community
- to seek feedback about attitudes, opinions and preferences that will assist Council in its decision making to partner and collaborate with the community

D.6. Legislative requirements and other council policies regulate the procedures and outcomes of some Council activities, limiting the opportunities for community input and the scope for community engagement.

D.7 Principles

Engaging with people and participating in engagement can sometimes be challenging when, as individuals we sometimes have opposing views and values. The following principles have been designed to support our engagement approach at Wyong Shire Council and they should be used when planning, conducting and participating in engagement activities.

The following principles apply to all community engagement undertaken by Wyong Shire Council.

LISTEN – to the needs and aspirations of the community

UNDERSTAND – the opinions, views, issues and interests and be consistent in the approach to engagement

RESPECT – the barriers, values and rights of each individual and be open and clear about what you are asking

RESPOND – be genuine, consider and value the input and close the loop with feedback

LEARN – from each other, value strengths and build relationships with trust and integrity.

D.8 Council recognises and has included the AccountAbility Principles as defined in the *AA1000 AccountAbility Principles Standard (2008)* in the above principle and commitments

D.9 To facilitate the commitment to these principles Council will continually improve its capacity and performance in community engagement through ongoing training, resource development, review and evaluation of its community engagement practices

E. POLICY IMPLEMENTATION - PROCEDURES

E.1. This policy will be applied by Wyong Shire Council staff to assist them in the process of decision making and when planning and undertaking community engagement.

E.2. This policy shall be reviewed every four (4) years.

E.3. The responsible officer for this policy is the Manager Customer and Community Relations

E.4. Amendment to this policy will occur in accordance with the procedure for Organisational Policy establishment contained in the Wyong Shire Council Policy for the Establishment of Policies

E.5. Council will provide the Engagement Framework to support the implementation of the Engagement Policy. This framework will include associated policies, strategies and resources to ensure there is a consistent approach to engaging and communicating with the community.

Associated documents

- E.
- Community Engagement Strategy (2011)
 - Precinct Committee Guidelines (2011)
 - Customer Service Charter (2011)
 - Social Media Policy (2011)
 - WSC Code of Conduct Policy

- Customer Response Policy
- Local Government Act 1993
- Privacy Act 1988
- Government Information Public Access Act 2010
- The State Records Act 1993
- Social Media Guidelines
- WSC Policy R5 Records Management

4.5 Councillor Induction Program

TRIM REFERENCE: F2004/06517 - D03061510

AUTHOR/MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

A program has been developed to induct new and returning Councillors. The program is based on professional development guidance provided by the Division of Local Government and the Local Government and Shires Associations, and feedback from industry representatives and existing Councillors. The program includes content specific to the role of a Councillor in Wyong Shire.

RECOMMENDATION

- 1** *That Council adopt the 2012 Councillor Induction Program.*
- 2** *That Council require new and returning Councillors to attend the 2012 Councillor Induction Program.*
- 3** *That Council provide a copy of the Program to interested candidates for the 2012 Local Government Election.*

BACKGROUND

The role of a councillor is becoming increasingly complex as the civic duties and responsibilities of the elected representatives continue to increase as Council meets its obligations under the new integrated planning regime. Councillors are now required to research, consult and deliberate on a wide range of matters while still maintaining their role as an advocate for individual community areas.

Councillors are from a range of diverse backgrounds and bring different and valuable skills to the role. Despite this, few new Councillors have extensive knowledge of the system of local government, how a council works or the full range of their roles and responsibilities.

From their first council meeting councillors will be required to make important decisions on behalf of their communities and take responsibility for those decisions. Those decisions often involve significant use of public money, assets or natural resources.

Some Councillors may need to develop skills in areas that are unfamiliar to them. These may include skills in understanding council meeting procedures, the rules of debate or interpreting financial statements.

In order to effectively operate, both as an individual representative of the community and as a member of the governing body, a new Councillor requires a good knowledge of the legislative framework of the local government system and an understanding of the obligations and responsibilities that come with the role.

Councillors should be given every opportunity to clearly understand their role and responsibilities and to develop the skills and knowledge to perform their job well and in the best interests of the community they represent.

CURRENT STATUS

The local government election will be held in September 2012. The new Council will be declared within two weeks of the election meaning that a new Councillor will commence the role as soon as the declaration is made. The first meeting of the Council will be held in early October 2012 and will be followed by strategic planning sessions in which the Council will determine the direction and resourcing of the organisation for the next year.

There is no certainty as to the number of new Councillors that may be elected. Each individual will bring to the Council a unique background, education and level of knowledge of local government.

The purpose of providing an induction program is to ensure that any new Councillor is well equipped with information and an understanding of the system of local government necessary to fulfill the role in the first few months of the term.

Returning Councillors will also benefit by participating in the process as it will provide an opportunity to refresh and update existing knowledge and interact with the new members of the Council.

The program also provides an opportunity to further enhance the regional relationship between Gosford and Wyong councils. The scheduling of joint sessions will emphasise the importance of the regional partnership and serve as a vehicle for an ongoing co-operation to meet regional objectives and develop relationships with Councillors from Gosford and Wyong. Accordingly, a regional approach has been taken in developing this project.

Anecdotal feedback received from Councillors during the current 2008-2012 term has been used to inform this program. Surveys and input from the Division of Local Government (DLG) and the Local Government Managers Association – Governance network has also assisted in ensuring best practice and industry learnings have been incorporated into the project development.

THE PROPOSAL

The 2012 Wyong Shire Council Councillor Induction Program is attached.

Objectives

The objectives of the 2012 Councillor Induction program are to ensure:

1. Councillors have an understanding of the legislative framework in which Local Government operates.
2. Councillors have an understanding of their role and obligations.
3. Councillors have an understanding of the role of the Council, its functions, services and staff.

4.5 Councillor Induction Program (contd)

4. New and existing Councillors are able to benefit from the program and the interaction between them enhances the effectiveness of the governing body.
5. The Council is able to effectively operate as a governing body as soon as possible.
6. Regional relationships between Gosford City and Wyong Shire are further developed.
7. Information is obtained to plan for further professional development of Councillors
8. That there is a balance between the information required, the timeframes under which it is to be provided, with a focus on the best scheduling and delivery in order to lessen the impact on the individual.
9. Cost effective provision of the program.
10. A clear delineation between briefings/workshops providing information on current issues affecting the council.

Content

The DLG advises that in the first few weeks new councillors will need to know:

- the legislation or 'rules' under which councils operate
- their roles and responsibilities and formal obligations
- what the council does and how the council operates
- council's management structure and key staff
- key policies and procedures
- meeting times, venues and procedures
- where to go to get more information or assistance
- information on the mayoral process
- information to appoint councillors to committees.

The program encompasses all matters suggested by the DLG and is also integrated with briefing and planning sessions concerning the usual business of the Council.

The project will both inform, and be informed by, separate projects conducted by the councils for:

- All candidates prior to the election
- Future professional development of Councillors

The program will clearly delineate between items of issue for the current council and items intended to part of the induction program. That is; it may be necessary to schedule briefings or workshops that are currently relevant to the impending decision making responsibilities of council (eg Development proposals, contracts) as part of the Calendar of Events, however these items will be clearly delineated as separate to induction process.

Timing

The program essentially covers the first three months of the new Council term and foreshadows the planning workshop scheduled in February 2013.

The local Government Election is held on Saturday 8 September, 2012. The various induction sessions are scheduled to take place after the declaration of the poll. The date of