



Council staff providing tips and information to conserve water use. Canton Beach, Australia Day 2009.

ORDINARY MEETING

11 February 2009



MEETING NOTICE

The **ORDINARY MEETING**
of **Wyong Shire Council**
will be held in the **Council Chamber,**
Wyong Civic Centre, Hely Street, Wyong on
WEDNESDAY 11 FEBRUARY 2009 at **5.00 pm,**
for the transaction of the business listed below:

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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10 QUESTIONS WITHOUT NOTICE ASKED

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

Kerry Yates
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: D01603556

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Briefings

TRIM REFERENCE: D01603633

SUMMARY

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

Date	Briefing	Description	Time	Presented by
11 February 2009	Estuary Management Plan	Briefing giving a general overview of the Estuary Management Plan and its implementation process. The program of works will be detailed along with an outline of Council's grants commitments	1.00 pm – 2.00 pm	Manager Estuary Management
11 February 2009	Water Authority Business Paper	Briefing before Water Authority meeting of 18/2/09	2.00 pm – 3.00 pm	Manager Headworks
11 February 2009	Mardi Works Tender	Briefing giving an explanation of the negotiation phase of the Mardi Suite of Works Tender due to be reported to the 25/2/09 Meeting of Council	3.00 pm – 3.30 pm	Manager Contracts
18 February 2009	Workshop	Various issues (if required)	12.00 noon – 6.00 pm	Manager Community Strategic Vision
25 February 2009	Comprehensive LEP and Settlement Strategy	Briefing giving background to the comprehensive LEP review and settlement strategy projects.	2.00 pm – 3.30 pm	Acting Manager Future Planning

RECOMMENDATION

That Council receive the report on Proposed Briefings.

1.3 Proposed Inspections

TRIM REFERENCE: D01603661

SUMMARY

Inspections proposed to be held on 25 February 2009 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
25 February 2009	22 Lot Residential Subdivision, Wadalba DA/59/2007	Director Shire Planning
25 February 2009	The Entrance Community Centre	Director Shire Services
25 February 2009	Holiday Park Upgrade Works	Director Shire Services

RECOMMENDATION

That Council receive the report on inspections to be conducted on Wednesday, 25 February 2009.

1.4 Address By Invited Speakers

TRIM REFERENCE: D01603844

SUMMARY

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

RECOMMENDATION

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

11 February 2009
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.5 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: D01603881

AUTHOR: MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 28 January 2009.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 28 January 2009.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 28 JANUARY 2009,
COMMENCING AT 5.05 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER WATER AND WASTE, MANAGER CONTRACTS AND SPECIAL PROJECTS, ACTING MANAGER PLANT AND FLEET, PROJECT DIRECTOR MARDI TO MANGROVE LINK PROJECT, PROPERTY DIRECTOR MARDI TO MANGROVE LINK PROJECT, MANAGER SUSTAINABILITY, MANAGER PLANNING, LEGAL AND POLICY AND SUPERVISOR COUNCILLOR SERVICES.

THE MAYOR REPORTED THAT:

- * HE WOULD LIKE TO WELCOME MARTINE BRIEGER, MANAGER COMMUNICATIONS TO HER FIRST COUNCIL MEETING AND COMPLEMENTED HER INPUT INTO THE NEW FORMAT OF THE BUSINESS PAPER IN PARTICULAR THE COVER PAGE.
- * ON FRIDAY HE MET WITH MS BELINDA NEAL MP, FEDERAL MEMBER FOR ROBERTSON, AND PRESENTED HER WITH PETITIONS WHICH HAD BEEN SIGNED BY RESIDENTS OF THE SHIRE IN SUPPORT OF THE CALL FOR PUBLIC RADIOTHERAPY SERVICES ON THE CENTRAL COAST.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

JOHN HARDWICK DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 1.4, 3.2, 3.3, 3.4, 6.1 AND 8.6, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

1.1 Disclosure of Interest

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR EATON DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A PATRON OF WYONG MUSICAL THEATRE GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM ONLY A PATRON NOT AN OFFICE BEARER."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF BERKELEY VALE PUBLIC SCHOOL COUNCIL, PATRON OF SHELLY BEACH SURF LIFE SAVING CLUB, PATRON OF WYONG SOCCER CLUB, PATRON OF BERKELEY VALE SOCCER CLUB AND HIS TWO GRANDCHILDREN ATTEND WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE MY POSITION WITH THOSE GROUPS HAS NO INFLUENCE ON HOW THE GRANTS WILL BE SPENT."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR McNAMARA DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PATRON OF WARNERVALE FAMILY AND COMMUNITY CENTRE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR McNAMARA STATED:

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

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR MATTHEWS DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER CHILDREN ATTEND WYONG CHRISTIAN COMMUNITY SCHOOL AND SHE WILL SHORTLY BECOME AN EMPLOYEE OF WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCE ME IN CARRYING OUT MY PUBLIC DUTY AS I DON'T BELIEVE THAT THIS WILL INFLUENCED ME IN MY DECISIONS."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH WARNERVALE FAIR AS AN ORGANISER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT STATED:

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

8.6 UPDATE ON WOOLWORTHS LAKE MUNMORAH REZONING REQUEST

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR INVOLVED IN LEGAL ISSUE WITH WOOLWORTHS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.55 PM.

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

That the report be received and advice of disclosures noted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.2 Proposed Briefings

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

That Council receive the report on Proposed Briefings with the exclusion of the Shire Strategic Vision briefing.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.3 Proposed Inspections

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

That Council receive the report on inspections to be conducted on Wednesday, 28 January 2009 with the exclusion of the Wyong Police Station inspection.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.4 Address By Invited Speakers

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

- 1 *That Council receive the amended report on Invited Speakers.***
- 2 *That Council agree standing orders be varied to allow reports from Director's and/or the General Manager to be dealt with following the Invited Speaker's addresses.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.5 Confirmation of Minutes of Previous Meeting

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.38 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 December 2008.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

1.6 Notice of Intention to Deal With Matters in Confidential Session

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

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

W001 – Proposed Acquisition of Land at Bateau Bay

2 ***That the reason for dealing with Report No W001 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***

3 ***That Council request the General Manager in accordance with Section 253 of the Local Government Regulations 2005 report on this matter to the meeting in Open Session.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

2.1 Proposed New Police Station at Wyong

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.38 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.40 PM AND RETURNED TO THE CHAMBER AT 7.42 PM DURING CONSIDERATION OF THIS ITEM.

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

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

That Council defer this item until the next Ordinary Meeting to be held on Wednesday 11 February 2009 to enable further discussions with the Minister for Police.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

2.2 Acquisition of Easements for Mardi - Mangrove Water Supply Pipeline Link Project

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

- 1 That Council acquire the easements for water supply pipeline over the properties within Wyong Shire Council area as detailed in Schedule 1 and shown in Attachment 1 to this report.**
- 2 That Council authorise the General Manager to pay compensation in accordance with the Land Acquisition (Just Terms Compensation Act), 1991 and the compensation elements approved by the General Manager as necessary for the acquisition of easements.**
- 3 That Council arrange licence agreements with affected land owners to access to properties for construction purposes, prior to and during the construction period, and to pay a licence fee for such licence agreements as assessed by the Project's Valuers in accordance with procedures approved by the General Manager.**
- 4 That Council proceed to compulsorily acquire the easements over the land in accordance with the provisions of the Water Management Act 2000, in the event that negotiations with affected landholders cannot be satisfactorily resolved within three months.**
- 5 That Council proceed at the completion of construction works to compulsory acquire with agreement the easements over the properties which are the subject of Agreements for Easements, in accordance with the provisions of the Water Management Act 2000 and the Land Acquisition (Just Terms Compensation) Act 2000.**
- 6 That Council authorise the exercise of its Powers of Entry in accordance with the Water Management Act 2000 to gain access to the land within Wyong Shire if negotiations with affected landholders cannot be satisfactorily resolved.**
- 7 That Council obtain the prior approval of the Minister to appoint Authorised Officers in accordance with the Water Management Act 2000, where required.**
- 8 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of easements.**
- 9 That Council authorise the Mayor and the General Manager to execute all documents relevant to the acquisition of the easements.**

- 10 ***That Council when dealing with land owners take all reasonable steps to acquire easement and access rights through an inclusive process of consultation and negotiations.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.1 Notification of Dwellings Not Required to be Notified under Chapter 70

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

That Council defer consideration of this item pending a briefing of Councillors to explain the State Government changes of notification requirements.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.2 Proposed Communications Facility at Berkeley Vale

MR GERALD PERERA, REPRESENTING TOTAL COMMUNICATIONS INFRASTRUCTURE PTY LTD, WAS AVAILABLE FOR QUESTIONS.

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.3 Proposed 29 Lot Residential Subdivision at Wadalba

COUNCILLOR BEST LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

MRS RUTH DICKSON, REPRESENTING WADALBA/KANWAL ASSOCIATION INC ADDRESSED THE MEETING AT 5.15 PM. MRS DICKSON ADVISED THAT BASED ON LEGAL ADVICE SHE WAS NOT ABLE TO RESPOND TO COUNCILLORS' QUESTIONS AND RETIRED AT 5.21 PM.

MR PAUL LEVICK, REPRESENTING THRESHOLD DEVELOPMENTS PTY LTD, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.29 PM.

It was MOVED by Councillor EATON:

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based in the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

The MOTION lapsed for want of a SECONDER.

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

- 1 *That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate consent conditions, including conditions addressing:*
 - a *No approval is given for clearing of the site other than:*
 - *areas indentified for cut or fill;*
 - *within the approved road reserves; or*
 - *in the approved service locations.*
 - b *The requirement for the developer to identify the preferred driveway locations for the proposed lots and the alignment of concrete footways prior to the release of the Construction Certificate. This is to allow for the designation of locations for street plantings to be undertaken as part of the subdivision development, prior to the release of lots for sale. The tree plantings will be required to be endemic seed sourced from the locality.*
- 2 *That Council advise those who made written submissions of the decision.*

An *AMENDMENT* was *MOVED* by Councillor *EATON* and *SECONDED* by Councillor *WEBSTER*:

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

COUNCILLOR BEST GAVE NOTICE OF A FORESHADOWED AMENDMENT.

The AMENDMENT was put to the VOTE and declared CARRIED on the CASTING VOTE of the MAYOR.

FOR: COUNCILLORS EATON, GRAHAM, McNAMARA, SYMINGTON AND WEBSTER.

AGAINST: COUNCILLORS BEST, McBRIDE, MATTHEWS, VINCENT AND WYNN.

The AMENDMENT became the MOTION.

The FORESHADOWED AMENDMENT that was moved by Councillor BEST, was SECONDED by Councillor WYNN and became the AMENDMENT.

That the matter be deferred to allow staff to review the submission made by the community and make a recommendation to Council covering the following issues:

- 1 *Impact on Forest Woodlands*
 - 1.1 *Aboriginal Archaeological and Cultural Heritage Study not completed*
 - 1.2 *Threatened species under threat*

- 2 *Wadalba Hill as an Ecological Community*
 - 2.1 *Impact on Wadalba Corridor and its wildlife*
 - 2.2 *Number of trees and trees with hollows to be removed*
 - 2.3 *Failure of the Department of Environment and Climate Change (DECC) Deemed Concurrence (2004) to Council in respect to the Wadalba Wildlife Corridor and designated forest lands (such as this site)*

- 3 *Impact on Existing Residential Community*
 - 3.1 *Treed ridgeline to be taken out*
 - 3.2 *Land zoned 10a urban investigation being approved for development*
 - 3.3 *Impact on the living amenity of all Wadalba Central Villages homes*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS AND WEBSTER.

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: COUNCILLORS BEST AND WYNN.

3.4 Proposed Two Lot Subdivision of 7(f) Zoned Land at Glenning Valley

MR CHRIS OLIVER, REPRESENTING OPTIMA, ADDRESSED THE MEETING AT 6.37 PM, ANSWERED QUESTIONS AND RETIRED AT 6.41 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.48 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council support the use of State Environmental Planning Policy No 1 to vary the subdivision standards of Wyong Local Environmental Plan 1991 to allow this proposal.***
- 2 That Council refer this application to the Department of Planning for their concurrence.***
- 3 That the rezoning of this property be reviewed as part of the Shire Wide LEP review.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, MATTHEWS, VINCENT AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, SYMINGTON AND WYNN.

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

That the property report numbers 4.1, 4.3 and 4.4 be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.1 Proposed Dedication of Council Land part Lot 10 DP 1128045 The Entrance Community Centre, 15 Battley Avenue, The Entrance for Public Road

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

- 1 *That Council, dedicate part of Lot 10 DP 1128045 Battley Avenue, The Entrance as public road.***
- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Plan of Subdivision that will dedicate the required land as public road upon registration.***
- 3 *That Council authorise the Mayor and the General Manager to execute the plan of subdivision that will dedicate the required land as public road upon registration.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.2 Proposed Licence to Gwandalan Bowling Club Limited for Pipeline over Lot 2 DP 28962 Gamban Road Gwandalan

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

- 1 *That Council enter into a licence agreement with Gwandalan Bowling Club Limited for a pipeline over Lot 2 DP 28962 Gamban Road Gwandalan for a licence fee of \$1,000 per annum.***

2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the licence.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.4 Proposed Easement for Electricity Purposes over Lot 1 DP 786567 and Lot 1 DP 874424 Fowler Road, Tuggerah

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

1 That Council grant an easement for electricity purposes 15.24 metres wide over Lot 1 DP 874424 and Lot 1 DP 786567 Fowler Road, Tuggerah to Energy Australia for an amount of compensation payable as assessed by a qualified valuer.

2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents.

3 That Council authorise the Mayor and the General Manager to execute all documents.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

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

That the reports on Contract 2328, CPA 145088, CPA 145089, CPA 145091, CPA 149751 and the report on Contract Variations – November and December 2008 be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.1 Contract 2328 - Wyong Coastline Management Plan - Variation

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

That Council approve the contract variation in the amount of \$337,858 (excluding GST) to allow completion of the hazard study and preparation of the management study and management plan.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.3 Contract CPA 145088 - Hire of Plant and Machinery

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

- 1 *That Council accept all conforming tenders received for Contract CPA 145088 Hire of Plant and Machinery for the period 1 February 2009 to 31 January 2010.***
- 2 *That Council authorise the Director Shire Services to arrange engagement of Plant and Machinery as required from time to time in accordance with Contract CPA 145088 using the most economical and suitable supplier as each situation demands.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.4 Contract CPA 145089 - Hire of Tipping Trucks

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

- 1 *That Council accept all conforming tenders received for Contract CPA/145089 – Hire of Tipping Trucks on a priority ranking list for the period 1 February 2009 to 31 January 2010.***

- 2 That Council authorise the Director Shire Services to arrange engagement of Tipping Trucks as required from time to time in accordance with the priority ranking list.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.5 Contract CPA 145091 - Hire of Minor Plant and Equipment

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

- 1 That Council accept all conforming tenders received for Contract CPA 145091 Hire of Minor Plant and Machinery for the period 1 February 2009 to 31 January 2010.**
- 2 That Council authorise the Director Shire Services to arrange engagement of Minor Plant and Equipment as required from time to time in accordance with Contract CPA 145091 using the most economical and suitable supplier as each situation demands.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.5 Contract CPA 149751 - Contract for Supply and Delivery of Tools, Fasteners and Hardware

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

That Council accept the tenders (Schedules of Rates) of Express Industrial Supplies Pty Ltd trading as Brisbane Water Industrial Products and J Blackwood and Son Limited for supply of tools, hardware and fasteners for a period of three years.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.6 Contract Variations - November and December 2008

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

- 1 That Council note the variations to contracts in the attached enclosure.**
- 2 That Council approve additional contingency amounts for the following contracts to provide for further potential variations.**

Contract Name	Contract No	Contingency (ex GST)
Concept Design and Detail Tender Documentation For Sewerage Trunk Mains Warnervale Town Centre	CPA 130590	\$100,000
Minnesota Road Intersection Upgrade	CPA 137955	\$5,000

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.1 Impacts of Potential Underground Coal Mining in the Wyong Local Government Area - Strategic Review

MR RON SOKOLOWSKI REPRESENTING AUSTRALIAN COAL ALLIANCE ADVISED COUNCIL THAT HE DID NOT SEEK TO ADDRESS COUNCIL, HOWEVER HE WAS AVAILABLE FOR QUESTIONS. THE MAYOR ADVISED MR SOKOLOWSKI THAT COUNCILLORS COULD ONLY RAISE QUESTIONS BASED ON ANY ADDRESS TO COUNCIL.

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

- 1 That Council reject the conclusions of the Impacts of Potential Underground Coal Mining in the Wyong Local Government Area - Strategic Review (Chikarovski Report) and reiterate Council's opposition to any new coal mines in Wyong Shire.**
- 2 That Council make a submission on the report from the Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA (the Chikarovski Report).**
- 3 That a draft copy of the submission be provided to all Councillors for comment prior to submission.**
- 4 That Council request the Wyong Council Liaison Group to make a submission by 27 February 2009 to the Department of Planning in respect of the Chikarovski Report.**

5 That Council through the various media outlets encourage the Shire's various community groups, organisations and residents to also make submissions.

6 That Council recognise the stand taken by Mr David Harris MP, Member for Wyong supporting Councils' position on this proposal.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.2 Nomination of Delegate to the Mannering Colliery Community Consultative Committee

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

1 That Council nominate Councillor Symington as a delegate to represent Wyong Shire Council on the Mannering Colliery Community Consultative Committee.

2 That Council advise the Mannering Colliery Community Consultative Committee of the nominee.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.3 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$4,625 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

7.1 Minutes of the Wyong Shire Grants Committee Meeting - 21 January 2009

COUNCILLOR EATON DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A PATRON OF WYONG MUSICAL THEATRE GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM ONLY A PATRON NOT AN OFFICE BEARER."

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF BERKELEY VALE PUBLIC SCHOOL COUNCIL, PATRON OF SHELLY BEACH SURF LIFE SAVING CLUB, PATRON OF WYONG SOCCER CLUB, PATRON OF BERKELEY VALE SOCCER CLUB AND HIS TWO GRANDCHILDREN ATTEND WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE MY POSITION WITH THOSE GROUPS HAS NO INFLUENCE ON HOW THE GRANTS WILL BE SPENT."

COUNCILLOR McNAMARA DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PATRON OF WARNERVALE FAMILY AND COMMUNITY CENTRE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR McNAMARA STATED:

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

COUNCILLOR MATTHEWS DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER CHILDREN ATTEND WYONG CHRISTIAN COMMUNITY SCHOOL AND SHE WILL SHORTLY BECOME AN EMPLOYEE OF WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY AS I DON'T BELIEVE THAT THIS WILL INFLUENCE ME IN MY DECISIONS."

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH WARNERVALE FAIR AS AN ORGANISER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT STATED:

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

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

That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 21 January 2009 and the recommendations contained therein be adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.15 Information Reports

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

That with the exception of report numbers 8.2, 8.3, 8.5 and 8.13 the information reports be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.2 Continuing Erosion of Cabbage Tree Bay

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

1 That Council receive the report on Continuing Erosion of Cabbage Tree Bay.

2 That Council seek funding through the Natural Disaster Mitigation Fund program similar to that secured by Sydney Coastal Councils.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.3 The Entrance Beach Renourishment

COUNCILLOR VINCENT LEFT THE CHAMBER AT 9.11 PM AND RETURNED TO THE CHAMBER AT 9.12 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on The Entrance Beach Renourishment.**
- 2 That Council trial a geotextile retaining wall system to retain sand on The Entrance beach and its position to be determined by Council staff with a consideration of a budget allocation of up to \$250,000 in the 2009-10 budget.**
- 3 That Council dredge operations place sand to renourish The Entrance beach prior to the next summer season.**
- 4 That staff report back on the processes and costs involved in adopting such a project.**

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

8.4 Results of Water Quality Testing for Bathing Beaches

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

That Council receive the report on Results of Water Quality Testing for Bathing Beaches.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.5 Activities of the Development Assessment Unit

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.6 Update on the Woolworths Lake Munmorah Rezoning Request

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR INVOLVED IN A LEGAL ISSUE WITH WOOLWORTHS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.35 PM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.19 PM AND RETURNED TO THE CHAMBER AT 7.20 PM DURING CONSIDERATION OF THIS ITEM.

MR STEVE GARMSTROM, REPRESENTING WOOLWORTHS, ADDRESSED THE MEETING AT 7.17 PM, ANSWERED QUESTIONS AND RETIRED AT 7.24 PM.

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

- 1 That Council reiterate the significance of this proposal on the basis of its value in providing necessary social and economic infrastructure for the northern part of the Shire.***
- 2 That Council prepare a draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act to rezone Lot 2 DP 520220 Pacific Highway, Lake Munmorah to facilitate the development of a shopping centre on the site.***
- 3 That Council prepare or amend appropriate Chapters of Development Control Plan 2005 and Contribution Plans to guide future development within the area.***
- 4 That Council advise the Department of Planning of the decision.***

- 5 ***That Council write to all relevant government agencies advising of Council's resolution to proceed with the rezoning.***
- 6 ***That Council undertake Section 62 consultations with relevant public authorities and stakeholders.***
- 7 ***That Council request the Department of planning to issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act to permit exhibition of the draft Local Environmental Plan; or that Council, subject to direction from the Department of Planning, use its delegation to issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act.***
- 8 ***That Council upon receipt or issue of the Section 65 certificate, advertise the draft Local Environmental Plan, draft DCP 2005 and any Contributions Plans affecting the land for a minimum of 28 days in accordance with the Environmental Planning and Assessment Act Regulations.***
- 9 ***That Council authorise the Mayor and General Manager to execute all documents and agreements relating to undertaking the rezoning, including any required Deeds of Agreement between Council and the land owner to recover (staff and consultant) costs associated with processing the rezoning and to cover infrastructure and service provision costs arising from the proposal.***
- 10 ***That Council note Section 149 Certificates for those affected properties.***
- 11 ***That the rezoning application be progressed as a priority matter.***

FOR: COUNCILLORS BEST, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.7 Finalisation of Contracts

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

That Council receive the report on Finalisation of Contracts.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.8 Attendance at Department of Local Government Councillor Information Seminar

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

That Council receive the report on Attendance at Department of Local Government Councillor Information Seminar.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.9 Electoral Funding Disclosures by Councillors

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

- 1 That Council receive the report on Electoral Funding Disclosures by Councillors.***
- 2 That Council receive the advice from the Electoral Funding Authority regarding the obligations of Councillors under the provisions of the Electoral Funding and Disclosure Act 1981.***
- 3 That Council note that it is the responsibility of each Councillor to comply with the reporting provisions of the Electoral Funding and Disclosure Act 1981 and to submit disclosures direct to the Electoral Funding Authority on or before the closing date of 25 February 2009.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.10 Disclosure of Interest Returns

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

That Council receive the report on Disclosure of Interest Returns.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.12 Water and Sewerage - Works in Progress

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.14 General Works in Progress Report

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

That Council receive the report on General Works in Progress Report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.13 Outstanding Questions Without Notice and Notices of Motion

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.1 Notice of Motion – Fleet Cars

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 9.30 PM AND RETURNED TO THE CHAMBER AT 9.34 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council provide the incentive to staff to select more environmentally sustainable vehicles and;***
- 2 That Council seek to introduce as alternative technologies approach commercial viability more environmentally sustainable vehicles and introduce these to the fleet.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.2 Notice of Motion – Encouraging Responsible Disposal of Asbestos

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 9.30 PM AND RETURNED TO THE CHAMBER AT 9.34 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 9.36 PM AND RETURNED TO THE CHAMBER AT 9.37 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That as a consequence of escalating public health concerns over the frequent illegal dumping of asbestos material, Council review its asbestos waste disposal policy to further encourage responsible disposal.**
- 2 That as Council has significantly reduced its asbestos tipping charges which are now equivalent to the general waste charges, Council highlight this cost saving initiative while reinvigorating our “dob in a dumper” (DIAD) campaign.**
- 3 That to further strengthen the DIAD campaign Council extend its \$10,000 vandalism reward incentive to also include the DIAD campaign.**
- 4 That staff report to Council on the operational issues associated with the initiative above, with further recommendations by staff being encouraged in the report.**
- 5 That Council carry out an advertising and education campaign highlighting the health risks associated with illegal dumping and explaining the cost effectiveness of asbestos disposal at Buttonderry tip.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.3 Notice of Motion – Improved Community Communications

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

- 1 That to improve Councils communication channels with its residents and ratepayers, staff report on initiatives that build and strengthen our various precinct associations.*
- 2 That the report should cover but not be limited to;*
 - Funding support*
 - Clerical support*
 - Membership initiatives*
 - Group networking functions*
 - To identify the adequacy of current geographic coverage*

POINT OF ORDER

COUNCILLOR SYMINGTON RAISED A POINT OF ORDER AGAINST COUNCILLOR BEST AS THE RECOMMENDATION BEARS NO RESEMBLANCE TO THE ORIGINAL MOTION PUT BEFORE COUNCIL.

THE MAYOR RULED THAT COUNCILLOR BEST WAS OUT OF ORDER.

COUNCILLOR BEST ADVISED THAT, WITH THE APPROVAL OF HIS SECONDER, HE WOULD WITHDRAW THE NOTICE OF MOTION AND RESUBMIT IT TO THE NEXT MEETING.

10.4 Notice of Motion – Recognise Staff on OH&S Initiatives

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

- 1 That further to Council's commitment to workplace safety, Council recognise the outstanding work done by Council's Occupational Health and Safety Committees in particular the recent safety awareness initiative which developed and distributed an OH&S Council calendar depicting important safety tips monthly.***
- 2 That Council through the General Manager provide to both the Indoor and Outdoor OH&S Committees a certificate of recognition as a token of Council's appreciation of their contribution to workplace safety.***
- 3 That Council also recognise staff of Council's OH&S Support Section who contributed and assisted the Committees.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.07 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.13 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W001 Proposed Acquisition of Land at Bateau Bay

- 1 *That Council endorse the general terms of the draft agreement outlined in the report.*
- 2 *That the General Manager be granted authority to settle the matter, including the execution of any legal documents.*

QUESTIONS WITHOUT NOTICE ASKED**Q001 - Amount of Stormwater Levy funds Allocated Towards Areas on Lake Macquarie located in Wyong Shire**

Councillor Symington

F2004/07007

“Can staff report on the distribution of the Stormwater Levy which is collected from all ratepayers in Wyong Shire. In particular, how much money has been allocated to those areas of Lake Macquarie which are in Wyong Shire?”

Q002 - Norah Head Ocean Access

Councillor Best

F2005/02300

“Mr General Manager, I have received numerous requests over the Christmas break from boat owners seeking advice as to when Council will be commencing work in partnership with the State Government to reconstruct the aging and exposed current boat ramps?”

Q003 - Investigate the Use of “Green Concrete” For Footpath Construction

Councillor Wynn

M2009/00723

“Would Shire Services investigate “Green Concrete” to construct future footpaths and shared pathways across the Shire to see if it is available and economically viable?”

Note: The “concrete” is a new synthetic polymer that was aired on the “New Inventors” program on the ABC

Q004 - Investigate Alternative Environmentally Friendly Materials for Footpath Construction**Councillor Wynn**

F2005/03057

“Would Shire Services investigate alternative materials to construct paths that are more environmentally friendly and/or more aesthetically pleasing while also comparing costs?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.15 PM.

.....
CHAIRPERSON

ATTACHMENTS

Nil

2.1 Proposed New Police Station at Wyong

TRIM REFERENCE: D01666412

SUMMARY

A development application for construction of a new three level police station (community facility) has been received by Council. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval. The development is beneficial to the Wyong town centre and broader community providing a modern policing facility for the Wyong region.

Applicant	United Group Services Limited
Owner	NSW Attorney General's Department - Wyong
Application No	DA/162/2008
Description of Land	Lot 1 DP 810492 No 6 Anzac Avenue Wyong
Proposed Development	Construction of a new three level police station building (community facility)
Site Area	4905m ²
Zoning	5(a) Special Uses – Council/Government Use
Existing Use	Courthouse parking and vacant land
Estimated Value	\$11,432, 000

RECOMMENDATION

- 1 That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based in the information available to it, Council favours approval of the application subject to appropriate conditions of consent.***
- 2 That Council authorise the General Manager to determine any application for minor modifications to the approved development plans or consent conditions.***
- 3 That the conditions be referred to the NSW Police Force for its concurrence.***
- 4 That Council vary Development Control Plan 2005 Chapter 61, Carparking and Chapter 94, Location Criteria for Emergency Services Facilities, to permit the development.***

PRECIS

- The proposal is for construction of a new three level police station on the vacant area of the existing Wyong courthouse site.
- Thirty five parking spaces are provided on the site only for Police vehicles and six spaces to be provided along Hely Street for quick response vehicles.
- Variation is sought to the parking provision required for staff and visitors for the development.

- The site is subject to localised flooding and is in the vicinity of a local heritage item.
- No submissions were received in response to the notification of the application.
- Being an application from a State Authority, Council cannot place conditions on any approval without the formal agreement of the applicant.

INTRODUCTION

The Site

The site contains Wyong Court House on the southern half of the site with a vacant area on the northern half of the site. The site is bounded by Hely Street to the east, Anzac Avenue to the south, Pauline Lane to the west and an existing commercial building to the north. The site possesses a mild slope of around 2m from south-west to north-east.

The new police station is to be located on this vacant northern portion of the site which is a grassed and used for the informal parking of vehicles (particularly related to the courthouse operation). The site is low lying with a slope towards Hely Street and is subject to localised flooding inundation. There are existing scattered trees, a number of which are to be removed as part of the proposal. Existing on the site is a stormwater drainage easement and a sewer main which extends across the site. It is noted that bus services are available to the site within 400m walk of the new Police Station and Wyong Train Station is located approximately 600m walk of the new station.

The Proposed Development

The application seeks approval for construction of a new three level, police station to operate 24 hours per day, seven days a week as the Local Area Command (LAC) for Tuggerah Lakes District.

The new police station building has been designed to maximise two specific functions. The ground floor of the station has been delineated as an area for the purposes of every day active policing duties which includes the questioning/interrogating of individuals, detaining arrested suspects in holding cells, answering enquiries, emergency calls, storage of vehicles/equipment/weapons. The remainder of the building has been designed to be used for activities associated with the Tuggerah Lakes LAC including administrative tasks, rostering staff, purchasing equipment and other passive policing matters. Twenty four hour access is required to the site everyday of the year for both the general public and staff.

The proposal for the new Wyong Police Station will comprise:

- Parking for police related vehicles including:
 - on site parking for 32 vehicles in a two level carpark at the rear
 - one accessible space
 - two stacked spaces for the booze bus and police truck,
 - three bike parking spaces, and,
 - on street parking for six quick response police vehicles along the western side of Hely Street
- Custodial areas including an elevated custodial link to the court house for prisoner transfers
- Public enquiry areas
- Office areas, meeting rooms and other areas for general duty, LAC, detective and Crime Management Unit (CMU) staff
- Storage areas

- Toilets, lockers and a gymnasium
- Rainwater tanks for reuse within the development
- Landscaping and external works

The levels of the building have been designed to a height to mitigate impacts from the 1% Annual Exceedence Probability (AEP) effects of flooding on the building. The total gross floor area for the development is 3001m² over three levels. Parking for identified police vehicles only is provided on the site and is located at two levels, accessed from Pauline Lane at the rear of the building with one level located partially below ground.

The applicant's Statement of Environmental Effects (SEE) advises that parking on the site has been designed to accommodate a number of vehicles including 17 duty vehicles, 6 highway patrol cars, 2 crime scene unit cars, 1 minibus, 1 Random Breath Testing Truck, 2 rescue trucks, 1 trailer for trail bikes, 3 motorcycles, 1 boat and bicycles. In addition, on street parking has been provided for the 6 rapid response vehicles (originally five spaces proposed subsequently increased to six spaces under amended plans). A revision was made to this list deleting reference to the boat, two rescue trucks, and one Random Breath Testing truck. It is noted that these vehicles do not comprise vehicles currently stored at any of the three existing Police Stations.

There is no staff or visitor parking provided on the site, other than the one accessible parking space located within the front setback of the building. There was originally expected to be a total of approximately 195 employees associated with the station with a maximum of 100 employees present on a major shift. This figure was subsequently revised and reduced to a total of 153 employees with 86 present at the maximum shift.

The proposed new LAC combines the staff from three existing police stations, including Wyong Police Station, Toukley Police Station and The Entrance Police Station. It is noted that the existing Wyong Police Station has a total of 57 employees.

The proposed building will be constructed upon a post tensioned concrete slab, with walls constructed from brickwork at ground floor and lightweight cladding panels at first floor and above. The roof is to be a post tensioned concrete slab with a metal tray deck. The walls will include anodized aluminium framed glazing and selective sun shading devices.

Summary

During the assessment of the application, a number of issues were raised in relation to the proposed design of the development. The two critical issues that remained outstanding in relation to the proposal were:

- achievement of adequate flood protection and
- the resolution of appropriate parking provision for the development.

Amended plans and information were recently submitted to address the issue of flood protection for the building including satisfactory stormwater arrangements.

The issue of parking provision has not been satisfactorily addressed under the application. The applicant is seeking variation to Council's DCP Chapters 61 and 94 in relation to the requirement to provide adequate staff and visitor parking for the development.

VARIATIONS TO POLICIES

Clause	3
Standard	Variation to parking provision
DCP	Chapter 61 - Carparking
Departure basis	No provision of staff or visitor parking. Parking provision for police vehicles only

Clause	2.4(i)
Standard	Variation to parking provision
DCP	Chapter 94 – Location Criteria for Emergency Services Facilities
Departure basis	No provision for staff parking. Parking provision for police vehicles only

HISTORY

The application was lodged in February 2008 and correspondence was forwarded to the applicant in March 2008 raising the following issues in relation to the proposal.

- Flooding and stormwater
- Loading, manoeuvring, ramp grades and servicing
- Parking provision
- Parking layout/arrangement
- Pedestrian access and layout
- Fences and gates
- Building appearance
- Setbacks
- Additional plan details

During earlier discussions with the applicant, Council officers requested that consideration be given to the provision of one or two levels of basement parking for the development. This arrangement would allow for the accommodation of additional parking (ie: potentially 30 cars) in a design that takes advantage of the elevated ground floor level of the building (allowing for a partial basement beneath the building) thereby minimising the extent of excavation. The applicant argued that due to financial considerations and time constraints this alternative would not be considered within the parameters of this project.

In September 2008, Council wrote to the NSW Police Minister regarding the proposal, raising the following outstanding concerns:

- Flooding and drainage
- Parking
- Servicing and garbage collection
- Disabled access arrangements and landscaping

Amended stormwater plans were submitted on 15 December 2008 and amended architectural plans were submitted on 16 December 2008. These plans form the basis for the assessment and recommendations within this report.

The amended plans have addressed the concerns raised above with the exception of parking provision for staff and visitors. In correspondence submitted to Council on 9 December 2008, the applicant reiterated its position that the *“NSW Police Force only provides car parking for Police vehicles at new Police Stations and does not provide parking for staff and others. NSW Police Force cannot fund additional car parking as requested by Wyong Shire Council...(a)s a consequence of the recent mini budget cut of \$20m there is no possibility of increasing the project budget”* to fund additional parking as requested.

PERMISSIBILITY

The subject site is zoned 5(a) Special Uses – Council/Government Use under the Wyong Local Environmental Plan (WLEP) 1991. Under the 5(a) zoning, any purpose is permissible with consent provided that in accordance with Clause 10(3) of WLEP, the proposed use is compatible with the objectives of the zone within which the development is proposed to be carried out.

The objectives of the 5(a) zone are:

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

The proposed development is for the construction and operation of a new police station and would be defined under WLEP 1991 as a “community facility”. ‘Community facility’ means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere specifically defined in this clause.

The proposed development for a police station includes a new LAC for the Tuggerah Lakes Region. This development is compatible with the objectives of the 5(a) zone as the proposal involves the provision of community and public facilities and services.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy No. 71 – Coastal Protection
- Wyong Local Environmental Plan 1991
- Wyong Shire Development Control Plan 2005
 - Chapter 7 - Wyong Town Centre
 - Chapter 14 - Tree Management
 - Chapter 50 - Guidelines for Advertising Signs
 - Chapter 61 - Carparking
 - Chapter 67 - Engineering Requirements for Developments
 - Chapter 69 - Controls for Site Waste Management
 - Chapter 70 - Notification of Development Proposals
 - Chapter 76 - Conservation of the Building Environment
 - Chapter 94 - Location for Emergency Services Facilities
 - Chapter 99 - Building Lines
 - Chapter 101 - Building Over and Adjacent to sewer mains
- Landscape Policy and Guidelines
- Waste Management Guidelines
- Wyong/ Tuggerah Planning Strategy

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy (SEPP) No.71 – Coastal Protection applies to the development. The site is located within a sensitive coastal location under the SEPP and in accordance with Clause 7, the proposal has been assessed within the context of the matters for consideration outlined under Clause 8 and found to be satisfactory. The proposal has also been considered under Part 4 of the SEPP and is consistent with the aspects identified under this part. The proposal is considered consistent with the aims of the policy.

Wyong Local Environmental Plan 1991

Clause 10 - Zoning

The subject site is zoned 5(a) Special Uses – Council/Government under the WLEP 1991 and this zone permits any purpose with consent provided that the development is consistent with the zone objectives. The proposed police station is consistent with the zone objectives as it is a community facility providing a public facility and service.

Clause 15 - Acid Sulphate Soils

The site is identified as Class 5 - within 500m on the Acid Sulphate Soils Planning Map. There are no works proposed as part of the development that are likely to lower the water table in any adjacent Class 1, 2, 3 or 4 land to any point below 1m AHD.

Clause 23 - Flood Prone Lands

The proposed site of the new police station has a watercourse traversing the site. There is a pipe in the watercourse that conveys the minor flows across the site. For storms above approximately about a two year event, the water flows overland. The proposed police station will likely block off water from being able to flow overland across the site. Therefore a detailed culvert and pipe system was required to be designed to ensure the ability to convey this water so there is no increase in flooding for properties in the vicinity of the police station in a 1% (1:100 year) AEP event. The system has been designed with a 50% blockage factor in accordance with normal engineering practice, to ensure the system has efficient capacity if blocked by leaves and other debris.

The proposed culvert system will also convey some of Council's stormwater upstream of the site, as such the cost of construction of the culvert system will be apportioned based on the division of flows.

To ensure that the development of the culvert infrastructure is able to be completed concurrently with the construction of the proposed police station, Council has committed to undertaking an upgrading program for stormwater infrastructure upstream and downstream of the site. These works are identified in the rolling works program.

Council has also requested that the developer consider the effects on the Probable Maximum Flood (PMF) on the Police Station. As the development is classified as an emergency/critical facility, the NSW Floodplain Management Manual 2005 recommends that the planning of floor levels and evacuation paths for the building be flood free (*for the safety of building occupiers*) and therefore must consider flood level impacts from extreme storm flows (*Probable Maximum Flood - an extreme flood event*).

Council's engineers consider that the PMF could possibly cripple the functions of the police station. The PMF has not been sized by Council and Council does not have any evidence that the developer has sized and assessed the PMF, however in the PMF it is likely that the low point in Hely Street will be flooded. The sub-floor car park will mostly likely be flooded and Pauline Lane will be flooded preventing exit from the raised car park.

Prior to occupying the building Council has requested that the applicant needs to consider the PMF, assess the consequence on the development and understand the effects on the operation of the police station. The floor level of the police station should be flood free in the PMF but an emergency management plan needs to be developed for the police station and its operations. A condition of consent is proposed to address this matter.

Clause 28 - Tree Management

There are 10 existing London Plane Trees within the development area, including three street trees, all in good condition. The proposal involves the removal of seven of these trees for the building footprint and associated access and parking. Another three of these trees will be impacted and will need to be removed under the required drainage works for the development. No objection is raised to their removal subject to conditions.

At the completion of this development and the associated drainage works the street trees will be replaced with advance plantings.

Clause 29 - Services

Water

The development can be serviced for water from an existing 100mm water main that is located on the eastern alignment of Hely Street. Council's existing water supply system is adequate to provide water services to the proposed development.

Sewer

There are four sewer junctions within the development site, one of which is located under the proposed building. The junction located under the proposed building must be plugged and the developer can then connect to any other existing available junction. Council's existing sewerage system can accommodate the above loading; however, the applicable Developer Servicing Plan (DSP) identifies some components of the downstream infrastructure that will require upgrading to accommodate the ultimate loading in this area. The cost of the upgrading works will be funded from the sewerage contribution charges paid by the applicant and undertaken by Council upon the appropriate trigger for the upgrade being reached.

No details have been provided for the ramp to the underground car park. There appears to be a conflict with the proposed ramp to the sub-floor carpark and the existing sewer main. The applicant has not provided levels for the ramp in order to determine the extent of this conflict. This lack of information has been addressed under the conditions of consent.

Clause 35 – Development in the vicinity of heritage items

Clause 35 of WLEP 1991 requires that *Council must take into consideration the likely effects of the proposed development on the heritage significance of the heritage item...and its setting, when determining an application for consent to carry out development on land in its vicinity.* The proposed development is in the vicinity of a local heritage item being the Council building on the corner of Hely Street and Anzac Avenue (Item 73 of the Heritage Inventory). The statement of significance advises that the building is of historic significance for its association with the evolution of government administration in the area. The proposal will not detract from the historic significance of this item but will serve to support the identity both past and present of the Wyong town centre as a centre for government administration and civic functions.

Wyong Shire Development Control Plan 2005

Chapter 7 - Wyong Town Centre

The development is consistent with the aims and objectives of Development Control Plan (DCP) Chapter 7 in facilitating development that enhances the character of the area, achieves complementary built forms and a high quality of urban design. The development will reinforce the cultural identity and unique character of Wyong as an administrative centre within the surrounding region.

It is noted that under the DCP, a heritage theme has been adopted for the Wyong Town Centre. Development is to be consistent with this adopted heritage theme. The DCP requires that new development is to consider the urban context within which it is located and design accordingly. It is noted that the closest heritage item to the site is the Council building located opposite the courthouse, on the corner of Hely Street and Anzac Avenue. This heritage item is of local historic significance for its association with the evolution of government administration in the area. The proposed new building is not within the immediate curtilage of the item, having the courthouse located between it and the item, however, it will likely be visible behind the courthouse and within the same streetscape. It is noted that the development will represent a new government administration building that serves to reinforce the role of Wyong as a centre for such activities.

The appearance of the new building will be modern in character, however, the proposed external finishes for the building include facebrick and grey colours that are generally consistent with the colour scheme outlined in the DCP. The applicant argues that the new building *“represents a distinctly individual but polite presence in the streetscape indicating a clear civic presence and a vitality of architecture that is clearly modern. The adjacent structures portray a mix of histories, near and distant, that are best served by an architectural gesture that permits them their own dignity...the proposal seeks to establish its own confident architectural presence that continues the architectural story but differs visually from its neighbours”*.

There is a height limit of between two and four storeys for the surrounding 3(a) zoned land. However, no specified height limit applies under Chapter 7 of the DCP for the subject site. The proposal has been assessed within the context of the following additional controls under the DCP including overshadowing, energy efficiency, privacy impacts, design considerations and is generally consistent with these DCP requirements. It is noted that contrary to the DCP adequate parking provision is not provided for the proposed development.

The development is considered to be compatible within the existing and likely future broader urban context. The development will include high quality external materials and finishes and provides landscaping that complies with the objectives of the urban design guidelines for Wyong as contained within the DCP (attachment 1).

Chapter 14 - Tree Management

There are approximately seven trees that will be directly affected by the new building and related access areas. All seven of the trees are located on the site within the building footprint or parking and driveway areas. There are three existing street trees located on the nature strip along the Hely Street frontage. All 10 of these trees (ie located on the development site and along the nature strip) are identified as London Plane Trees and are in good condition with a height of between 7 to 10m. The three existing street trees located on Council's nature strip are to be retained under the proposal. However, these trees are to be impacted and likely removed by the drainage works included under the proposal. Council's Arborist Assessment Officer has reviewed the application and raised no objection to the removal of the trees subject to conditions including tree protection measures for the existing trees and replacement planting of trees to a mature height of 10m.

Chapter 61 - Carparking

DCP Chapter 61 does not identify the parking requirements for a police station. Instead, Chapter 61 requires that suitably qualified consultants be engaged to substantiate proposed parking numbers where no suitable standards exist under the DCP. The information submitted with the application did not adequately identify the parking demand generated by the proposal. Although the applicant submitted a traffic and parking report for the development proposal, the report only outlined the police vehicles associated with the development. No parking demand for visitor or staff was identified. Although it is acknowledged that the site is well serviced by public transport, there was also no supporting evidence provided regarding the number of staff or visitors likely to attend the site via public transport alternatives.

Based on a parking rate for 'commercial premises' under DCP Chapter 61 (ie one space per 30m² gross floor area), the floor area for the proposal (3001m²) would generate a demand for parking in the order of 100 spaces. Based on this commercial rate, the applicant estimated that the existing Wyong Police station (without the other two stations) required approximately 41 spaces (based on floor area of 1260m²). The applicant recently provided additional information regarding the specific numbers of staff to be based at the station. Calculated from this was an estimate of the likely parking demand associated with the proposal.

The applicant has detailed staff numbers at the existing Wyong Police Station being approximately 57. The estimated total staff at the new LAC building was revised to 153 with a maximum shift of around 86 employees. Based on these staff numbers, the development would generate a need for parking for 86 spaces. This figure includes change over shifts and a percentage of public transport users.

It is clear that the development does not provide a sufficient number of on-site spaces for the demand estimated to be generated by the development. Council has been advised that NSW Police maintain a strict policy that does not allow staff car parking on site at any Police Station. Police policy is that staff parking is not provided as part of the construction of any new Police Stations. This debate is discussed further under the assessment section of this report under the heading 'Parking. Therefore a variation to the DCP requirement is sought under the application in relation to the provision of staff parking for the development.

With no provision for staff parking on the site as part of the development, and no assessment by the applicant of the impact of the additional vehicles on the surrounding streets in Wyong Town Centre, some means to minimise the extent of the likely impact should be considered in order to enable Council's support for the proposal.

Therefore it is recommended that a condition be imposed on the consent requiring the applicant and Council to enter a deed of agreement prior to commencement of work for the provision of 29 carparking spaces within the Wyong Town Centre as a monetary payment or the equivalent provision of a material public benefit for the community to offset the cost of the required parking. In relation to the latter, discussions have taken place between the applicant, the Mayor and General Manager tabling the possible transfer of the existing heritage listed Police premises (at 10-12 Alison Road) to be provided as a material public benefit for the proposed development. Based on estimates for the construction of a future public carpark on the western side of Margaret Street, parking spaces were calculated at a value of approximately \$26,000 to \$31,000 per space. For 29 spaces this would equate to an upper figure of \$899,000. Council could hold these funds for the future development of the identified future carpark in Margaret Street, Wyong.

Being a Crown Authority the applicant is required to agree to any proposed conditions including the requirement for a deed of agreement for the provision of parking (including payment of money) or in lieu of this, the provision of an equivalent material public benefit. This will require negotiation with relevant parties prior to the final determination of the application.

Chapter 50 - Advertising signs

The proposal includes illuminated Police corporate signage with:

- An illuminated pylon sign to the Hely Street frontage (approximately 3 metres high),
- An illuminated hamper signage above the entry door
- Two flag poles (9m high) located within the front setback adjacent to the entry stairs

The proposed signage will consist of the standard NSW Police identification signage (ie. blue and white chequered signage with the words 'Police' in white lettering). The size and location of the signs comply with the provisions of the DCP Chapter 50 Advertising signs. The signage is in keeping with the scale of the development, does not obstruct traffic vision, and provides clear identification signage for the development.

Chapter 67 - Engineering Requirements for Developments

Council's Development Engineer has examined the proposed development in relation to the provisions of DCP Chapter 67 and as discussed under Section Clause 23 – Flood Prone Lands and has negotiated an appropriate drainage design for the site.

Other matters including sediment and erosion control, site works and works associated with the roadway, access, pedestrian paths and parking have all been addressed under the conditions of consent.

Chapter 69 - Controls for Site Waste Management

A separate waste storage facility will be included within the building at ground floor level adjacent to the secure custodial driveway. The applicant proposes that the development will be serviced for garbage collection by wheelie bins stored in the specified waste room located adjacent to the driveway. These bins will be presented kerbside in Hely Street for emptying.

The applicant has outlined the ongoing waste management measures to be incorporated within the future development. A condition will be included requiring the preparation of a waste management plan for the construction of the development in accordance with the requirements of the DCP.

Chapter 99 – Building Lines

Under Chapter 99 of the DCP, the building lines within 5(a) Special Use zones are determined on merit, having regard to the character and placement of adjoining development. The proposed front setback for the new building is consistent with the streetscape and includes the provision of landscaping to soften the appearance of the building.

Chapter 76 - Conservation of the Built Environment

The development site is located opposite a local heritage item in Anzac Road. The heritage item is the Council building located opposite the courthouse on the corner of Hely Street and Anzac Avenue. It is noted that the portion of the site proposed for the Police Station is not positioned directly opposite this item and not within the immediate curtilage of the item. However, both sites contribute to the same streetscape (ie. Hely Street) and as such the development site would be identified as within the 'vicinity' of a local heritage item.

The proposed architectural design of the new Police Station building is deliberately modern in character. The proposed Police Station will reinforce the local historic significance of the area in its association with the evolution of government administration. The proposed style of architecture for the new building has a distinctly civic presence which emphasises and supports the social significance of the area for government administrative functions. The proposed building will not detract from the significance of the local item.

Chapter 94 – Location for Emergency Services Facilities

The proposal is considered consistent with most of the matters for consideration for the location of Emergency Services Facilities under DCP Chapter 94 including noise impacts, landscaping (category 3), safety and security, disabled access and water efficient design and stormwater management. However, DCP Chapter 94 requires under Clause 2.4(i) that on site paved and linemarked parking must be provided to cater for all staff. It is noted that the application does not comply with the provision and therefore seeks variation to this DCP requirement.

Wyong/Tuggerah Planning Strategy

In accordance with the Wyong/Tuggerah Planning Strategy, the role of Wyong includes the provision of *“the Shire’s central area for civic, health, post high school education and administrative services including enhancement of its role as a focus for community and social service providers.”* The proposal will assist in strengthening Wyong’s administrative and civic functions and enhance its role as a focus for community and social service providers.

An Urban Design Vision and Masterplan has been prepared in conjunction with the Strategy to guide development. This masterplan outlines what heights and form development should take. The site is identified as being within the business/administration precinct of the urban design vision and masterplan. This precinct provides regional administrative and commercial functions and civic functions associated with the Wyong Courthouse, Council Offices and Civic Centre.

The proposed design of the development complies with the maximum height of 6m identified under the character vision and statement for the site, and is generally consistent with the building footprint location contained within the masterplan. The proposal includes a lesser side setback to the existing courthouse than is shown under the masterplan. It is noted that one of the objectives identified under the strategy and masterplan includes the upgrade of the laneways as shared/vehicular/pedestrian zones. The proposed building setback along Pauline Lane for pedestrian access is consistent with this objective within the strategy. The overall design and siting of the development is considered consistent with the Wyong/Tuggerah Planning Strategy and its related guidelines under the masterplan.

Landscape Policy and Guidelines

Council's Landscape Policy and Guidelines requires the landscape design for the development to be done as a Category 3 development that requires the expertise of an approved Landscape consultant. A landscape plan accompanied the application that complies with the requirements of the Landscape Policy. Council's Arborist Assessment Officer has reviewed the plan and advised that it is satisfactory subject to conditions. The conditions include the requirement for planting of a species with a greater height at maturity within the front setback (ie. increasing the plant height from 5m to 10m). This is necessary in order to ensure adequate screening trees are provided to soften the appearance of the building.

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

Transport and traffic management

A traffic impact report has been submitted for the proposal. However, this traffic study contained a number of shortfalls. The original study examined and modelled the Anzac Road and Hely Street intersection as the car park was designed with its access via Hely Street (near this intersection). Under the amended plans submitted for the proposal (July 2008), the car park access was via Pauline Lane. However, the revised traffic study (dated July 2008) fails to assess and model the intersection of Pauline Lane and North Road, despite the majority of traffic for the development being directed to this intersection. The revised report also fails to address the increase in floor area included under the proposal instead using the original figures associated with the earlier plans.

Analysis of the existing traffic volumes along Anzac Avenue and Hely Streets and near the intersection of these streets show that traffic flows are well within the capacity level for the intersection. The police station was estimated to generate around 450 trips per day. The effects of these additional traffic flows on surrounding properties and road users would be minimal. Analysis of the Pauline Lane and North Road intersection has been required for the development as a condition of consent.

Parking provision

As outlined earlier in the report, there is an insufficient number of parking spaces provided on the site for the development. This is because no parking has been provided for the staff and visitors associated with the proposal (including delivery vehicles). Parking for the development totals thirty five (35) parking spaces on the site and six (6) along Hely Street. This includes:

- on site parking for 32 vehicles,
- one accessible space,
- two stacked spaces for the booze bus and police truck,
- three bike parking spaces, and,
- on street parking for six quick response police vehicles along the western side of Hely Street,

The applicant's report originally identified the vehicles associated with the development as including 30 Police cars, 1 minibus, 3 trucks, 3 motorcycles, 1 boat, a (trail bike) trailer, 9 bicycles. Under the revised information submitted for the proposal, the two rescue trucks, one Random Breath Testing (RBT) truck, and one boat were no longer included. In this regard, it is noted that these vehicles are not existing vehicles within the Tuggerah LAC and are therefore not currently stored at any of the three Police Station sites.

Council's DCP Chapter 61 does not specifically identify a rate of parking applicable to a police station, but requires that suitably qualified consultants be engaged to substantiate proposed parking numbers where no suitable standards exist under the DCP. The applicant provided staff numbers which estimated the staff parking demand generated by the new station as being approximately 86 spaces. Therefore there is an insufficient number of parking spaces provided on the site for the development.

Of additional consideration in respect of the parking shortfall on the site is:

- The commercial parking rate under DCP Chapter 61 assumes that vehicles using the parking spaces are used as employee transport to/from work. This is not the case with parking for the specialist/marked police vehicles as these vehicles cannot be utilised for employee transport to/from work.
- In addition to the shortfall in on-site parking provision, the proposal will increase on street parking demand within the streets surrounding the site due to:
 - * The increase in staff numbers from the current Wyong Police station staff levels as a result of establishing a new LAC for the police station (from 57 to 153 staff).
 - * The removal of the current informal parking arrangements on the site (ie. identified by the applicant as accommodating around 46 vehicles) which appears to serve as parking for the courthouse.
 - * There is limited capacity for surrounding local streets to absorb the additional parking demand.
 - * Central Coast suburbs are not adequately serviced by the existing rail network and the development will therefore not maximise the benefits from public transport use resulting from the issue of rail passes to staff.

Council's Development Engineer has advised that in order for Council to adequately assess the impact of the development on the area, the applicant's traffic report should have addressed the impact of not providing parking on the adjacent development and streets.

The applicant has stated its position as based on NSW Police Policy that dictates that no staff parking is to be provided on site for new stations. The policy requires that only parking for specified or marked Police vehicles is to be provided for new police stations. The applicant therefore seeks Council support for a variation to the requirement for staff and visitor parking on the following basis:

- Financial considerations resulting from recent State government budget cuts mean that there is no possibility of increasing the project budget to allow for the NSW Police Force to fund any additional parking.
- All police officers are issued with rail travel passes to encourage public transport use.

- Any Council requirement for a financial contribution in lieu of physical parking on the site would jeopardise the viability of the project.

The parking variation requested is therefore sought on the grounds that the new Police Station is a needed asset for the community and any insistence on the provision of parking (including a financial contribution) will likely compromise the financial viability of the project.

With no staff parking being provided on the site for the 86 employees at the largest shift for the Police Station, the proposal will result in an adverse impact on the availability of parking within the Wyong town centre. However, a condition is proposed to be included requiring that the applicant enter into a deed of agreement with Council to either provide a financial contribution to fund an additional 29 parking spaces within the Wyong Town Centre or construct the required spaces at their own cost or the provision of an equivalent material public benefit for the community to offset the cost of the required parking. The number of parking spaces is derived from the total number of employees being 86 at the maximum shift and the existing number of employees at the existing Wyong Police Station being 57 and subtracting the existing requirement from the proposed.

Parking layout and manoeuvring

Manoeuvring areas have been provided for the main servicing, loading and parking needs of the proposed development. It is noted that although the layout of the proposed car parking areas does not readily comply with the relevant Australian Standard, consideration has been given to the nature of future users of the proposed car parking. In this regard, members of the public will not utilise the car park as it will be solely for staff for the parking of specialised and marked police vehicles. On this basis the layout is considered acceptable.

Accessibility

An accessibility report has been submitted for the development outlining the design measures included as part of the development aimed at achieving compliance with the provisions of Australian Standard (AS) 1428 and the Disability Discrimination Act (DDA) 1992.

The development includes the following accessible measures:

- Unisex accessible toilets at ground level for public and staff and for staff at each of the other two levels of the building. The report recommends that the toilet in the custody area also be designed as accessible.
- One accessible off street parking space.
- A continuous accessible path of travel between the footpath, the accessible car space and the main building entry
- Circulation spaces in the public areas for paths, walkways, corridors, door openings, ramps and landings.
- Internal lift access from within the front door to all levels of the building for employees

In response to Council concerns, the front (public) entry to the building has been redesigned to include a ramp access. This amendment eliminated the separate external lift access to the building entry proposed for people with a disability and the subsequent cumbersome ramp design that occupied the majority of the front landscaped setback of the building. This revision to the plan was necessary to achieve equitable and shared access to the building for all visitors and staff.

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

The amended plans have addressed the initial concerns raised in relation to streetscape and pedestrian access. The front setback now contains an appropriately sized landscaped area fronting Hely Street. This landscaping visually links the site to the 'civic' landscape character of the Council and courthouse buildings within the street. Pauline Lane is regularly used as a pedestrian thoroughfare and a setback has been provided along the lane way for safe pedestrian access for staff and others traversing the laneway frontage of the site.

Water conservation

The proposal includes the collection of roof water for internal re-use in toilets and landscape irrigation. The overflow from the rainwater tanks will be directed to Hely Street. Conditions will be included in relation to the plumbing and maintenance of the proposed rainwater tank.

Energy efficiency and sustainable development

A sustainability report was submitted for the proposal. The report states that the building has been designed with conventional building services systems adaptable to support energy savings applicable to a 4.5 star Australian Building Greenhouse Rating (ABGR) rated building. Solar panels are proposed on the roof of the building for the hot water supply to the building and sun shading devices (including horizontal and fixed canopy sun shade louvres) are positioned on the external elevations of the building. Also included is R2.5 insulation to all external walls. Note: All insulation materials are rated for their performance in restricting heat transfer. This is expressed as an R Value. The R Value is a guide to its performance as an insulator – the higher the R Value, the greater the insulating effect.

Noise

An acoustic report was submitted with the application which identified the types of potential noise emitting activities associated with the proposal. The report states that physical noise control measures will be adopted for all plant and equipment where such plant cannot achieve compliance with the relevant environmental noise criteria. All new plant will be located at roof top level within a dedicated plant enclosure. There will be no external audible door or phone warning systems.

One primary source of noise likely to be emitted from the proposed development is the noise associated with the movement of vehicles. This includes noise from car/s moving, door/s closing, car/s starting, car/s accelerating and speech. However, it is noted that the site has sufficient separation distances from residential properties. The most significant noise generating plant is the condenser units associated with the air conditioning system for the building located on the rooftop. Assuming the most stringent environmental noise limit at the closest possible residential receiver location, the night time noise limit can be achieved by providing acoustic louvres (designed to provide a noise reduction of 5 dB(a)) between the condenser units and any residential building). In relation to vibration from plant, although this is expected to be imperceptible to nearby properties, any new plant is to be provided with vibration isolation as necessary.

The Acoustic Report that was lodged with the application recommends that a plan of management be adopted for the station. This plan will ensure that the use of sirens during the arrival and departure of police vehicles is limited wherever possible to ensure that adverse noise impacts are avoided at all times during the day and night. A condition will be included with the consent requiring that the development does not generate offensive or intrusive noise as defined under the Protection of the Environment Operations Act 1997.

Privacy and overlooking

There are a number of residential dwellings located to the west of the site. The building has been designed to minimise the potential privacy impacts to these surrounding activities through fixed metal louvres as screening measures on windows, and careful placement of windows and doors.

Solar access and over shadowing

Shadow diagrams have been prepared for the development at intervals of 9:00am midday and 3:00pm, on 21 March, 22 June, and 24 September. The diagrams indicate the scenario mid winter on the shortest day of the year as well as the more typical scenario for common shadowing impacts throughout the year.

The diagrams indicate that during the morning period shadowing resulting from the new building extends across Pauline Lane and adjacent parking areas, the western side of the courthouse and across a small section of the rear yard located at 21 Margaret Street. By midday, the shadowing has receded from Pauline Lane and confines itself to the subject site including the custodial driveway and a minor portion of the courthouse building. During the afternoon, shadowing from the development extends across the eastern side of the courthouse, across Hely Street and onto a limited portion of the site containing the Oasis Youth Centre.

The overall extent of shadowing impact resulting from the proposal is not significant or unreasonable. There are no significant or unreasonable amenity impacts resulting from solar access loss to surrounding residential activities as a consequence of the new building.

Safety, security and crime prevention

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered under the design of the proposed new building. Entrapment spaces have been minimised and surveillance opportunities maximised. There will be security and access control measures adopted both internally and externally as part of the operation of the station. Secure storage of equipment, vehicles, evidence, weapons etc. will be ensured as part of the future use of the site as a police station.

Groundwater

Council's Development Engineer has considered the impacts of groundwater in relation to the proposal. This matter has been addressed under the conditions of consent.

Any social or economic impact in the locality

The additional employment opportunities created as a consequence of the proposal will be economically and socially beneficial for the existing Wyong town centre. The proposal will result in direct and indirect employment opportunities for Wyong and its businesses, suppliers and support services. This centre already benefits from established public transport including a railway station and bus services. The construction of a modern policing facility for the Central Coast within Wyong will have positive implications for the growth of the locality.

Any impacts of construction activities

Conditions have been included requiring the adoption of sediment and erosion control measures and preparation of a management plan prior to commencement of works to minimise impacts during construction of the development.

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

The design of the proposed development is in an appropriate form, layout and scale that suitably balances the opportunities and constraints of the site. Suitable landscape screening has been included along Hely Street subject to inclusion of some taller trees. Adequate separation distances exist between the new building and surrounding residential activities. Although the site is subject to localised flooding, the impacts resulting from this site constraint will be minimised through adoption and construction of an appropriate stormwater system.

The site is located adjacent to the existing Wyong Courthouse and the design of the new police building will allow for the easy transfer and administration of prisoners between the two buildings. The limited parking availability may present as a constraint to the development, however, it is noted that the proposed site is located within an existing town centre that is well serviced by public transport. Anzac Road and Hely Street are capable of accommodating the additional traffic movements and the site is considered a suitable context for the scale and type of development proposed. The proposal will not adversely impact upon the amenity of surrounding uses. The proposal will result in direct and indirect employment opportunities for Wyong which will benefit existing businesses within the town centre. The 24 hour operation of the centre will not adversely impact upon any surrounding activities or land uses. The site is considered suitable for the proposed development.

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

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

The proposal will result in the provision of a modern premises for policing activities within the broader community. The location of the new police station within Wyong town centre reinforces Wyong as a centre for administrative and civic functions for the Central Coast. There are no matters contrary to the public or community interest associated with the proposal.

CONCLUSION

The proposed construction of a new three level Police Station in Wyong will reinforce the role of the town centre as a regional administrative and civic focus. The proposal represents essential infrastructure for the Wyong town centre and broader Central Coast community. The development is positioned immediately to the north of the existing Wyong Courthouse and on the same site. This location (next door to the courthouse) is considered a suitable context for the scale and type of development proposed and allows for the complimentary functioning of both facilities on the site. The new building will contribute positively to the existing streetscape and heritage theme of the precinct and is considered to be in an appropriate architectural form, layout and scale that suitably balances the opportunities and constraints of the site.

With the exception of parking provision, the development is consistent with Council's LEP and DCP controls for the site. The applicant has argued that NSW Police apply a policy that does not allow for staff parking on new police station sites, therefore parking has only been provided for the Police vehicles within the development. In addition, the applicant has advised that the current financial climate including State Government budget cuts rule out the possibility of a monetary contribution for parking for the development.

The applicant has argued that the proposed variation to parking, although not desirable, is considered necessary on the following basis:

- The importance of the proposal to the Central Coast region and its community, and the economic benefits it will bring to the Wyong town centre.
- The financial viability of the project will be jeopardised if Council requires the provision of staff parking on the site or if a financial contribution is required from the applicant for the additional parking for the development.

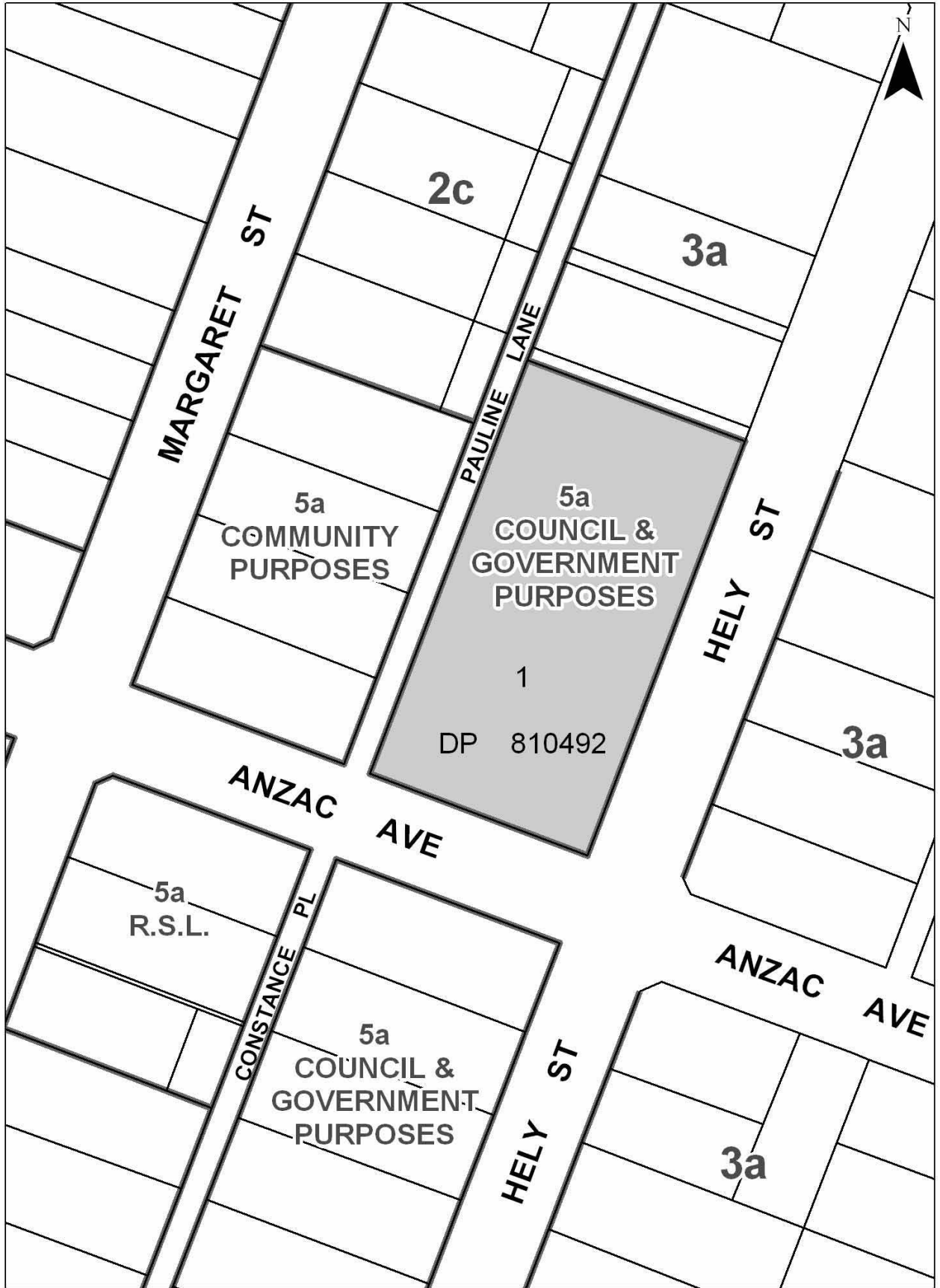
However, the adverse parking impacts on the surrounding streets resulting from the additional employees for the new police station are significant. With no provision for staff parking on site as part of the development, and no assessment by the applicant of the impact of this to the surrounding streets of Wyong, some means to minimise the extent of likely impact should be considered in order to enable Council's support for the proposal.

Therefore a condition is to be included requiring the Council and the applicant to enter a deed of agreement prior to commencement of work for the provision of, or a financial contribution for the provision of 29 parking spaces within the Wyong Town Centre or in lieu of this, provision of an equivalent material public benefit for the community. In this regard, consideration could be made for the transfer of the existing heritage listed Police premises (at 10-12 Alison Road) to Council as an offset public benefit. This number of spaces is generated on the basis of the additional number of staff associated with the new Police Station at the maximum shift. Obtaining this agreement is necessary in order to address the likely impacts of the proposal upon the surrounding streets of the Wyong town centre.

The application is therefore recommended for conditional approval including a condition requiring the applicant's agreement for a financial contribution for parking within the Wyong town centre.

ATTACHMENTS

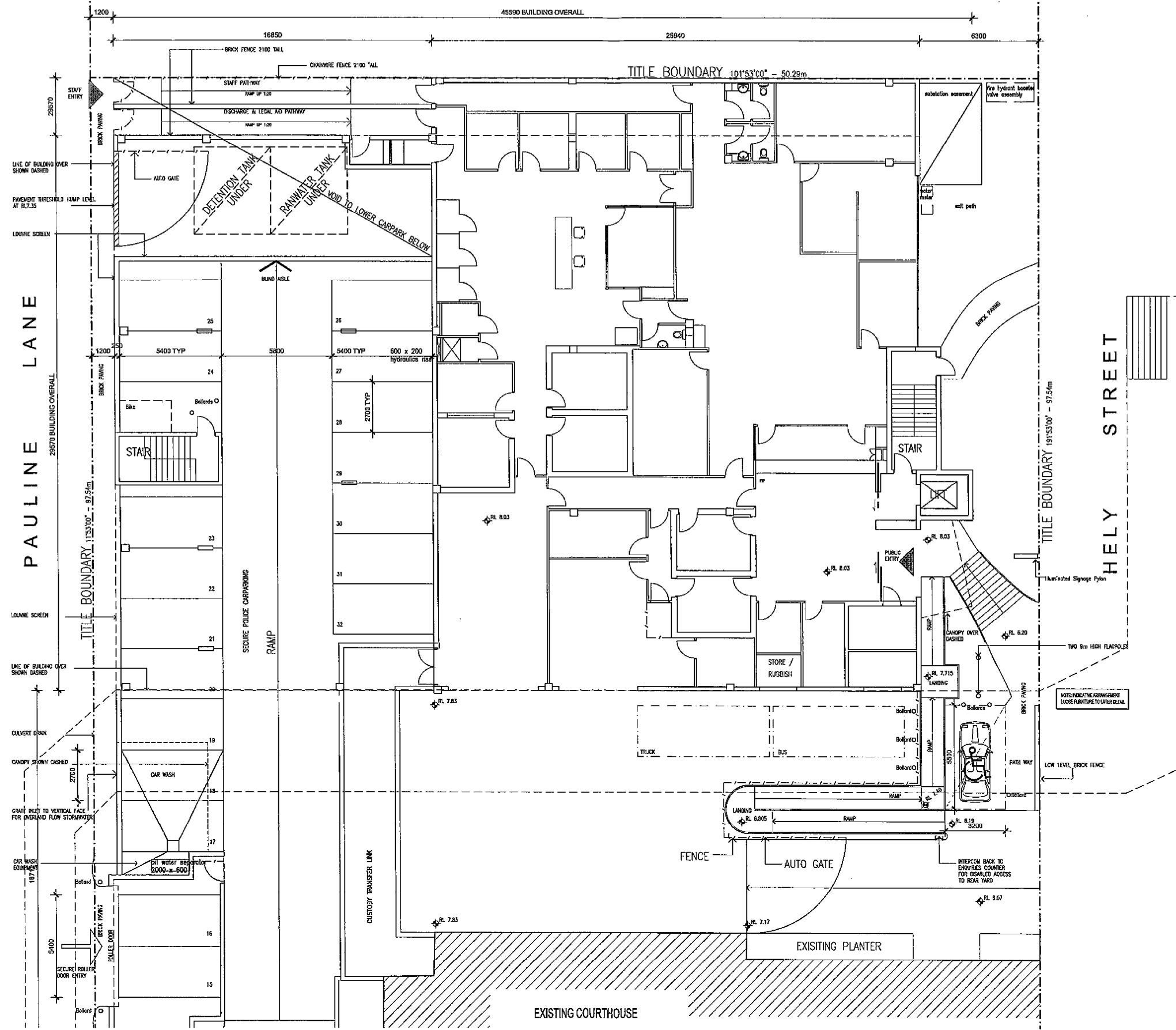
1. Locality Plan
2. Compliance Table
3. Development Plans



Proposed New Police State at Wyong**Development Statistics - Compliance Table**

Applicant	United Group Services Limited
Owner	NSW Attorney General's Department - Wyong
Application No	DA/162/2008
Description of Land	6 Anzac Avenue, Wyong, Lot 1 in DP.810492
Proposed Development	Construction of a three (3) level police station building
Zoning	5(a) Special Uses

	Proposed	Required	Compliance
Site Area	4905m ²	-	-
FSR	0.6:1	N/A	N/A
Gross Floor Area	3001m ²	N/A	N/A
Building Setbacks -Front (Hely Street) - Rear (laneway) - Northern Side - Southern Side	3.5- 5.2 metres 1m Nil Existing courthouse building fronts Anzac Avenue	N/A N/A N/A N/A	N/A
Parking DCP Chapter 61 DCP Chapter 94	32 (police vehicles only-no staff parking)	Parking for staff (substantiated by supporting evidence)	No
Height (Wyong/Tuggerah Strategy)	3 storeys	Max 6 storeys	Yes
Signage - Pylon - Hamper DCP Chapter 50	3m 3.6m 4.6m	Max height – 7m Max area – 8m ² 2.6 metres above ground level if internally illuminated.	Yes Yes Yes



ISSUE REVISION	DRN	CHK	APP	DATE
B	DA SUBMISSION			21.7.08
C	PRELIMINARY DRAFT ISSUE			23.11.08
D	PRELIMINARY DRAFT ISSUE			28.11.08
E	DRAFT ISSUE			02.12.08
F	DA RE-SUBMISSION			02.12.08
G	DA RE-SUBMISSION			15.12.08

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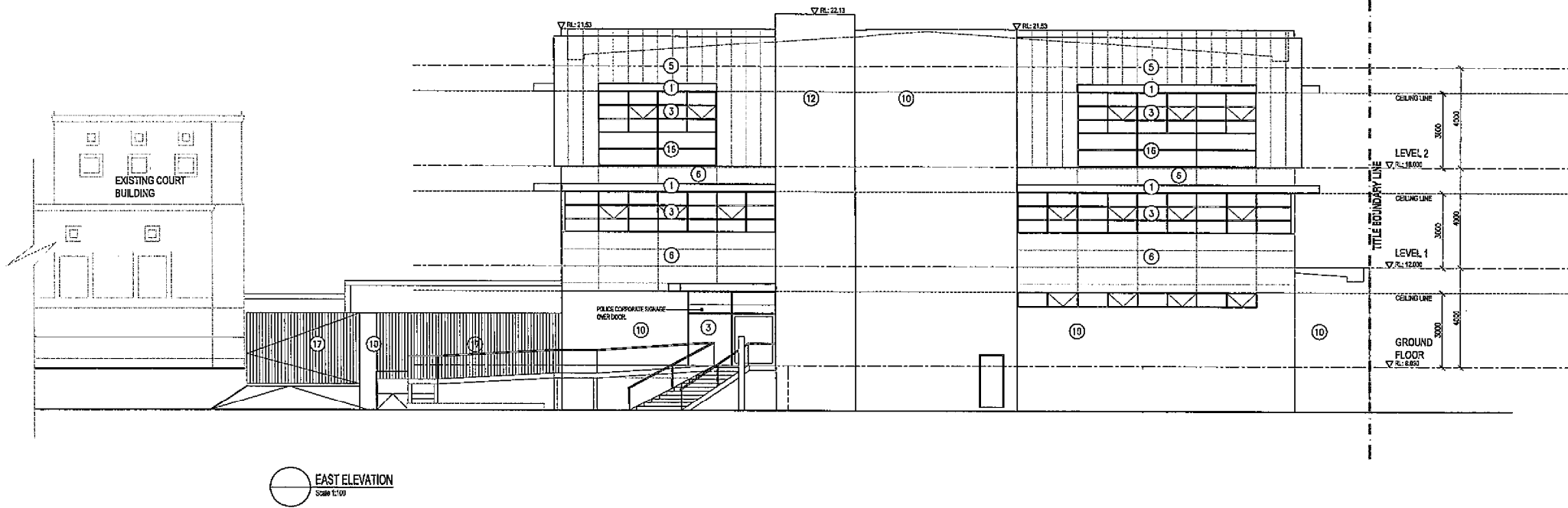
DRAWING No:
TP 002

PROJECT:
WYONG 24 HOUR POLICE STATION

TITLE:
PROPOSED GROUND FLOOR PLAN

NORTH: SCALE: 1:100 @ A1 PROJECT No: 7623
 REV: E

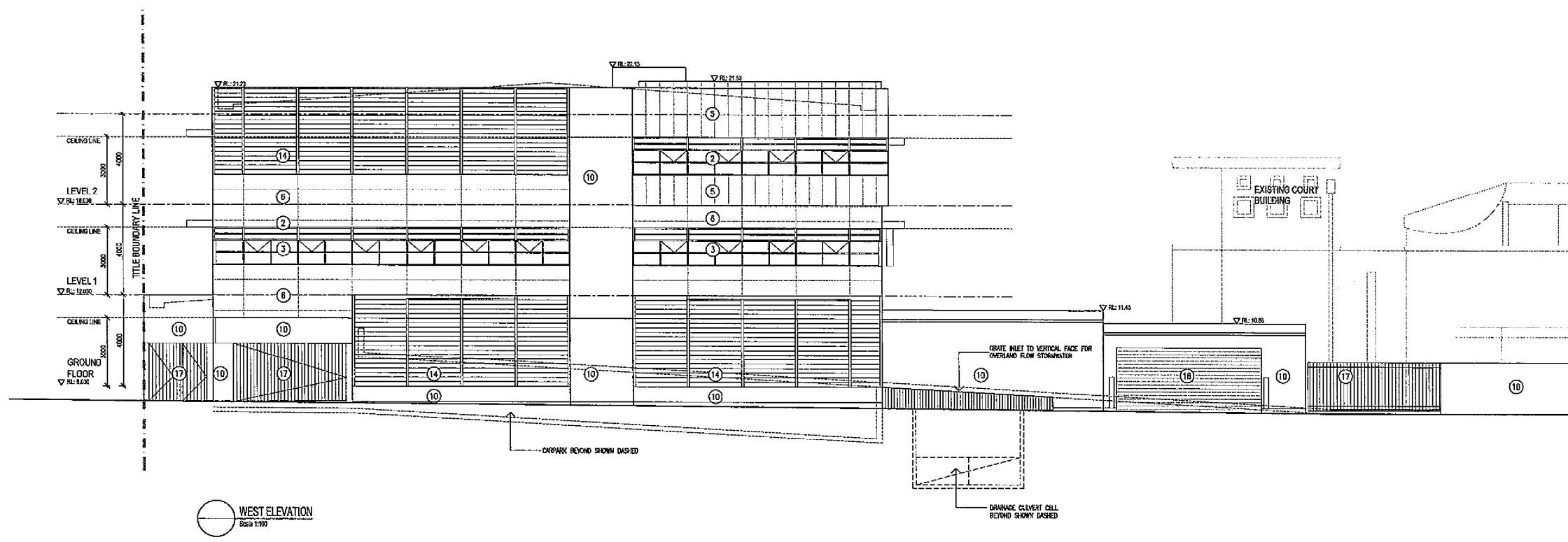
ISSUE	REVISION	DRN	CHK	APP	DATE
B	DA SUBMISSION				21.7.18
C	PRELIMINARY DRAFT ISSUE				28.11.18
D	DA RE SUBMISSION				08.12.18
E	DA RE SUBMISSION				15.12.18



EAST ELEVATION
Scale 1:100

LEGEND-ELEVATIONS & SECTIONS

- ① SHADSHADE LOUVRE CANOPY-FIXED
 - ② HORIZONTAL SUNSHADE LOUVRES
 - ③ GLAZING WITH NATURAL ANODIZED FRAMING
 - ④ SPANDREL GLAZING WITH R2.5 INSULATION
 - ⑤ TITANIUM ZINC FACADE CLADDING SYSTEM
 - ⑥ ALUMINIUM COMPOSITE PANEL
 - ⑦ ILLUMINATED 'POLICE' CORPORATE SIGNAGE PYLON
 - ⑧ PAINTED STEEL WORK
 - ⑨ ROLLER SHUTTER/GRILLE
 - ⑩ FACE BRICKWORK
 - ⑪ COLORBOND CLADDING
 - ⑫ RENDEREK PHYLCAST
 - ⑬ MECH. REGISTER
 - ⑭ POWDERCOATED FIXED LOUVRE SCREEN
 - ⑮ CHAIN WIRE FENCE
 - ⑯ SPANDREL GLAZING WITH ALUMINIUM FRAMING
 - ⑰ GALVANIZED SHS FENCE / GATE
- NOTE: ALL EXTERNAL WALLS TO HAVE R2.5 INSULATION.
- ⑱ COLORBOND ROLLER DOOR



WEST ELEVATION
Scale 1:100

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PEOPLE THORP APPROVALS
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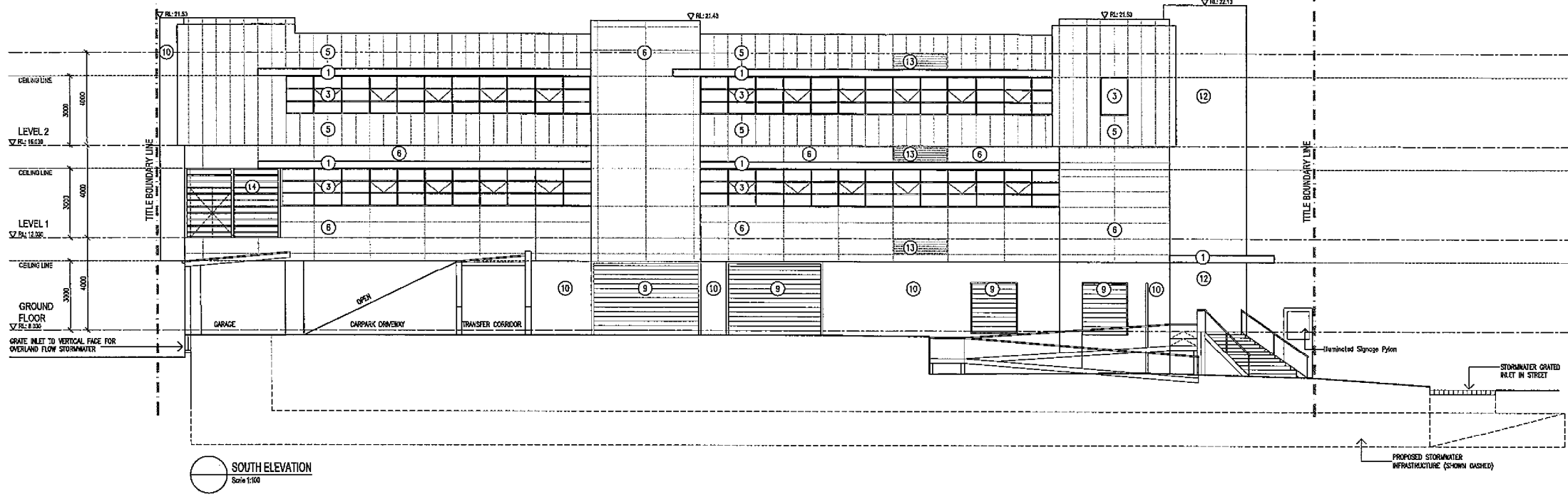
DRAWING No:
TP 010

PROJECT:
WYONG 24 HOUR POLICE STATION

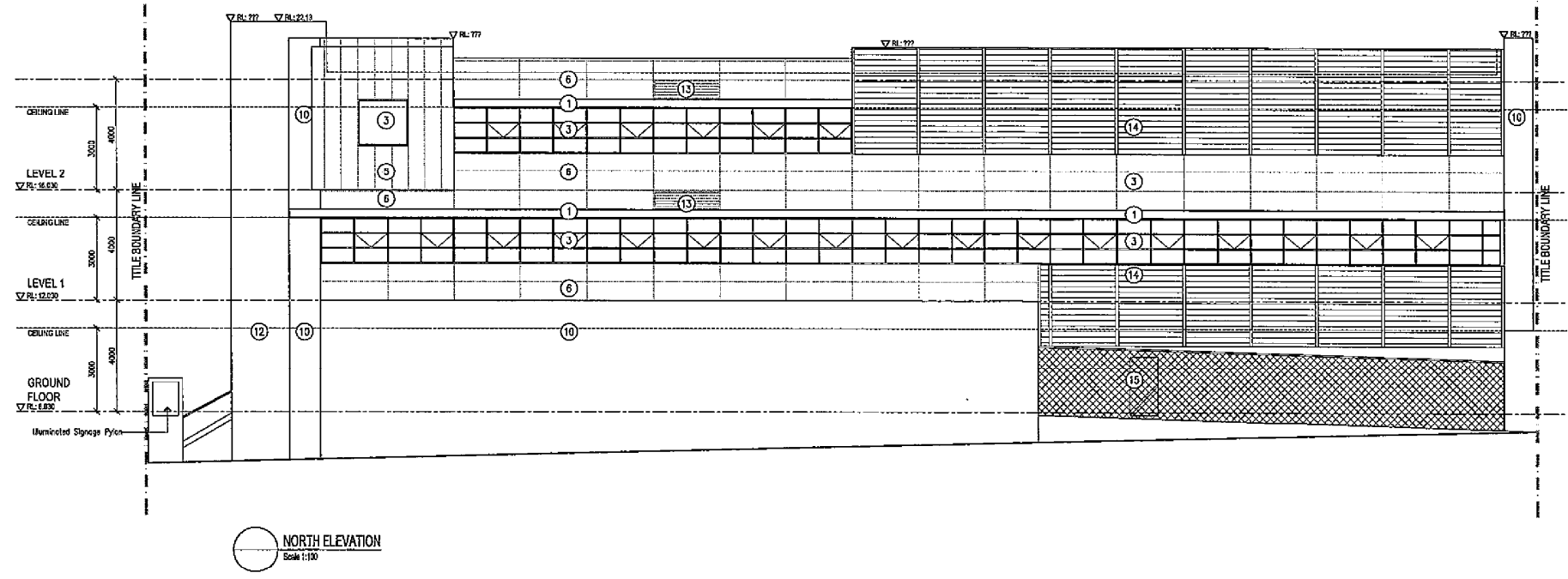
TITLE:
PROPOSED EAST & NORTH ELEVATIONS

NORTH: SCALE: 1:100 @ A1 PROJECT No. 7623
REV: E

ISSUE	REVISION	DRN	CHK	APP	DATE
B	DA SUBMISSION				21.7.20
C	PRELIMINARY DRAFT ISSUE				28.11.08
D	DA RESUBMISSION				02.12.08
E	DA RESUBMISSION				19.12.08



- LEGEND-ELEVATIONS & SECTIONS**
- ① SUNSHADE LOUVRE CANOPY-FIXED
 - ② HORIZONTAL SUNSHADE LOUVRES
 - ③ GLAZING WITH NATURAL ANODIZED FRAMING
 - ④ SPANDREL GLAZING WITH R2.5 INSULATION
 - ⑤ TITANIUM ZINC FACADE CLADDING SYSTEM
 - ⑥ ALUMINIUM COMPOSITE PANEL
 - ⑦ ILLUMINATED 'POLICE' CORPORATE SIGNAGE PYLON
 - ⑧ PAINTED STEEL WORK
 - ⑨ ROLLER SHUTTER/GRILLE
 - ⑩ FACE BRICKWORK
 - ⑪ COLORBOND CLADDING
 - ⑫ RENDERED PRECAST
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 - ⑮ CHAIN WIRE FENCE
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 - ⑰ GALVANIZED SHS FENCE / GATE
- NOTE: ALL EXTERNAL WALLS TO HAVE R2.5 INSULATION.
- ⑱ COLORBOND ROLLER DOOR



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DRAWING No:
TP 011

PROJECT:
WYONG 24 HOUR POLICE STATION

TITLE:
PROPOSED SOUTH & WEST ELEVATIONS

NORTH: [Compass rose] SCALE: 1:100 @ A1 PROJECT No: 7623
 REV: E

3.1 Proposed Easement for Electricity Purposes over Lot 9 DP 1007818 Old Maitland Road, Mardi and Lot 113 DP 866815 Wyong Road, Tuggerah

TRIM REFERENCE: D01615484

AUTHOR: SB

SUMMARY

Approval is sought to grant easements to Energy Australia for two electricity kiosk substations and cabling purposes over Lot 9 DP 1007818 Old Maitland Road, Mardi and underground cabling at Wyong Road, Tuggerah for the construction of new power lines to provide power for water supply augmentation at Wyong.

RECOMMENDATION

- 1 That Council grant a right of way and an easement for electricity purposes 12.5m x 3.5m over Council's land, Lot 9 DP 1007818 Old Maitland Road, Mardi to Energy Australia. to accommodate two kiosk type electricity substations**
- 2 That Council grant a right of way and an easement for electricity purposes 4m wide over Council's land, Lot 113 DP 866815 Wyong Road, Tuggerah to Energy Australia for underground cables.**
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to related documents as required.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

BACKGROUND

As part of the strategy to augment and secure the region's water supply system, Gosford and Wyong Councils have determined to undertake significant amplification works to the headworks at Mardi Dam. The works include:

- Upgrading of the Lower Wyong River to Mardi Dam Transfer System.
- Modifying the Mardi Dam to Mardi Water Treatment Plant (WTP) Transfer System.
- New Mardi High Lift Pumping Station.
- New Mardi Dam to Mangrove Dam Transfer System.
- High Voltage Power upgrade works (subject of this report).

The high voltage power upgrade work includes:

- Two independent power lines that ensure a back up secure power supply to the Mardi area.

- Upgrading of the existing overhead power line from the Energy Australia Wyong north zone substation to a terminal point at Mardi water treatment plant (northern section, the supply and installation of a new 11kv underground supply from the Berkeley Vale zone substation to a terminal point at Mardi water treatment plant (southern section).
- Installation of two high voltage kiosk substations at Mardi water treatment plant.

The location of the work is in road reserve except for two small sections affecting Council owned land at the point of connection to the Council high voltage ring main at Mardi Dam where the land is required for the substations and adjacent to the railway line at Tuggerah where the underground power cable crosses the railway.

THE PROPOSAL

Energy Australia requires that Council grant to it a Right of Way and easement for electricity purposes 12.5m x 3.5m over Lot 9 DP 1007818 Old Maitland Rd Mardi to accommodate two kiosk type substations and a right of way and an easement for electricity purposes 4m wide over Lot 113 DP 866815 Wyong Road, Tuggerah for underground cabling associated with the upgrade the Mardi High Voltage Power Supply

Lot 9 DP 1007818 is zoned 5(a) Special Uses Public Utilities and is Water Supply Authority land.

Lot 113 DP 866815 is zoned 5(a) Special Uses Landscape and Drainage and 4(c) Business Park and is classified as Operational Land

There is no impediment to the grant of the easements by Council.

OPTIONS

Council has the option to:

1. Approve the proposed easement, or
2. Refuse the proposed easement.

If Council approves the easement, the impact on the Council land is considered minor and Council has no plans for alternate use of the land. Granting the easement will allow Council to progress the water supply.

Should Council refuse the granting of the easement it is unlikely Energy Australia will pursue the option to compulsorily acquire the land. This is due to the request for granting of the easement being part of the contract with Council for the upgrade of the power supply to the pump station. Refusal to provide an easement would likely result in the required electricity supply being unavailable to Council.

PRINCIPLES OF SUSTAINABILITY

The principles of sustainability were considered by the Shire Services Department during the negotiations with Energy Australia.

CONSULTATION

Energy Australia has approached Council in order to obtain the granting of the easements. A Deed of Agreement for Easements has been forwarded to Council for signature and return to Energy Australia prior to the works commencing. The granting of the easement and signing of the Deed of Agreement for Easements will proceed subject to Council's approval.

GOVERNANCE

Not applicable.

CONCLUSION

Granting easements in this instance is for the direct benefit of the Wyong community through facilitating the augmentation of the region's water supply. Council's approval is an administrative step for the construction and is required to ensure legal requirements are satisfied in relation to ownership of the land concerned.

ATTACHMENTS

Nil

4.1 Contract CPA 147666 - Construction of Kerb and Gutter and Associated Works

TRIM REFERENCE: D01615234

AUTHOR: PM

SUMMARY

Report on the evaluation and selection of schedule of rates tenders for Contract No CPA 147666 - Construction of Kerb and Gutter and Associated Works.

RECOMMENDATION

- 1** *That Council accept tender (Schedule of Rates) No CPA 147666 from Gotrala Pty Ltd for a period of two years plus one year option to extend.*
- 2** *That Council approve an upper contract value of \$250,000 (excluding GST) for the two year contract period.*

BACKGROUND

The contract covers the full range of extruded concrete drainage products used in connection with Council road construction activities. The contract does not include the supply of concrete, but only includes the provision of services required to construct the concrete product. The excavation and construction of the sub base and associated drainage infrastructure is undertaken by Council's day labour staff. The supply of concrete is already provided for in Council's annual tender for construction materials.

These services are utilised in the following areas:

- routine maintenance on local roads
- pavement rehabilitation
- drainage on state roads as identified under the Roads & Traffic Authority of NSW (RTA) Road Maintenance Council Contract.

All work carried out under this contract is required to conform to Wyong Shire Council Specifications.

Under the contract the contractor generally utilises a specialist machine which forms the extruded concrete product to the required specifications. This machine is more time efficient, cost effective and delivers a higher quality product than can be achieved using traditional formwork methodologies.

Ownership of the machine and moulds requires both the capital outlay and ongoing maintenance as well as a specialist operator, something which is not presently available to Council. Council previously owned a kerb and gutter machine similar to that of the proposed contractor but it was sold in the early 1990's. It was found at the time that, given the low utilisation of such a machine exclusively on Council's operations and the need for specialist operators, Council was not competitive relative to external contractors. Circumstances at this point in time have not changed.

Consistent with previous contracts, the proposed contract is for a period of two years with the provision of a one year extension. This is proposed to offer the Contractor continuity of work for an extended period with the view to Council receiving more favourable tenders than might otherwise be the case. Furthermore, experience has shown that this contract arrangement results in increased reliability with respect to sourcing a contractor to complete the works at the required times. Council will be required to consider this extension prior to expiry of the recommended two year contract.

The alternative of calling for quotations for the completion of jobs on an individual basis has been undertaken following the closure of tenders to benchmark this approach relative to the fixed contract arrangements. This process has been shown to result in increased administration and supervision, and difficulties with sourcing contractors to provide quotations and/or complete the works.

As Council receives a GST rebate for these works all monetary figures quoted in this report are GST exclusive.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 22 July 2008 and the Central Coast Express Advocate on 23 July 2008.

The invitation documents called for a Schedule of Rates tender, based on the various types of Kerb and Gutter profiles available, in line with the specification requirements.

Tenders closed at 2:00 pm on 21 August 2008.

Gotrala Pty Ltd has confirmed in writing their tendered contract rates are open for acceptance until February 20, 2009.

EVALUATION OF TENDERS

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

- 1 Compliance with Tender documents, including lodgement of tender by the specified time.
- 2 Ability to manage environmental, operational and safety risks.

Weighted Criteria

- 1 The tendered price and structure; as well as any other potential costs to Council that may be identified ~~(50%)~~
- 2 Tenderer's experience and resources available ~~(20%)~~
- 3 Tenderer's Occupational Health and Safety Systems ~~(20%)~~
- 4 Conformance to contract requirements ~~(10%)~~

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents, external advisors familiar with the tenderers and Council's past experience of the tenderers. The evaluation was conducted according to the following process.

- Assessment of receipt of tender/s.
- Assessment of conformance of tender/s.
- Shortlisting of tenders based on price.
- Detailed weighted evaluation of shortlisted tender/s.
- Due diligence checks on preferred tenderer/s.

Independent review of the tender selection process.

Assessment of Receipt

The following tender was the only one received.

Tender	Tendered Lump Sum (Ex. GST)	Status
1. Gotrala Pty Ltd	\$227,272.72	Submitted on Time

Assessment of Conformance

The only tender received was assessed for conformance with the tender requirements, Tender number 1 (from Gotrala Pty Ltd) conformed to all requirements and progressed to the next stage of evaluation.

Weighted Evaluation

The tender was scored against each of the weighted evaluation criteria (including price and non-price elements). The result is detailed below.

Tender	Lump Sum (Ex. GST)	Weighted Score	Evaluation
1 Gotrala Pty Ltd	\$227,272.72	89	

As there was only one Tenderer, the submitted Schedule of Rates from the Tenderer was compared against recently called quotations and market rates for similar works. The rates were very competitive and considered to represent good value to Council.

Tender number 1 (from Gotrala Pty Ltd) was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender number 1 (from Gotrala Pty Ltd) was subjected to a financial assessment, and safety/environment system assessment checks.

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

Gotrala Pty Ltd is a Hunter Valley based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems. The company has been Council's primary Contractor for this type of work for a number of years and has provided excellent service and high quality of works. It is considered that Council received very good value over that period based on comparisons to other concrete contractor experience.

Process Review

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

BUDGET

Purchases under the contract will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this specific contract. Budget provisions have been made within the respective responsibility centres.

TIME-FRAME

This Contract is a Schedule of Rates Contract for two years and subject to the option of a 12 month extension based on performance. Council will be required to consider this extension prior to the expiry of the recommended two year contract.

RISK ASSESSMENT

General

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

Generally, the contract is structured to have the party best placed to manage the risk responsible for that risk outcome. Some risks are passed on to the contractor, with the cost of those risks reflected in the tendered price. Other risks are best managed by Council rather than the contractor, as they would inflate the tender price whether the risk eventuated or not.

CONTRACT RISKS

Inherent Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and additional costs to Council and user groups. Mitigated through close supervision and prompt directions where required.

Risk of Contract Variations

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

- Variations to Council Works Programs that will affect the quantity of contracted kerb and gutter during the contract period.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Council, by varying the extent of the work required, is able to manage its work to keep its expenditure within the contract budget. Accordingly it is recommended that a contract budget of \$250,000 (excluding GST) be approved. No contingency is required due to it being a Schedule of Rates Contract.

Based on previous experience with contracts of this nature, and analysis of the risks involved, it is estimated that there is an 80% probability that the contract budget of \$250,000 will not be exceeded.

CONCLUSION

Tender Number 1 from Gotrala Pty Ltd meets all of Council's requirements for this contract. On balance, this tender is considered to represent good value for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.2 Contract CPA 152870 - Buttonderry Waste Management Facility Entry Upgrade

TRIM REFERENCE: D01615183

AUTHOR: GB

SUMMARY

Evaluation and selection of tenders for Contract CPA 152870 Buttonderry Waste Management Facility Entry Upgrade.

RECOMMENDATION

- 1 That Council accept Tender No 5 from GWH Construction (NSW) Pty Ltd in the lump sum amount of \$2,658,878 (excl GST).**
- 2 That Council approve a project budget amount of \$265,900 (excl GST), that includes a contingency of approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

This lump sum contract is for the construction of upgrade works to the entry of the Buttonderry Waste Management Facility (BWMF). The major components of work (and their approximate cost) are: a new Small Vehicle Waste Transfer Facility (SVWTF) (\$1.2m), a new Administration and Staff Amenities building (\$0.64m), reconstruction of the entry road (\$0.45m), car park (\$0.25m) and landscaping (\$0.13m).

The contract works are aimed at improving safety, compliance, environmental management and capacity of the BWMF. The works are shown in the 2008/09 Management Plan, line item 4.5.17, Tip Capital Works.

Customer safety will be greatly improved by separating customers from the waste. At present there is no separation between customers who bring small loads, and the stockpiled material and heavy machinery used to place waste material into trucks for removal for burial. The existing arrangement means that customers may be standing in the waste that they have unloaded, instead of being able to place the waste directly into a separate waste transfer area. The new arrangement will effectively separate customers from the waste and from the heavy machinery used to transfer it into trucks.

Site safety will also be improved through the following changes to the management of traffic:

- 1 Widening and extending the entry lanes will reduce or remove the need for early morning traffic to queue on Hue Hue Road before opening hours.
- 2 Relocating the entry to the SVWTF will provide greater queuing distances to the exit weighbridge. This will reduce the need for cars to turn through parked vehicles and across the "E-tag lane" where visibility of approaching trucks may be reduced.
- 3 The expanded area within the SVWTF will also provide more room for customers to manoeuvre without interfering with other vehicles.

The increasing population growth in the Shire is expected to result in continued growth in demand for the services provided by the BWMF. The new works will provide increased operating capacity of the SVWTF by doubling the number of small vehicles that can be accommodated at one time.

The works will also improve the operation and quality of environmental management in the SVWTF in several areas:

- a More room will be available for the heavy machinery used for transfer of waste.
- b The SVWTF will be illuminated, thereby extending the operating hours to the full extent of the opening hours. This will be of particular benefit in winter.
- c There will be the opportunity for the implementation of enhanced dust suppression measures in the future.
- d There will be reduced opportunity for stormwater to become contaminated through contact with waste, leading to reduced demands on the leachate management system.
- e The SVWTF will provide shelter for staff and customers and enable all weather operation of the facility.

The new Administration building will house administration, staff amenities and a large meeting room. The existing staff amenities are limited in capacity, having been constructed for a smaller facility. Improved office accommodation and staff amenities will be provided. This will ensure compliance with current standards. The meeting room will provide accommodation for meetings with contractors and also for educational programs that are likely to become more important in the future as waste management and responsible environmental management assume greater significance. The new location for this facility will be to the south of the weighbridges, away from the noise and dust generated by trucks using the "E-tag lane".

Reconstruction of the entry road from the top of the SVWTF down to Hue Hue Road will be undertaken as part of the contract. The number of heavy vehicles using the road is causing it to fail. A new car park will also be constructed adjacent to the Administration building for contractors and visitors.

Extensive new landscaping will be provided to the perimeter of the entry road to complete this contract.

The result of these works will be to significantly improve the safety, compliance, capacity and efficiency of the SVWTF.

Tender Process

Lump sum tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 28 October 2008, the Central Coast Express Advocate on 29 October 2008 and the Newcastle Herald on 1 November 2008. The advertised closing date was 4 December 2008.

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

A compulsory pre-tender meeting was held at the proposed work site on Wednesday 5 November 2008 to allow tenderers to become familiar with the site conditions. This was an important factor because the site is approved by and operated under Department of Environment and Climate Change (DECC) regulations.

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

- 1 Balance of available documentation. (The eTender web page could not accommodate all of the tender documents.)
- 2 Clarification of time and date of mandatory tender site meeting.
- 3 Further clarification of time and date of mandatory tender site meeting.
- 4 Response to tender queries received and issue of architectural and landscape drawings and amended civil and electrical drawings.
- 5 Response to tender queries received and issue of revised structural and civil drawings.
- 6 Extension of the closing time by one week (to 11 December 2008). This was considered appropriate to enable tenderers to accommodate the specification changes.
- 7 Response to tender queries received and issue of revised structural and electrical drawings.
- 8 Response to tender queries received and issue of survey information for the existing SVWTF platform.

Tenders closed at Council Chambers at 2:00 pm on 11 December 2008.

EVALUATION OF TENDERS

Tenders were evaluated by a panel of four staff members, three of whom were not from the waste management section, using the following threshold and weighted criteria:

- Conformance with the requirements of the tender documents.
- Ability to manage financial and safety risk.
- Price.
- Experience.
- Proposed methodology / construction program.

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

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

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

	Tender	Tendered Lump Sum (Ex. GST)	Status
1	A & J Greive Building Pty Ltd	\$3,307,446.00	Submitted on time
2	Baxter Building Co (NSW) Pty Ltd	\$2,758,848.18	Submitted on time
3	Bolte Civil Pty Ltd	\$3,450,757.07	Submitted on time
4	Burton Contractors Pty Ltd	\$3,796,286.00	Submitted on time
5	GWH Construction (NSW) Pty Ltd	\$2,658,878.00	Submitted on time
6	Kingston Civil Construction	\$2,545,500.00	Submitted on time
7	North Construction Pty Ltd	\$2,989,152.73	Submitted on time
8	Pluim Projects Pty Ltd	\$2,950,000.00	Submitted on time
9	RTC Group	\$3,552,200.00	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. All tenders received conformed to requirements and were progressed to the next stage of evaluation.

Shortlisting

Tenders were shortlisted against Criterion No. 3 – Price. Tender No. 5 (from GWH Construction (NSW) Pty Ltd) and Tender No. 6 (from Kingston Civil Construction) tendered the most competitive prices. These two tenders were progressed to a full weighted evaluation.

Tenders No. 1 (from A & J Grieve Building Pty Ltd), No. 2 (from Baxter Building Co (NSW) Pty Ltd), No. 3 (from Bolte Civil Pty Ltd), No. 4 (from Burton Contractors Pty Ltd), No. 7 (from North Construction & Building Pty Ltd), No. 8 (from Pluim Projects Pty Ltd) and No. 9 (from RTC Group) tendered amounts between 17.4% and 49.1% higher than the lowest priced tender. Regardless of how these tenders rated on non-price criteria the substantial price differences would make it impossible for any of these tenders to rate as the preferred option after a full weighted evaluation. Furthermore, at the tender sums offered Council would need to reconsider the overall viability of the project. The seven highest tenders were therefore eliminated to allow the panel to concentrate its assessment efforts on the two most competitive tenders

Weighted Evaluation

Tenders No. 5 and No. 6 were scored against each of the weighted evaluation criteria (including price and non-price elements), and are listed below in descending order of weighted evaluation scores.

	Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
5	GWH Construction (NSW) Pty Ltd	\$2,658,878	90
6	Kingston Civil Construction	\$2,545,500	87

Tender No. 5 (from GWH Construction (NSW) Pty Ltd) is from a firm that has successfully constructed a substantial number of industrial developments over the last 10 years, a significant number of which have been for the same clients. A notable feature of the firm's capability is its ownership of related firms that include a ready-mix concrete supplier, a precast concrete building element fabricator, a precast concrete civil component fabricator, a structural steel fabricator, a civil contractor, a window manufacturer, a joinery workshop and a landscape contractor. The ability to supply construction materials or provide key trades in a timely manner due to this vertical integration of its operation received very favourable comments from referees contacted. The firm was restructured in 2006 to accommodate two new directors. It is not considered that the restructure materially affected the ability of GWH Construction (NSW) Pty Ltd to continue to provide the same service as before the restructure.

Tender No. 6 (from Kingston Civil Construction) is from a firm that has completed a number of civil projects, primarily for local government over the last two years. Kingston Civil Constructions was formed in early 2007 after the purchase of the civil division from Kingston Industries by a holding company associated with the managing director. The firm owns its own civil plant and includes a landscaping section. The company has not undertaken the construction of any buildings in its present restructure. As a significant proportion of the value of the work at Buttonderry is in the buildings, it requires different skills from civil or landscape construction. Information provided in their tender raised concerns about the allocations for a number of important trades including civil, roofing, electrical and landscape. It is considered that these allowances are sufficiently low as to raise doubts about the firm's ability to satisfactorily do the work under these trades. Kingston Civil Construction is based in Bankstown.

Due to the close proximity of the rankings, both Tender No. 5 (from GWH Construction (NSW) Pty Ltd) and Tender No. 6 (from Kingston Civil Construction), being the highest scoring tenders, were progressed to the due diligence stage of the evaluation.

Due Diligence

Both Tender No. 5 (from GWH Construction (NSW) Pty Ltd) and No. 6 (from Kingston Civil Construction) were subjected to a financial assessment, an in-house safety/environment system assessment, a tender interview and referee checks.

Reference checks made on Tender No. 6 (from Kingston Civil Construction) were not as superior as those for Tender No. 5 (from GWH Construction (NSW) Pty Ltd). Based on these confidential reference checks it is considered that Tender No. 5 is the preferred tenderer for the type of work required under this contract.

On the basis of the information provided by the tenderers, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that GWH Construction (NSW) Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

GWH Construction (NSW) Pty Ltd is a Newcastle based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by GWH Construction (NSW) Pty Ltd is within Council's budget and is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT

General

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

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

Contract Risks

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

Generic Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.

- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.
- Sub surface ground conditions differ significantly from the geotechnical report, leading to the need for additional works or amendment of documented works. Mitigated by obtaining rates for civil works to enable potential variations of this nature to be readily valued.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$265,900 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$2,924,778 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Because the contract is of the nature of a one off lump sum contract, progress payments will be funded from an allocation made to this contract itself. Provision for funding the project has been made in Management Plan line 4.5.17 and will come from Waste Management.

TIME-FRAME

The tenderer has submitted a program of 41 weeks for the works that would see the contract completed in September 2009. An allowance of at least four weeks should be made for delays to the program that could be adversely affected by inclement weather while external works are being undertaken.

LOCAL CONTENT

The tenderer has indicated that the contract works are expected to generate approximately 574 person-weeks of labour requirements and that an estimated 80% of the required labour resources to be employed on the project will be sourced from within the Central Coast.

CONCLUSION

Tender No. 5 from GWH Constructions (NSW) Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

- 1 Buttonderry Waste Management Facility Site Plan (2)



REV	DATE	REASON FOR REVISION	Drafted	Checked
CC-0	15-08-08	ISSUED FOR CONSTRUCTION CERTIFICATE	IN	
CC-A	15-08-08	REVISED TO MEET CLIENTS REQUIREMENTS		IN

THESE PLANS ARE UNCONTROLLED UNLESS THEY CARRY AN ORIGINAL SIGNATURE AND STAMP IN THE APPROVAL SECTION OF THE TITLE DEED.
ANY UNCONTROLLED PLANS ARE ISSUED FOR INFORMATION ONLY AND ANY INFORMATION CONTAINED THEREIN SHOULD BE UTILISED AT THE USER'S OWN RISK.

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PROJECT DETAILS:
 SMALL VEHICLE WASTE TRANSFER AREA & ADMIN. BUILDING.
 BUTTONDERRY WASTE FACILITY, PART LOTS 169, 68, 59 &
 LOT 153, DP 755271 & DP 822126, HUE HUE ROAD, JILLIBY.
 CLIENT: WYONG SHIRE COUNCIL.

SHEET TITLE:
ARCHITECTURAL SITE PLAN.

12163	101	CC-A
1408	15	15-08-08

5.1 Link Road Project and Associated Matters

TRIM REFERENCE: D01615647

AUTHOR: GK

SUMMARY

This report addresses the issues associated with the planning, design, cost, funding and construction of the Link Road at Warnervale. The report also details the recently announced changes to legislation governing developer contributions and the impact of these changes on the rolling works programme.

RECOMMENDATION

- 1** *That Council endorse the proposal to construct the northern section of the Link Road, subject to Federal Government agreement to the existing Auslink grant funds being re-allocated to that section.*
- 2** *That Council defer the construction of the remaining southern section of the Link Road to manage cashflow implications imposed by the project and to better align with present traffic modelling predictions.*
- 3** *That Council endorse the Director of Shire Services decisions with respect to the variations approved to date for Contract CPA/94531 - Investigation and Design Consultancy - Link Road (Watanobbi to Warnervale) and Trunk Water Main (Mardi Dam to Warnervale) with Connell Wagner Pty Ltd.*
- 4** *That Council approve additional funding to increase the Contract CPA/94531 amount from \$527,026.95 (including contingency amount and excl GST) to \$2,286,704.49 (excl GST).*
- 5** *That Council cancel the proposal for Contract CPA/127795 – Construction of Link Road and Water Main, Watanobbi to Warnervale and decline to accept any tenders received.*

BACKGROUND

1 BACKGROUND TO LINK ROAD PROJECT

The Warnervale Planning District has been the subject of significant residential and commercial development in recent years and this growth is expected to significantly increase over the next 20 years with the development of the Warnervale District Centre. The Link Road seeks to improve road transport to accommodate the expected future growth in this area.

Attachment 1 shows the location of the proposed road.

The Link Road has been proposed since the initial zoning of the Warnervale area was carried out in 1993. It has been included in various planning documents, including the Contributions Plan, since that time. The need to improve road transport connections between Warnervale and the Wyong Town Centre has been identified as an important component of the future development of Warnervale and the existing Wyong Town Centre.

In this regard, the proposed road will provide a direct link between these areas, ensuring the existing local and state road network can accommodate the increase in traffic volumes, as well as providing a more efficient transport corridor for bus servicing. Without the proposed road there would be a dependence on the existing road network to accommodate the increase in local traffic expected to be generated by development in the Warnervale Planning District. This would be likely to result in the Pacific Highway between Britannia Drive at Watanobbi and Sparks Road at Warnervale experiencing extended periods of peak congestion during the day. This would potentially lead to increased traffic on local roads such as Minnesota Road, Warnervale Road and Pollock Avenue, as traffic attempts to avoid delays around Wyong North and the Wyong Town Centre. Lack of the proposed road at the northern end would mean that access to the already zoned education land would have to be provided through existing residential streets in Warnervale Village.

In summary, the objectives of the Link Road project are to:

- i) Ensure that the local and regional road network has the capacity to safely handle the increased traffic generated by the current and future development within the Warnervale Planning District;
- ii) Provide an efficient transport corridor for bus servicing;
- iii) Assist in the promotion of development within the Warnervale Planning District.

The Link Road has been part of previous Council briefings regarding infrastructure projects and the effect of proposed and subsequent developer contribution legislation changes.

2 LINK ROAD PLANNING AND DESIGN ISSUES

2.1 Initial Link Road Concept Design and Planning Approval

The initial concept design for the Link Road was based on shallow cuttings and an earth fill embankment encroaching on the edge of the Porters Creek wetland, with culverts directly opposite the existing culverts under the Northern Railway. At the time this concept was expected to be the least-cost construction option for the road.

The earth fill embankment adjacent to the wetland could not be accommodated within the 20 metre wide road reserve and encroached into the State Environmental Planning Policy 14 (SEPP 14) wetland of Porters Creek. Construction of the proposed road is defined as Designated Development requiring an Environmental Impact Statement (EIS) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP & A Act). A Part 4 application and supporting EIS was completed and submitted to Council in 2005. Prior to determination, the road concept design was altered to avoid encroachment into the SEPP 14 wetland, but assessment remained under Part 4. The altered concept to remove this encroachment was for vertical reinforced earth walls to be provided, up to one kilometre long, on both sides of the road, to keep the road footprint outside the wetland on the western side and the Northern Railway on the eastern side of the road.

Council resolved at the Ordinary Meeting of 14 December 2005 to approve this application subject to appropriate conditions. Consent was issued by Council on 19 December 2005 and included 75 conditions. Many of these conditions were to mitigate potential impacts of the road on the SEPP14 wetland and presented significant design and engineering challenges to the project.

2.2 Increased Scope of Link Road Project

A consultancy contract for detailed design and documentation of the Link Road together with a trunk water pipeline (CPA 94531) was awarded to Connell Wagner Pty Ltd in December 2005.

As the investigations and designs were developed for the vertical reinforced earth wall concept, geotechnical investigations undertaken by the consultant indicated extremely poor ground conditions adjacent to Porters Creek wetland within the road reserve. As a result, engineering foundation solutions necessary to minimise potential settlement between the reinforced earth walls and the major culvert structures (required through the walls) were required. These were found to be very costly. It became apparent that, although not initially under consideration as a possible least-cost solution, the option of a bridge would need to be investigated.

The bridge option mitigated issues of environmental impact as well as the poor foundation conditions through the wetland. Connell Wagner was instructed to undertake further investigations and design for various bridge options, to enable final comparison of the benefits and disadvantages (on both cost and non-cost criteria) of different bridge types versus the reinforced earth embankment option. This situation required considerable additional investigation and design effort by the consultant, with resultant significant increased costs of the consultancy contract.

Attachment 2 details the current status of the consultancy contract with Connell Wagner.

Final analysis confirmed that the most cost-effective, least-risk engineering and environmental solution was a 442 metre long incrementally launched, post-tensioned, continuous section girder bridge, at an estimated construction cost of approximately \$14.0 million (excl GST). A notable example of this type of bridge is the "Sea Cliff" bridge just south of Stanwell Park on the Grand Pacific Drive (60 km south of Sydney).

With inclusion of the bridge in lieu of the vertical reinforced earth walls, the project no longer needed to be considered under Part 4 of the EP & A Act, as the bridge avoided encroachment into the SEPP 14 wetland. Legal advice recommended seeking approval of the amended project under Part 5 of the Act and the Part 4 approval was subsequently surrendered. The required environmental investigations for a Part 5 determination have been completed, documented and submitted. The Part 5 application for the northern section of the road was approved by internal delegation dated 4 February 2008, however the Part 5 determination for the southern section of the road will need to be the subject of a separate report to Council. Assessment for this report has been put on hold as a result of the ongoing overall project delays.

As detailed design progressed, significant costs to relocate existing utility services affected by the road construction were identified. These were estimated to cost approximately \$1.7 million (excl GST).

In addition, the Roads and Traffic Authority (RTA) required more extensive improvements, at considerable extra cost, to the intersections with Sparks Road and the Pacific Highway at each end of the Link Road. These changes are estimated to add approximately a further \$1.5 million (excl GST) to the project.

2.3 History of Link Road Cost Estimate

As investigations and design for the project have developed, the extensive environmental, geotechnical and engineering challenges presented by the project, identified in the previous Section 2.2, resulted in significant increases in the project scope and continually escalating project costs.

A history of the project cost increases is shown in Table 1.

Table 1 History of Cost Estimates

Timeframe	Estimated Cost (\$million, excl GST)
2004 - funding application to Auslink Program – based on earth fill embankment concept design	\$16.0
2005 - based on EIS outcomes and earth fill embankment concept design	\$18.5
2007 - funding application to Auslink Program – based on preliminary cost of reinforced earth wall options (\$8.7 million) through SEPP 14 wetland	\$25.5
October 2007 - pre-tender estimate with RTA intersection requirements (\$1.5 million), service relocation costs (\$1.7 million) and cost of adopted bridge option	\$33.0
December 2007 - construction tenders received (indicative costs)	\$31.3
December 2007 - total project cost based on indicative construction tenders, investigation and design, project management, service relocations and 10% construction contingency	\$37.5

2.4 Link Road Traffic Modelling

Planning for the time to construct the Link Road has been based on the need established by traffic modelling. This modelling to date has indicated the full length of the Link Road needed to be constructed in the short term. However, recent modelling carried out by the RTA, in conjunction with Council, has indicated that a longer term timeframe is possible.

In summary, this modelling exercise suggests that Council should plan to construct the Link Road so that its full length is operational from 2024/25. This has significant beneficial implications for Council's ability to manage the cashflow requirements for this project.

2.5 Link Road Cost Apportionment with the RTA

Based on the traffic modelling carried out, it is reasonable to apportion the costs for the Link Road based on the volume of "regional traffic" to the RTA and based on the volume of "local traffic" to Council.

The RTA had requested during the design process for the Sparks Road/Link Road intersection that the intersection be designed to suit the ultimate Sparks Road arrangement of three travelling lanes (plus turning lanes) in each direction. This increases significantly the cost of the intersection. Existing conventions for the apportionment of costs are for the RTA to bear the cost of replacement of the area of existing pavement, including shoulders, and for Council to be responsible for the additional turning lanes.

Based upon the above, it is reasonable that the RTA be responsible for:

8% of the cost of the Link Road if the Pacific Highway is upgraded to dual carriageway by 2024/25;
35% of the cost of the Link Road if the Pacific Highway is NOT upgraded to dual carriageway by 2024/25; and
70% of the cost of upgrading of the Sparks Road intersection.

In cost terms (in today's dollars), this means that the RTA should be responsible for approximately:

\$5.3 million (excl GST) if the Pacific Highway is upgraded; and
\$15.5 million (excl GST) if the Pacific Highway is NOT upgraded,
of the current estimated Link Road project cost of \$37.5 million (excl GST).

3 LINK ROAD FUNDING OPTIONS

It is intended that the project should be funded from three sources:

3.1 Federal Government Grants

Council has secured funding in a total amount of \$5.5 million (excl GST) from the Federal Government towards the project, under the Auslink Strategic Regional Program. Funding exists under the following two rounds of the program:

2004 round, \$2.5 million (excl GST), program expiry 30 June 2009
2007 round, \$3.0 million (excl GST), program expiry 30 June 2010.

The \$3.0 million (excl GST) from the 2007 round has been paid to Council already. The \$2.5 million (excl GST) from the 2004 round will be reimbursed to Council as project expenditure exceeds the initial \$3.0 million (excl GST) payment.

Due to the 14 month delay to the project from the uncertainty surrounding the eligibility of the project to receive funding from developer contributions (refer to Section 5 of the report), it is impossible to resurrect the project in time to meet the deadlines for expiry of the 2004 funding and likewise difficult to achieve for the 2007 funding.

The General Manager recently met with representatives from the Federal Government to discuss the present situation and explore options to maintain the funding despite the imminent expiry of the program (particularly the 2004 round of funding). The most viable option appeared to be to request approval for a project variation to 'de-scope' the project to construct, in the short term, only the northern 900 metre long section of the Link Road adjacent to Lakes Grammar School, including the intersection improvements with Sparks Road.

A proposal on this basis has been submitted to the Federal Government. This proposal is predicated on the assumption that Council will endorse the staging of the project to construct only the northern 900 metre long section of the Link Road

in the short term. The Federal Government representatives undertook to attempt to obtain a decision on Council's proposal from the relevant Minister by approximately mid-February 2009.

3.2 Possible State Funds Through the RTA

Based on the apportionments discussed in Section 2.5, the possible funding contribution from the RTA towards the construction of the project is estimated at approximately \$5.3 million (excl GST) if the Pacific Highway is upgraded and \$15.5 million (excl GST) if the Pacific Highway is not upgraded.

The RTA is yet to provide any firm commitment to funding of the Link Road project and has consistently refuted that it is required to contribute to major road infrastructure projects that have been identified in developer contributions plans. As can be seen from the traffic modelling for the Link Road, there is a percentage of traffic using the road that is attributed to "regional traffic" rather than "local traffic". Council's position is that this regional component should be funded by the RTA. Council has received legal advice that supports the current and past practice of including the RTA apportionment in developer contribution plans.

3.3 Developer Contributions

Since 2007, the State Government has made numerous announcements relating to the proposed changes to the legislation that governs developer contributions. These announcements often contained conflicting advice and always contained significant information gaps. Council has made many written and personal representations to the Department of Planning seeking clarification of various matters, but these information gaps still exist.

In June last year, the State Parliament passed new legislation, however, this has not yet been enacted.

Due to lack of a clear direction from the State Government on the issue of developer contributions, there has been considerable uncertainty as to the eligibility of the Link Road project to be funded by developer contributions. This has led to the project being stalled for a period in excess of 14 months. Developer contributions are the principal source of funding for the project. The Department of Planning has recently advised that Council will be permitted to collect developer contributions for the Link Road subject to the costs being correctly apportioned. However, if the RTA does not fund its apportionment identified above in Section 3.2, then Council must fund that amount as well. Since receiving this advice, the Department of Planning has also announced that it will 'cap' developer contributions at \$20,000 (excl GST) per lot and Council will need to seek the Minister's approval to levy contributions above this amount. Council has notified the Department of Planning that it intends to seek approval from the Minister to impose contributions above the \$20,000 (excl GST) per lot cap. Council's formal submission must be sent to the Department of Planning by 2 March 2009. This cap will affect all of the Warnervale Urban Release Areas (including the town centre) and The Entrance District and will take effect from 30 April 2009 if Council's submission to the Minister is unsuccessful.

Further background on this matter is presented in Sections 5 and 6 of this report.

3.4 Summary

The current estimated project cost, based on construction tenders received on 13 December 2007, is \$37.5 million (excl GST).

Assuming the Federal Government agrees to maintain the present Auslink funding for the proposed project variation and the funding identified above is agreed to by the RTA, the project is intended to be funded from the following sources:

Funding Source	Pacific Highway Upgraded by RTA (\$million, excl GST)	Pacific Highway Not Upgraded by RTA (\$million, excl GST)
Federal Government grant funds	5.5	5.5
State Government/RTA contribution	5.3	15.5
Section 94 developer contribution	26.7	16.5
TOTAL	37.5	37.5

4 LINK ROAD STAGING OPTIONS

4.1 Cash flow Implications

The Link Road has always been couched in terms of two stages, with the first stage being the northern section, approximately 900 metre in length. The construction of the second stage, being the southern 2,300 metre long section, was planned to closely follow once the planning approval for that section was granted.

There are significant cashflow implications for Council presented by this project. Given that income from developer contributions is collected over time as development in the contributing catchments occurs, it is problematic for Council (in terms of cashflow) to bankroll the initial funding of a project estimated at approximately \$37.5 million (excl GST). Developer contributions for the project will continue to be collected over the next 25 years from future Warnervale – Wadalba development precincts.

Other than utilising the available grant funds from the Federal Government (that are intended for the full length of the Link Road), the main driver for construction of the Link Road is to provide access to approximately 32 hectares of Council owned land to the south of Lakes Grammar School to facilitate the sale and development of that land. The proceeds from the sale of this land will be put towards funding of the Link Road at the earliest possible time to assist cashflow for the project. The construction of the northern section of the Link Road will also provide access to the senior campus of the school from the new Link Road. At present the school continues to use temporary arrangements off the end of Aldenham Road to provide access to the senior campus for heavy vehicles only.

The locality plan at Attachment 1 shows the extent of the Council owned land.

Council would experience severe cashflow problems created by early construction of the full length of the road at a time when insufficient developer contribution income has been received and before obtaining funding from the RTA. The preferred position now is to delay construction of the southern section of the road until such time that the cashflow implications can be prudently managed.

4.2 Proposed Timeframes

Given there are no RTA funds committed to the project at present and there are other priorities for the use of developer contributions (e.g. Performing Arts Centre, Aquatic Centre, Sporting Fields, Community Centres, etc.), the existing cash flow model identifies that construction for the entire Link Road project can be accommodated around 2021/22. This timeframe aligns with the latest traffic modelling, which indicates a need for the full length of the Link Road to be operational from 2024. This cashflow modelling assumes that the project is not staged and is constructed as a single project.

If the project is staged, as presently proposed, with the northern section being constructed first, it is estimated that approximately \$4.5 million (excl GST) of developer contributions would be required in the short term (assuming no RTA contributions). Cash flow modelling indicates that this level of funding may be feasible, subject to Council obtaining Ministerial approval to continue to levy developer contributions at a level above \$20,000 (excl GST) per lot. Further information on the developer contributions cashflow model is presented in Section 6 of this report.

4.3 Economic Benefits

Although it will be to a reduced scope, constructing the northern section of the Link Road still returns significant economic benefits to the region. This section would service both the junior and senior school campuses of Lakes Grammar but more importantly provide access to a significant area of Council owned developable land to the south of the grammar school. This land is presently zoned 5(a) for educational purposes but is presently part of the 7A Precinct review being undertaken by Future Planning to rezone some of the land 4(e) for commercial and industrial development. The area of land is approximately 32.7 hectares and up to 20 hectares may be developable (there are constraints due to proximity to Porters Creek wetland and bushfire). The return to Council from this land could be in the order of \$32 million (less development costs). Development of the land may generate significant economic and employment prospects for the region. The proceeds from sale of this land will be put towards funding of the Link Road project at the earliest possible time to assist cashflow for the project.

4.4 Impact on Federal Grants

The project variation proposal submitted to the Federal Government identifies that it will still not be possible to expend the 2004 round grant funding of \$2.5 million (excl GST) by the due date of 30 June 2009. Nonetheless, in anticipation of a favourable response to this proposal, the existing tender documents for the full length of the road, for which Council has previously called tenders, are being "re-packaged" to enable the calling of fresh tenders for just the northern section of the Link Road, by approximately mid-February 2009. This would enable award of a construction contract in June 2009 and completion of construction of the northern section in approximately March 2010, satisfying the expiry date of the 2007 round grant funding of \$3.0 million (excl GST).

Council has been prepaid the \$3.0 million grant and the present agreement with the Federal Government is to expend this funding before receiving the \$2.5 million grant. Council has presently expended about \$1.5 million of the \$3.0 million prepaid amount. Because the \$2.5 million grant expires first, the submission to the Federal Government requests approval for further project expenditure to be met from the \$2.5 million grant to expend it at an earlier date

than otherwise achieved by continuing to meet expenditure from the \$3.0 million prepaid grant.

5 SIGNIFICANT CHANGES TO LEGISLATION GOVERNING DEVELOPER CONTRIBUTIONS

In June 2008, the NSW Parliament passed new legislation affecting Section 94 developer contributions. This legislation is still yet to be enacted.

In summary, the new legislation will only allow Councils to collect development contributions for local and district roads, local and district bus facilities, local and district parks, local sporting, recreational and cultural facilities and social facilities, local and district car parking facilities, drainage and stormwater management works, land for any community infrastructure (except land for riparian corridors) and only if there is a direct connection with the development to which a contribution relates. Detailed guidelines, clarifying a number of unresolved issues, are likely to be released in the first half of 2009.

Additionally, in November 2008, the NSW Treasurer announced a total review of developer levies in his "Mini Budget". The results of this review were announced on 19 December and have significant ramifications for Wyong Council and how it will fund essential infrastructure in the Warnervale-Wadalba release areas and Warnervale Town Centre.

Councils will be limited to charging a maximum of \$20,000 (excl GST) for a typical residential lot unless approval is received from the Minister for Planning to charge a higher amount.

Council has notified the Department of Planning that it intends to seek Ministerial approval to levy contributions beyond \$20,000/lot and a detailed submission is required to be made to the Department by 2 March 2009. Council's affected contributions plans are the Warnervale District, Warnervale Town Centre and The Entrance District. These plans will be reviewed by a Review Panel and the result of this review is expected by 30 April 2009.

Contributions capped at \$20,000 (excl GST) per lot will have a significant affect on Council's ability to fund essential community infrastructure in the Warnervale-Wadalba release areas and the Warnervale Town Centre, where contributions are currently around \$40,000 (excl GST) per typical lot. This represents a 50% loss of future income in these areas.

If contributions are capped at \$20,000 (excl GST) per typical lot, Council will have to amend affected contributions plans to reduce the amount and cost of infrastructure proposed to be provided in the Warnervale-Wadalba release areas and the Warnervale Town Centre, or remove the facilities from the contributions plans.

6 DEVELOPER CONTRIBUTIONS CASH FLOW MODEL

This project will have a significant impact on the cashflow model that affects all developer contributions.

Council has the ability to "pool" developer contributions so that priority infrastructure can be constructed earlier than would otherwise be possible. In the past, Council has relied on this "pooling" ability to allow it to construct such facilities as the Wadalba sporting fields in 2007, rather than wait until all contributing areas have been developed and the necessary funds collected.

The cash flow model for developer contributions is now very income sensitive due to the slowdown in property development activity in the Shire.

Key elements of the cash flow model are:

- * As at 30 June 2008, the balance of developer contribution funds held was \$32 million.
- * Projected income has been reduced to account for the global financial crisis and resultant slowdown in the property market.
- * Expenditure for known nominated projects and refunds to developers for works over the next 23 years is approximately \$245 million.

Once the full extent of the changes to developer contributions is known, a detailed review of the cashflow model will be undertaken and presented to Council for endorsement.

7 CANCELLATION OF CONSTRUCTION TENDERS

Tenders for construction of the full length of the Link Road and associated length of trunk water main were called on 9 October 2007, before the Department of Planning issued a planning circular on 6 November 2007, which foreshadowed changes to legislation that would no longer permit developer contributions to be collected for, and allocated to, the Link Road. Due to the 14 month delay created by the State Government, it is necessary to cancel the contract proposal.

In accordance with the requirements of Clause 178 of the Local Government (General) Regulation 2005, it is recommended to cancel the proposal for the contract and to decline to accept any of the tenders received by a resolution of the Council.

8 CONCLUSION

The Link Road project has had a complex history to date. This report identifies the issues associated with the planning, design, cost, funding and construction of the project.

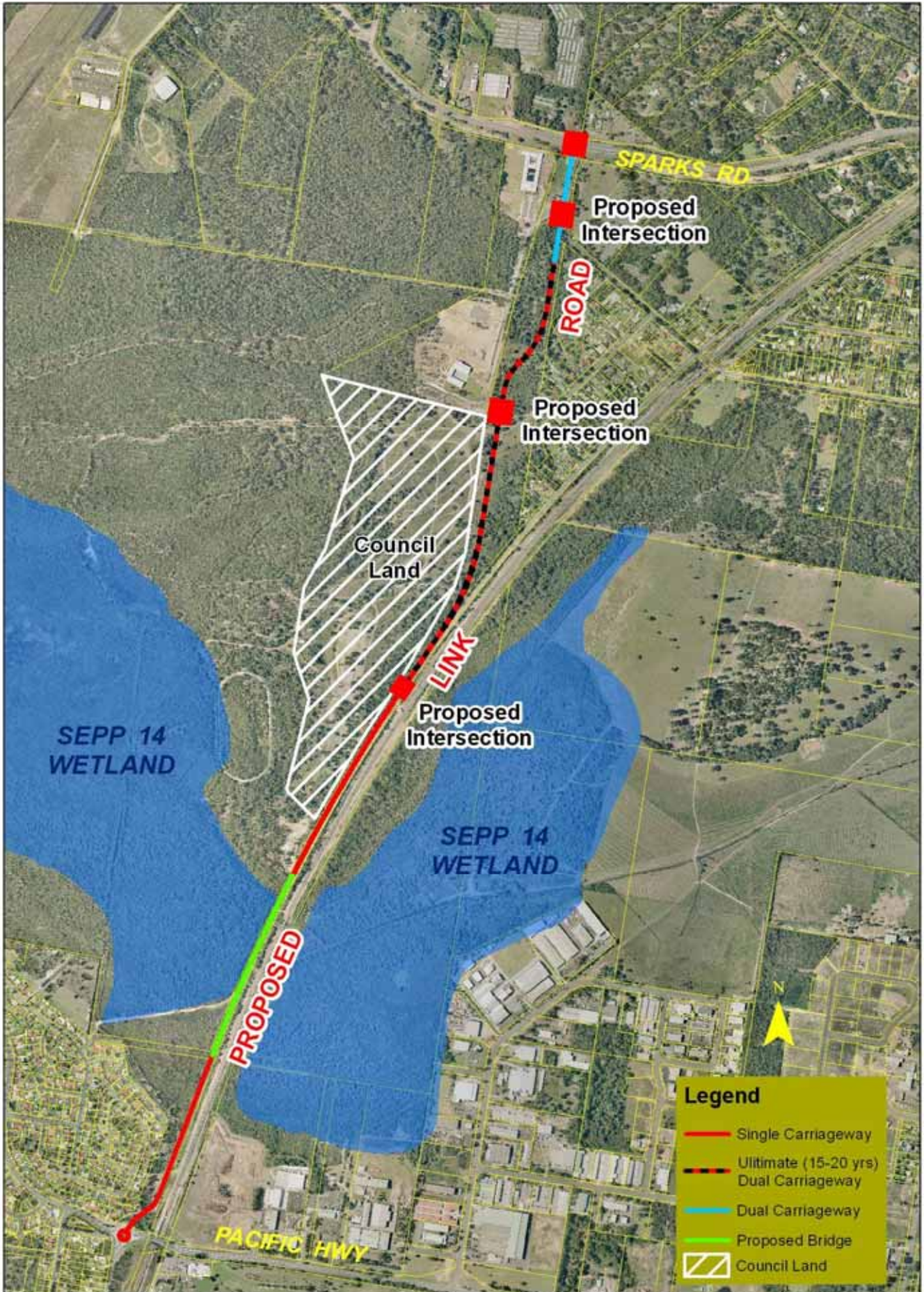
As the investigation and design process for the project developed, there were significant planning, environmental, geotechnical and engineering challenges, largely associated with crossing the edge of the Porters Creek wetland. As a result of these issues, the scope of the project increased significantly from the initial concept, with resulting significant cost escalation for the project. The investigation and design consultancy with Connell Wagner was substantially increased in complexity and duration to address all of the issues that arose, with resulting significant cost escalation for that contract. It is recommended that Council approve additional funding to increase the contract sum for Contract CPA 94531 with Connell Wagner Pty Ltd from \$527,026.95 (including contingency amount and excl GST) to \$2,286,704.49 (excl GST).

Cash flow implications for Council presented by the project are significant. Staging of the project is proposed to allow construction of the northern 900 metre long section in the short term and defer construction of the southern 2,300 metre long section to approximately 2024. This timeframe aligns with projected income from developer contributions being sufficient at that time, a stronger position to argue that the State Government should contribute to the cost of the Link Road and the predicted need for the full length of the Link Road to be operational, based on the most recent traffic modelling. This staging proposal is predicated on the Federal Government's agreement to maintain the presently secured grant funds under the Auslink program.

Construction tenders called for the Link Road (and associated length of a trunk water pipeline) in late 2007 are also considered. Due to the change in circumstances surrounding the staging of the project; timing of the staging; and the 14 month delay created by the State Government associated with uncertainty to fund the project from developer contribution funds, cancellation of the proposed Contract CPA/127795 is recommended.

ATTACHMENTS

- 1 Link Road Locality Map
- 2 Current Status of the Consultancy Contract CPA 94531 with Connell Wagner Pty Ltd with Annexures



Current Status of the Consultancy Contract CPA/94531 with Connell Wagner Pty Ltd**BACKGROUND**

Contract CPA/94531 for the Investigation and Design Consultancy for the Link Road and Trunk Water Main was awarded to Connell Wagner Pty Ltd. At the Ordinary Meeting of Council held on 14 December 2005 Council resolved as follows:

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

"1 That the tender from Connell Wagner Pty Ltd in the adjusted Lump Sum amount of \$519,729.65 (including GST) be accepted.

2 That Council approve a contingency amount of \$60,000 (including GST) representing approximately 10% of the tendered sum to provide for any unforeseen additional work that may become necessary during the consultancy."

This contract was awarded to consultants Connell Wagner Pty Ltd to undertake investigation and design for two major infrastructure projects:

- 1 A two lane road that would provide an important transport link between Sparks Road at Warnervale and the existing roundabout on the Pacific Highway at Watanobbi near the Wyong Golf Club.
- 2 A 750 mm diameter water pipeline between the Mardi Water Treatment Plant and an existing 750 mm diameter pipeline at Nikko Road, Warnervale, with a 375 mm diameter connection to an existing 375 mm diameter pipeline at the Pacific Highway and Britannia Drive roundabout.

The contract effectively commenced in January 2006. Variations to the contract were directed over the period from August 2006 until June 2008 as a result of additional works and significant changes to the project scope. Additional urgent investigation and design works were also assigned to Connell Wagner associated with the Porters Creek temporary weir (drought contingency) project. Actual expenditure to date on this contract is \$2,018,375.32 (excl GST).

Consultancy works were put on hold in March 2008 pending resolution of Section 94 funding issues for the construction of the Link Road.

The final estimated costs shown in this report include all works completed to date, with an allowance for finalisation of suspended works that will allow Council to be provided with a completed design package for the road and water pipeline in the event that future funding is provided.

The additional expenditure on this consultancy contract as a result of all directed variations was reported to the Extraordinary Meeting of Council held on 30 July 2008.

At the Extraordinary Meeting of Council held on 30 July 2008 Council resolved as follows:

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

- "1 That the report be received and the information noted.*
- 2 That Council continue to pursue current initiatives to strengthen its project management capabilities.*
- 3 That staff obtain a short list of independent suitably experienced consultants for Council's consideration with a view to appointing a consultant to undertake a review of Council's project management processes to further assist with the strengthening of its capability in achieving its objectives in this vital aspect of its operations.*
- 4 That prior to conducting the review identified in 3 above, staff report to Council a draft consultant's brief identifying all key aspects of the proposed review including the various policies, procedures and overall costs as associated with the review.*
- 5 That all major contract variation outcomes be reported as information reports to Council at the completion of the various tenders.*
- 6 That reports to Council on major projects highlight the potential risks and consequences in order to facilitate consideration of the nature of those risks and the adequacy of actions in place to mitigate them by both executive management and Councillors.*
- 7 That the quarterly reports on the Management Plan include a summary report on significant contract/project variations for the quarter."*

This report now provides details on all major contract variations at the effective end of this contract as required by Item No. 5 of the Resolution above.

PROGRESS TO DATE

Works Under Original Contract

The original scope of work for the design consultancy was based on preliminary concept designs for both the Link Road and water pipeline.

The preliminary concept design for the Link Road was standard for this type of roadway. It was based on shallow road cuttings with a major embankment adjacent to, and encroaching into, the eastern edge of the Porters Creek Wetland (PCW) due to the narrow 20 metre wide road corridor at this location. The embankment incorporated basic culverts for hydraulic purposes.

At the time this concept was expected to be the least cost construction option for the road.

Increased Scope of Work to Original Contract

As the investigation and design developed, extensive environmental, geotechnical and engineering challenges, largely associated with crossing the edge of the PCW, resulted in significant changes to the original scope of work for the consultancy. The PCW is designated as a SEPP14 Wetland and any proposed development impacting it must be assessed as Designated Development under the provisions of the Environmental Planning and Assessment Act (EP & A Act). This would have resulted in an Environmental Impact Statement being required to be completed and submitted with a Development Application for assessment under Part 4 of the EP & A Act.

The changes to the consultancy scope of work are discussed below.

a Reinforced Earth Wall Option

In response to these challenges Connell Wagner was directed to amend the initial concept and confine the road footprint to stay fully within the 20 metre road reserve, so that there was no encroachment into the SEPP 14 Wetland and removing the need for the project to be considered as Designated Development. The concept developed to satisfy this criterion was for vertical reinforced earth walls to be provided, up to one kilometre long on both sides of the road, to keep the road footprint outside the PCW on the western side and the Great Northern Railway on the eastern side of the road.

As the investigations and designs were developed for this concept, geotechnical investigations undertaken by the consultant indicated very poor ground conditions adjacent to Porters Creek Wetland and within the road reserve. As a result, engineering solutions necessary to minimise potential settlement between the reinforced earth walls and the major culvert structures (required through the walls) were required. These were found to be very costly. It became apparent that, although not initially under consideration as a possible least cost solution, the option of a bridge would need to be investigated.

b Super “T” Girder Bridge Option

The bridge option mitigated issues of environmental impact and poor foundation conditions. Connell Wagner was instructed to undertake further investigations and design for a bridge, to enable final comparison of the benefits and disadvantages (on both cost and non-cost criteria) of a bridge option versus the reinforced earth embankment option. This situation required considerable additional investigation and design effort by the consultant, with resultant cost implications on the consultancy contract.

Connell Wagner undertook preliminary investigation and design of a more conventional Super “T” girder bridge. This type of bridge super-structure consists of precast, pre-stressed concrete girders with the cross section shape of a “T” that are positioned onto the sub-structure with a crane and with a concrete deck that is cast in-situ. It was the expected least cost option but a number of uncertainties around the attachment of the two proposed water pipelines to the bridge were difficult to resolve. The bridge/water pipeline interaction became a pivotal factor in the final choice of the type of bridge structure due to the need for ready accessibility to the pipelines for maintenance purposes.

c Incrementally Launched, Post-tensioned, Continuous Section Girder Bridge

An alternative type of bridge structure, known as an incrementally launched, post-tensioned, continuous section girder bridge, offered the best solution for the attached pipelines. This type of bridge super-structure is constructed from segments that are pre-cast in a casting bed at one end of the bridge. The segments are then post-tensioned together and launched using a launching truss into position within the span. The bridge “grows” from one end and the technique can be used for bridge lengths of several hundred metres. A notable example of this type of bridge is the “Sea Cliff” bridge just south of Stanwell Park on the Grand Pacific Drive (60 km south of Sydney). This type of structure also offered a major environmental advantage in that the bridge could be constructed within the narrow 20 metre road corridor and launched horizontally into position, with no encroachment into the PCW.

This design was pursued on the basis of its constructability and reduced impact on the wetland during construction. This variation involved the consultant in considerable additional effort, enlistment of extra expert specialists knowledgeable in the design of such structures, and considerable extra time to complete the design.

Connell Wagner’s engagement for the design of the Link Road and water pipeline was substantially increased in complexity and duration to address all of the issues that arose during the project. The total of all directed variations in relation to the Link Road and water pipeline is \$1,605,782.99 (excluding GST).

Details of these variations are provided in Annexure 1.

Additional Drought Contingency Projects

During the course of this contract the consultant was directed to undertake a number of additional drought contingency projects that were urgently required. Connell Wagner had already undertaken significant survey and geotechnical investigations in relation to its original engagement for the Link Road and water pipeline. This work was in the same locality as the proposed drought contingency projects, and this action was judged to be the most expedient and cost-effective manner in which to have these emergency works investigated and designed in the shortest possible time. It was also the least possible cost because any other consultant would have to have duplicated the survey and geotechnical work already completed by Connell Wagner. Connell Wagner was engaged for this work under the provisions of the Local Government Act 1993 that a contract made in a case of emergency is exempt from tendering and approval by Council. The cost of these six separate work packages was \$208,440.00 (excl GST).

Details of these variations are provided in Annexure 2.

Contract Summary

Table 1 summarises the main areas of expenditure on this contract to date. Actual expenditure to date is \$2,018,375.32 (excluding GST)

Table 1 Summary of Main Areas of Expenditure

Original Approved Funds with Contingency (excl. GST)	Directed Variations to Scope for Road and Pipeline (excl. GST)	Directed Variations for Emergency Drought Contingency Projects (excl. GST)	Total Directed Variations to the Contract (excl. GST)	Total Contract Sum (excl. GST)
\$527,026.95	\$1,605,782.99 *	\$208,440.00	\$1,814,222.99	\$2,286,704.49

Note: * Includes allowance for completion of works.

Summary tables of variations and explanation of significant variations to the contract are provided in Annexures 1, 2 and 3.

Discussion Relevant to Contract Cost Increases

The current estimated construction cost for the combined road and pipeline is \$37.4 million (excl GST). The current final estimated investigation and design consultancy cost for Connell Wagner attributable to the road and pipeline project only is \$2,078,181.82 (excl GST). This represents 5.6% of the estimated construction cost of that work. This is well within the industry range of up to 8% for the typical cost of pre-construction work for a project of this size and complexity.

Urgent Approval to Payment of Consultant's Claim

At the time when work on this project was put on hold (in March 2008) due to the uncertainties over the availability of Section 94 funding, the Consultant had submitted progressive claims for payment totalling \$332,929.00 (excl GST) in accordance with the provisions of the contract and under the Security of Payments Act. Payment was then delayed pending a report to Council seeking approval for the variations already directed by staff under the previous procedures used for reporting such variations to Council. (This procedure has now been changed to provide monthly reports to Council on all contract variations).

In view of the relationship established with Council and in good faith, the Consultant did not pursue payment under the Security of Payment Act while Council procedures were being amended. Following a further request for payment from the consultant, the General Manager exercised his delegation to act to ensure Council met its legal obligations and approved this payment.

CONCLUSION

During the course of this contract a significant number of scope changes were required to address emerging issues with locating a major arterial road and water pipeline adjacent to the Porters Creek Wetland. Approximately 40 variations were directed to progress the project, increasing the cost for the original works to \$2,078,264.49 (excl GST).

Also during the course of this work the consultant was directed to undertake a number of urgent drought contingency projects at a further cost of \$208,440.00 (excl GST).

All of these variations were undertaken by the consultant to a high standard and are considered to be a reasonable price for the works.

The additional expenditure on this consultancy contract as a result of all directed variations was reported to the Extraordinary Meeting of Council held on 30 July 2008.

It is recommended that Council approve additional funding to increase the contract sum from \$527,026.95 (incl. contingency and excl GST) to \$2,286,704.49 (excl GST). This figure includes a small allowance for the consultant to finalise design information and provide Council with a completed package that can be used should funding for this project be provided in the future.

Annexure 1	Variations Directed by Superintendent
Annexure 2	Variations Directed by Superintendent – Drought Contingency Projects
Annexure 3	Explanation for Significant Variations

Annexure 1

Variations Directed by Superintendent

Variation No.	Description of Variations	Amount (excl. GST)
VO1	Railcorp protection officer	\$3,545.45
VO2-1	Service locations & survey stage 1	\$19,200.00
VO2-2	Service locations & survey stage 2	\$34,513.35
VO3	DA conditions approval - habitat restoration plan	\$25,364.00
VO4	Railcorp power pole relocation investigation & design	\$59,000.00
VO5	Survey & utilities - investigation for changed scope	\$48,440.00
V10	Water main directional drilling investigation	\$24,800.00
V11	DA conditions - approval soil & water management plan	\$46,000.00
V13	Scope change - Link Road preliminary design	\$86,920.00
V14	Scope change - water main preliminary design	\$32,080.00
V15	Scope change - geotechnical investigation	\$81,782.00
V17	Service change - Wyong River bridge design concepts	\$30,000.00
V18	Scope change - project management & reporting to July 2007	\$34,720.00
V19	Additional geotechnical investigations	\$89,760.00
V20	Detailed design Link Road bridge	\$133,900.00
V21	Revised planning approvals & REF preparations	\$44,640.00
V22	Separate design & documentation - Link Road North	\$126,140.00
V23	Traffic projections review & alternate pavement design	\$19,260.00
V24	Changed Scope - water main final design	\$38,180.00
V25	Changed Scope - project management to December 2007	\$84,000.00

Annexure 1 - (contd)

Variations Directed by Superintendent

Variation No.	Description of Variations (contd)	Amount (excl. GST)
V26	Changed scope - Sparks Road and additional Traffic Signal design	\$73,840.00
V27	Detailed design of piled raft foundation	\$34,500.00
V28	Bridge pile redesign	\$20,500.00
V29	Additional survey	\$21,360.00
V30	Valve house structural design	\$8,460.00
V31	REF's for Railcorp & RTA	\$20,430.00
V32	Changed scope - road and water main contract documentation	\$22,843.64
V33	Additional cost estimation work	\$27,200.00
V34	3D visualisation of Link Road	\$10,150.00
V35	Detailed design of water main crossing Wyong River bridge	\$80,000.00
V36	Additional design costs - Porters Creek Wetland bridge	\$136,320.00
V37	Tender evaluation Committee	\$12,400.00
V38	Additional REF preparations	\$30,080.00
V39	Environmental studies - Wyong River Bridge – Estimate only	\$27,272.73
V40	Project management fees January to June 2008 – Estimate only	\$18,181.82
Total* (excl. GST)		\$1,605,782.99

Note: * Total value includes variations for road and pipeline project only. Variations 06, 07, 08, 09, 12 and 16 are for separate drought contingency projects and are provided in Attachment 2.

Annexure 2

Variations Directed by Superintendent – Drought Contingency Projects

Variation No.	Description of Variations	Amount (excl. GST)
DROUGHT CONTINGENCY WORKS		
VO6	Porters Creek Weir - survey of weir site & creek	\$29,430.00
VO7	Porters Creek Weir - survey rising main route	\$33,230.00
VO8	Porters Creek Weir - REF for the weir site & creek	\$77,360.00
VO9	Porters Creek Weir - pump & rising main design	\$48,300.00
VO12	Design of stormwater harvesting pipe	\$16,960.00
VO16	Scope change - gas and oil pipe for Lower Wyong transfer	\$3,160.00
Total (excl. GST)		\$208,440.00

Annexure 3

Explanation for Significant Variations

Variation 13 (V13): - Scope change - Link Road design - \$86,920.00 excl GST

The initial concept for the Link Road was for local road design and construction on a given alignment with shallow road cuttings and routine embankment construction through wetland areas, with culverts to be provided for hydraulic purposes. The intersection with Sparks Road was to be a roundabout, however post tender negotiations allowed for this to be signalised. The Link Road alignment was subsequently to be fully retained within the existing 20 metre wide road reserve adjacent to Porters Creek (SEPP 14) Wetland (PCW). This initially required major retaining wall structures on the western side of the road through PCW.

Aligning the road within the existing road reserve also meant that the road would be very close to the great Northern Railway and this, in turn, required a retaining wall on the eastern side of the road approximately 1 kilometre in length. The net result was that this section of the project became a major structure through the wetland and adjacent to the railway line.

Since Connell Wagner's engagement the design of the Link Road has substantially increased in complexity and this variation was due to time spent by Connell Wagner on this work additional to the original scope of the consultancy.

Other scope increases or changed design requirements included (generally from south to north):

- Inclusion of adjustments to the existing Pacific Highway at the Watanobbi roundabout.
- Modifications to the Link Road formation to relocate proposed cycleway to an off-road facility.
- Alignment adjustments and redesign/relocation of a proposed future access intersection (roundabout) north of Porters Creek Wetland.
- Redesign of the Lakes Anglican Grammar School (LAGS) senior school roundabout to provide a single lane circulating facility in the Stage 1 construction of the Link Road.
- Alignment and realignment of the Link Road between the LAGS junior school access and Sparks Road, adjustment and readjustment of shoulder/kerb widths over this length.
- Development of a major signalised intersection at the Link Road connection to Sparks Road, with multiple auxiliary lanes for turning movements to/from Sparks Road.
- Provision for the development of Sparks Road to be compatible with future six lane configuration as proposed by the RTA.

Variation 19 (V19): - Additional Geotechnical Investigations - \$89,760.00 excl GST

Poor ground conditions, environmental conditions and restrictions that required the bridge to be built through PCW, in lieu of an on grade road, also determined that specialised Geotechnical investigation work and techniques had to be used in this area. For example, an area of the Wetland towards the southern end of the Bridge was inaccessible to standard geotechnical drilling rigs and equipment.

Specialised design requirements for the bridge piers and abutments also required specific Geotechnical investigation work to be undertaken.

The additional work covered under this variation was for extra geotechnical services that were required to inform the design through the wetland area.

Annexure 3 - (contd)**Explanation for Significant Variations****Variation 20 (V20): - Detailed Design Link Road Bridge - \$133,900.00 excl GST**

During the development of the Link Road design it was concluded that the construction of an on grade road (via either embankment or reinforced earth retained construction) where it passes through the existing PCW was a high risk proposition in terms of environmental impact, cost, design implications, constructability and long term serviceability issues.

This determination was based on the following key issues:

- costs and constructability issues associated with constructing a road through the poor ground conditions located within the wetlands
- significant environmental implications and requirements of PCW that need to be met.

Connell Wagner indicated that a bridge structure across the wetland offered the least risk, least environmental impact and best value for money option to Council and would maintain the desired environmental performance of the wetland far beyond what the construction of a road embankment would do. The bridge option was therefore accepted.

This initial bridge option was predominantly a concrete structure approximately 450m long, comprising a road deck 9m wide with a further footway and cycle way requirement, providing an overall bridge width in the order of 13.5m. Two 750 diameter water pipelines would be supported on the bridge structure.

The original scope of Connell Wagner's service was for local road design and construction on a given alignment with shallow road cuttings and routine embankment construction through wetland areas. The change from this local road to a bridge structure was a major variation to the original contract scope.

Due to time implications (a pre-commitment that Council had made to complete the northern section of the Link Rd adjacent to LAGS by first school term 2008) this variation also included time for Connell Wagner to expedite the design and documentation relating to the northern section to allow construction of this section first and the procurement strategy for the project was changed.

Variation 22 (V22) - Separate Design & Documentation - Link Road North - \$126,140.00 excl GST

The complexity of the Link Road section of the project increased substantially since the Connell Wagner Fee Proposal of May 2005. Specifically, the previous concept of a rural local road with shallow cuttings and low embankments (with culverts) through wetland areas, was replaced with a more heavily engineered concept involving bridges and retaining walls.

The impact of the bridge and the need for reinforced soil walls over a long length of the Link Road approaches has substantially contributed to additional time and effort in modifying and detailing the road geometry and associated design features.

Annexure 3 - (contd)**Explanation for Significant Variations (contd)**

A summary of the additional complexities or increased design tasks on the Link Road is as follows:

- Detailing of adjustments to the existing Watanobbi roundabout.
- Modification of bridge approach crossfalls to match one-way crossfall on bridge.
- Detailing reinforced soil wall profiles, standard reference points and bridge abutment returns.
- Adjustment of bridge horizontal and vertical alignments to provide constant radius curves in both planes. This was only possible with the resolution of the Water Main configuration on the bridge, with one either side removing the previous constraint to a constant radius horizontal curve.
- Design of the proposed Noise Wall on the eastern side of the Link Road south of the new Albert Warner Drive intersection.
- Separate detailing and alignment strings for off-road shared pathway remote from road formation.

Connell Wagner also undertook a number of additional tasks at the request of Council that required increased work and also rework during the final design. These items are summarised below:-

- Splitting of the road project into two distinct sections for separate construction contracts to enable early completion of the section of road from just south of the LAGS Senior School access to Sparks Road.
- Review of the traffic projections to assess the need for dual carriageways south of the LAGS School. This review resulted in down-time for the design process until the assessment was completed.
- The traffic review resulted in a change in scope for the road design between the LAGS Junior School and the LAGS Senior School entries. This resulted in rework of the well advanced final design for the northern section of the road.
- The decision to split the project into two construction contracts was subsequently reversed to provide the greater benefit to the community of the whole road rather than part of it. This review resulted in reorganisation of the drawings and recompilation of the drawings and documents into a combined contract.

This variation was submitted for additional design costs associated with Changed Scope of the Link Road Final Design.

Variation 36 (V36) - Additional Design Costs - Porters Creek Wetland Bridge - \$136,320.00 excl GST

Connell Wagner commenced the detailed design of a Super "T" girder bridge across the Porters Creek Wetland in lieu of the originally proposed conventional road embankment with culverts that was superseded by a reinforced earth retaining wall structure with culverts.

Annexure 3 - (contd)**Explanation for Significant Variations (contd)**

The consultant provided an initial estimate for this work which was approved as Variation No 20. Subsequent to this, the scope of the work changed to the design of an incrementally launched post-tensioned continuous section type girder bridge. This involved the consultant in considerable extra effort, enlistment of extra expert specialists knowledgeable in the design of such structures, and considerable extra time to complete the design.

The consultant had substantially completed the original Super "T" design when the decision was made to change the design to the incrementally launched post-tensioned girder bridge. The conversion to an incrementally launched structure was pursued on the basis of improved maintenance accessibility to the attached pipelines, its constructability and reduced impact on the wetland during construction.

The cost involved with this variation is for the extra work involved with the design of the bridge as an incrementally launched post-tensioned girder type bridge.

6.1 Central Coast Mariners Funding Report

TRIM REFERENCE: D01666143

AUTHOR: GM

SUMMARY

Reporting on a proposal to continue a joint partnership arrangement and renew and increase funding to the Central Coast Mariners for the 2009-10 season, including the Mariners involvement in the Champions League in Asia.

RECOMMENDATION

- 1** *That Council contribute \$200,000 towards sponsoring the Central Coast Mariners for the 2009 Champions League Trophy tournament and the 2009-10 A League competition subject to Gosford City Council and the Department of State and Regional Development each contributing \$200,000.*
- 2** *That Council allocate \$12,000 to Business Central Coast to project manage Council's investment in the Central Coast Mariners.*
- 3** *That Council require Business Central Coast in association with the Central Coast Mariners to provide a detailed report on the benefits to the Central Coast region by the Mariners participation in the Champions League Trophy, with this report to include any request for funding past the 2009-10 season.*

INTRODUCTION

In 2006, Council resolved to provide partnership funding together with Gosford City Council and the Department of State and Regional Development to the Central Coast Mariners. In the initial year both Gosford and Wyong Councils contributed \$100,000 in funding and the Department of State and Regional Development provided \$80,000. In the second year all three parties contributed \$100,000 each. This sponsorship allowed the branding of an elite sports team representing the Central Coast to be known as the Central Coast Mariners. The decision to sponsor the Mariners was considered brave and innovative by many astute commentators particularly when considering the size of the Central Coast community and a market that was dominated by Australia's biggest city, Sydney. This funding agreement ends in February 2009.

During the time of the partnership between Council and the Central Coast Mariners, the Mariners have consistently made the semi-finals of the national A league competition, including the current season and qualified to play in the Champions League in Asia over the coming three months. This competition alone will expose the Central Coast region to a worldwide audience of over 2 billion people.

Over the past three years Central Coast Mariners have realised annually a 4% increase in attendance at home games with an average crowd of approximately 11,000 people for the 2008-09 season, with the last home game attracting over 16,000 people to the stadium at Gosford.

It has been said that prior to the establishment of the Central Coast Mariners that the Central Coast, as a region lacked an identity and a community pride. It was often said that our neighbours to the north, Newcastle, had these characteristics; however the formation of the Central Coast Mariners has created an opportunity for the community of the Central Coast to unite behind the Mariners and deliver this sense of community pride, an opportunity that has been taken.

The Central Coast Mariners have developed a professional sporting club supported by a sound management team and a strong code of ethics. The Mariners support a number of local charities by arranging player attendance to fundraising activities, speaking engagements and guest appearances at community events. Many of the players and officials are regarded as excellent role models within the community, with many of the young children of the Central Coast aspiring to follow in the footsteps of these professional sportsmen and women.

During the period of the partnership, the Central Coast Mariners have forged many associations with local businesses that have generated a number of employment opportunities, for instance over 500 direct and indirect local jobs are attributed to the Mariners' home games. These jobs include security, catering, tourism and accommodation to mention a few.

The Mariners were formed in 2005 and since that time they had been a great ambassador for the Central Coast, they have provided a platform to promote tourism and economic development within the region and have captured the imagination and support of a vast majority of the residents of the Central Coast.

The Mariners have also established a well structured and well-run club that is the envy of all other clubs within the A league competition. The Mariners have established a network that feeds players from all over Australia into their club; they also have close links with major clubs in England, China and Korea. They have adopted a sound business plan that has resulted in an increase in membership and are currently seeking to establish their home at Club Tuggerah. This complex will have training fields, accommodation, office and function space, indoor swimming pool and gymnasium and space for allied professions such as physiotherapy and rehabilitation specialists. This project alone will create over 500 jobs during construction and over 100 permanent full time jobs upon completion of the project and an investment of over \$50m within Wyong Shire.

THE PROPOSAL

The current funding arrangement between Wyong Shire Council and the Central Coast Mariners ends at the completion of the current A league competition. As a result of the Central Coast Mariners being minor premiers at the end of the 2008-09 season they have qualified to compete in the Champion League to be conducted on a home and away basis throughout Asia and Australia. The draw for this competition was finalised in January 2009 and the Mariners will play home and away games against the Pohang Steelers (Korea), the Tianjin Teda (China) and the Kawasaki Frontale (Japan).

This competition will expose the Central Coast Mariners to a worldwide audience of over 2 billion people; initially this exposure will be to the Asian market however future replays of the games will be broadcast to Europe, America and many other locations throughout the world. This exposure to such a wide audience presents many opportunities for the Central Coast region and indeed Wyong Shire.

The Central Coast Mariners are requesting Wyong Council, Gosford City Council and the Department of State and Regional Development to each provide \$200,000 in sponsorship for the 2009-10 season which will include sponsorship of the club for both the Champions League competition in Asia and the 2009-10 A league competition.

In 2008 the South Australian government followed the Central Coast's initiative of supporting their local soccer club by providing a one-off payment of \$250,000 to Adelaide United to compete in last season's Champion's League (six games). Townsville City Council has recently allocated \$1m for the next three years to sponsor their city's entry into the A league competition and Canberra has allocated \$2.5m towards their city joining the competition in 2011. Based on these figures it would appear that the sponsorship sought by the Mariners is reasonable.

The participation of the Mariners within the upcoming Champion's League will realise many enormous opportunities for the Central Coast. It is most likely that the three home games will fill Bluetongue stadium at Gosford with over 20,000 supporters. It is estimated that up to 5,000 supporters from China, Japan and Korea could make the trek to Gosford to watch their respective away games. Should these figures be realised the investment of the tourist dollar to the Central Coast will be enormous. The exposure through the media will also result in a tremendous boost to the Central Coast as a region, both as a tourist destination and as an opportunity to develop a business.

The Department of State and Regional Development and Business Central Coast are currently making arrangements for a Central Coast trade delegation to accompany the Mariners to their Champion's league destinations in China, Korea and Japan. These delegates will seek to create contacts and links between businesses within these countries and businesses on the Central Coast.

Council sponsorship and support of the Mariners has created a unique opportunity to market the Central Coast as a desirable location to both live and work. The benefits of this partnership to Wyong Shire Council include the creation of jobs, the opportunity to both attract and develop businesses and social and community benefits when the Mariners attend community events, sporting events and hospitals.

Council also receives other ancillary benefits such as ground signage, an opportunity for jersey signage, exposure of the region throughout many of the media outlets and access to a corporate box where many of the new or proposed businesses to the Central Coast are invited to attend and experience the community pride and identity which is generated by the Central Coast Mariners.

The Mariners have indicated that they would prepare a report analysing the benefits to the Central Coast that have resulted from the Mariners inclusion into the Champions League and a detailed application for further funding to secure a long-term partnership between Wyong Council the Central Coast Mariners.

Council has previously engaged Business Central Coast to project manage Council's investment in the Mariners and should Council support the application for the 2009-10 season it is recommended that Council would again engage Business Central Coast to manage Council's interests and the provision for a further allocation of \$15,000 to undertake this task should made.

FUNDING

In 2008 Council resolved to cease funding of Business Central Coast but in doing so established a recurrent project budget of \$100,000 within the 2008-09 Management Plan for Council to partner with public or private organisations in projects that would promote the Shire. At present only \$12,000 of this funding has been allocated for the 2008-09 financial year. Accordingly the remaining \$88,000 is available and could be redirected towards sponsorship of the Mariners, together with the \$100,000 that would have been allocated in the 2009-10 Management Plan for project funding.

Should Council decide to support the funding of the Mariners an additional \$12,000 would need to be secured from general revenue for direct sponsorship of the Mariners and \$15,000 also from general revenue to provide for Business Central Coast to project manage the sponsorship of the Mariners on behalf of Council. This funding arrangement would need to be allocated in the 2009-10 Management Plan.

CONCLUSION

The Central Coast Mariners are recognized as the Central Coast's only National sporting team and as such there is no other person, company or team that has the opportunity to showcase the Central Coast not only to a local and national audience but also a worldwide audience through its participation in global sporting events such as the Champions League.

The Mariners have created an identity that the majority of residents of the Central Coast have embraced. Each year has seen growth in the number of people attending the games and club membership. The structure of the club is admired by competitors and one that other clubs within the A league aspire to equal.

The request by the Central Coast Mariners for Council to provide additional sponsorship for the upcoming Champions League Trophy and 2009-10 A league competition is an excellent opportunity for Council to not only commit its support to the region's only National sporting team but to also seize the opportunity that the Mariners entrance into the Champions League presents, by supporting the accompanying trade delegations that will display to the Asian and International markets both the tourist and economic opportunities that are present within the Central Coast region.

Council's sponsorship of the Mariners should be subject to both Gosford City Council and the Department of State and Regional Development providing similar sponsorship.

ATTACHMENTS

Nil.

11 February 2009

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Shire Services Department

7.1 Minutes of the Wyong Shire Senior Citizens' Council Meeting - 13 November 2008

TRIM REFERENCE: D01615472

AUTHOR: AE

SUMMARY

Council at its meeting on 14 March 2007 resolved to form a Wyong Shire Senior Citizens' Council and that the minutes be reported to Council.

RECOMMENDATION

That Council receive the Minutes of the Wyong Shire Senior Citizens' Council Meeting held on 13 November 2008.

BACKGROUND

On 13 February 2008 Council adopted the terms of reference and model charter for the Wyong Shire Senior Citizens' Council. The Senior Citizens' Council committee thereafter held meetings at four weekly intervals until November during 2008.

ATTACHMENTS

- 1 Minutes of Wyong Shire Senior Citizens' Council meeting of 13 November 2008

**MINUTES OF THE WYONG SHIRE SENIOR CITIZENS' COUNCIL MEETING
13 NOVEMBER 2008**

Location:	<i>Wyong Shire Council Civic Centre – Committee Rooms</i>	Date:	<i>13 November 2008</i>
Chair:	<i>Annette Evans</i>	Time:	<i>1.00pm – 4.00 pm</i>
Present:	<i>Juliet Axford, Luigi Bruni, Don Flint, Chris Brotherston, Bruce Pyke, June Goss, Alan Booth, John Cochrane, Bruce Kirkness</i>		
Apologies:	<i>Councillor Greg Best, Councillor Doug Eaton, Dorothy Brown, Patricia Parperis Dawn Thompson</i>		
Acknowledgement	<i>Acknowledge the Traditional Custodians of the land and pay our respects to the Elders both past and present</i>		
Declaration of Pecuniary Interest	<i>No significant conflict of interest issues noted by any members</i>		
Minute Secretary:	<i>Isabel Sutcliffe/Annette Evans</i>	Folder:	<i>F2008/00407</i>

Item	Description	Responsibility
1.	ADOPTION OF PREVIOUS MINUTES	
1.1	That the minutes of the meeting of 9 October be adopted as a true record. Moved: Bruce Pyke Seconded: Chris Brotherston	
2.	BUSINESS ARISING FROM PREVIOUS MINUTES	
2.1	Culture: There was general discussion regarding the new Arts Centre and it was agreed that action is needed regarding this. MOTION: Council's Cultural Planner to provide an update regarding funds and the time frame for implementing this project. Cultural Planner to be invited to attend Senior Citizens' Council meeting as soon as possible in the New Year. Moved: Juliet Axford Seconded: June Goss 'Mother and Son' Play follow-up: Patricia and Bruce attended the event which was organised to present cheques to the three organisational recipients and to say 'Thank You' to those who had volunteered to make the play work. They advised that it went very well. It was held at the Glass Dome Café, Budgewoi.	Annette Evans

MINUTES OF THE WYONG SHIRE SENIOR CITIZENS' COUNCIL MEETING 13 NOVEMBER 2008
(CONTD)

Item	Description	Responsibility
2.2	<p>Seniors' Week 2009</p> <p>Annette advised that the meeting with Darkinjung Elders – known as Potoryminbi Group – is yet to find a date. It was agreed that it is important to ask for representatives from the Elders' Group to participate in planning a joint activity for Seniors' Week.</p>	Annette Evans
2.2	<p>Seniors' Week – Other Issues</p> <ul style="list-style-type: none"> • An official letter has been sent to Wyong Race Club regarding the Special Day for Seniors' Card Holders (26th March 2009). • It was noted that 'Harmony Day' is being celebrated on 21 March 2009 and Toukley Senior Citizens' Club has organised an International Day of Dance. Other multi cultural-type activities will be encouraged. 	Alan Booth
2.3	<p>What are we doing</p> <p>A review of the strategies that have been or could be implemented to achieve proposed objectives will be considered at the December meeting:</p> <ul style="list-style-type: none"> - what has been achieved? - recommendations for the future? 	Information
2.4	<p>Modified Seating Project (*See note)</p> <p>The Senior Citizens' Council identified a need to explore alternative outdoor seating for public areas (e.g. outside shops, in parks, at beaches). It was recognised that current outdoor seating can sometimes be inaccessible to those with a limited range of movement.</p> <p>Annette advised that the attached Project Brief had been developed for consideration by High Schools in Wyong Shire.</p> <p>It was agreed that the deadline for student designers (Year 11) should be end 2nd term 2009 (June Long Weekend).</p> <p>It was suggested that the winning design could be submitted in the ABC TV - New Inventors Show 'Bright Spark' segment. This needs to be followed up.</p> <p>There was general discussion about how to display and celebrate the students' designs. Bruce suggested that once we have various seating designs to display then these would be used for an article to be submitted to the Seniors' Newspaper as well as local papers and local TV.</p> <p>Annette advised that Council's Communication Department state that they want good news stories in the making and this was something that they'd said they were interested in.</p>	Annette Evans

MINUTES OF THE WYONG SHIRE SENIOR CITIZENS' COUNCIL MEETING 13 NOVEMBER 2008
(CONTD)

Item	Description	Responsibility
2.5	<p>Media Update</p> <p>Seniors' Newspaper – Chris has contacted the Seniors' Newspaper office to obtain the closing date for publication of stories to introduce the Senior Citizens' Council. She has secured an interview with a NSW journalist at the offices which are located along Tuggerah Strait.</p> <p>It was asked if Council could have copies of the Seniors' Newspaper available. Annette to arrange for this.</p>	<p>Annette Evans & Chris Brotherston</p>
2.6	<p>Transport</p> <p>Bruce submitted his Draft report regarding transport needs in the Shire. There was discussion regarding where to proceed from this point. All SCC members should read the document and decide if they would accept a motion to submit the proposal to the Bus Enquiry on behalf of the SCC. Bruce stated that there needed to be more detail to finalise the report. All comments gratefully received.</p>	<p>Bruce Pyke</p>
3.	<p>Guest Speaker - Recreation Planner, Wyong Shire : Boyd MacMillan</p>	
3.1	<p>Boyd gave background information about recreation. He commented that the most commonly referred to recreational activity is walking and "Walking for Leisure" groups are very popular on the Coast. Boyd asked a series of questions including what the favourite places were for people to engage in recreational activities so that he could begin mapping locations around Wyong. He also asked about any obstacles that preclude recreational activity. The results of all consultations will be used as the basis for developing a recreational Strategy for Wyong Shire.</p>	<p>Information</p>
4.	<p>CORRESPONDENCE</p>	
4.1	<p>Correspondence - Out</p> <ul style="list-style-type: none"> • Modified Seating Project Group • New Inventors' Letter • Race Club <p>Moved: Bruce Pyke Seconded: Juliet Axford</p>	

MINUTES OF THE WYONG SHIRE SENIOR CITIZENS' COUNCIL MEETING 13 NOVEMBER 2008
(CONTD)

Item	Description	Responsibility
4.2	Correspondence - In <ul style="list-style-type: none"> • DADHC – Seniors' Week Application acceptance • Northern Sydney Central Coast Area Health Community Participation Committee re Community seminar on 19 November • Emails: Northlakes; Gorokan and St Peters' High Schools re Modified Seating Project. Moved: Juliet Axford Seconded: Bruce Pyke	
5.	INFORMATION SHARING	
5.1	Medical tourism	John Cochrane
6.	NEXT MEETING	
	Wednesday 17th December 2008 1:00pm - 4:00pm. Bring a Plate of Xmas/End of Year Cheer Blue Haven Community Centre	

***Note**

The Senior Citizens Council recognised that current outdoor seating can sometimes be difficult to use by people with a limited range of movement and was exploring the possibility of working with local school students to design alternative outdoor public seating that accommodates the needs of the whole community.

8.1 Information Reports

TRIM REFERENCE: D01637179

SUMMARY

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

RECOMMENDATION

That Council deal with the following information reports by the exception method.

ATTACHMENTS

Nil.

8.2 Response on a Notice of Motion on the Private Members Bill to Stop the Coal Mine

TRIM REFERENCE: D01477922

SUMMARY

Response received from the Federal Member for Dobell, Mr Craig Thomson MP on the Private Members Bill to Stop the Coal Mine.

RECOMMENDATION

That Council receive the report on Response on a Notice of Motion on the "Private Members Bill to Stop the Coal Mine".

BACKGROUND

Council at its meeting held on 27 August 2008 considered a Notice of Motion on the Private Members Bill to Stop the Coal Mine. At that meeting, it was resolved as follows:

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

That Council reiterate its request to the Member for Dobell for the provision of a draft of his promised Private members Bill to Stop the Coal Mine and an indication of its timing."

Correspondence has now been received from the Federal Member for Dobell, Mr Craig Thomson MP. The response mentions that the application is to be dealt with by the NSW State Government and that if it is approved he would then formulate and initiate the Private Members Bill to the Federal Government.

A question has arisen as to whether "the application" has been formally lodged. The project has been declared a 'major' project under Part 3A of the Environmental Planning and Assessment Act, 1979. The Minister for Planning is now the consent authority for determination of the application.

The assessment process under Part 3A is significantly different to that under Part 4 (Development Applications normal considered and determined by Council) of the Environmental Planning and Assessment Act, 1979. The steps are:

- 1 Initial Application;
- 2 Director General (DG) Environmental Assessment requirements;
- 3 Proponent prepares Environmental Assessment Document;
- 4 Public Exhibition, Consultation and review;
- 5 Consideration of submissions and formal assessment;
- 6 Independent Inquiry (Optional);
- 7 Assessment Report; and
- 8 Determination.

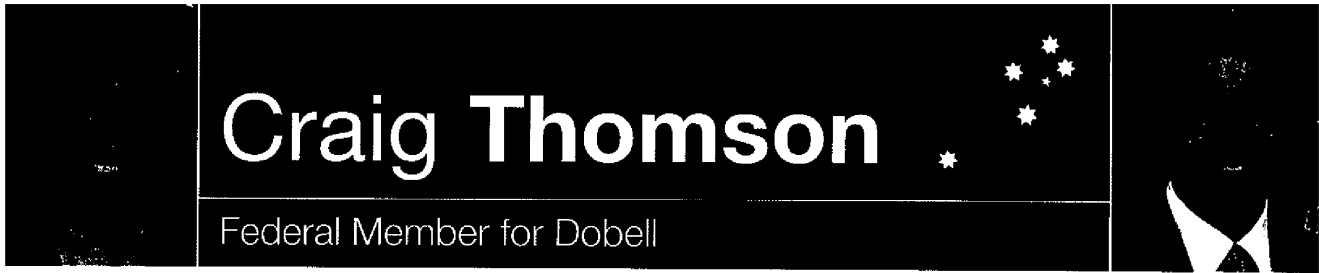
Inquiry with the Department of Planning (DoP) has established that the initial application has been lodged with the Department. It is also understood, the application is at the stage of awaiting the issue of the DG's requirements.

Therefore, as seen from the brief description above for all intent and purposes, the application has been lodged and as mentioned by the Federal Member, will follow a legal process as set by legislation through to determination. Whilst this process is quite different to the development application process, particularly in terms of the Minister's determination, it provides similar opportunity for public exhibition and consideration of the relevant technical issues.

Attached to this report is the response from Craig Thomson MP Federal Member for Dobell.

ATTACHMENTS

1. Correspondence from Craig Thomson MP, Federal Member for Dobell



17 November 2008

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

Dear Mr Yates

Regarding your correspondence dated 24 October 2008 re "Private Members Bill to Stop the Coal Mine". In this correspondence it indicates that the Council resolved on the 28 August 2008:-

"That Council reiterate its request to the Member for Dobell for the provision of a draft of his promised Private members Bill to Stop the Coal Mine and an indication of its timing."

I am sure that Wyong Council is aware that at this stage the issue of the Kores Mining application is to be dealt with by the NSW State Government. It is also my understanding that the Kores development application is a legal application and therefore under NSW State processes must be dealt with fairly and openly. This is no different to any legal development application lodged with Wyong Council.

If at the completion of the State processes the Kores Mine receives an approval to proceed with the construction of the mine, then and only then will I formulate and initiate my Private Members Bill to the Federal Government. To try and interfere with the due processes that are currently being progressed by the State Government at this time would be totally inappropriate.

Yours faithfully

Craig Thomson, MP

PO Box 5253 CHITTAWAY BAY, NSW 2261
Phone: (02) 4351 1223 Fax: (02) 4353 6480 Email: Craig.Thomson.MP@aph.gov.au

8.3 Tip Rehabilitation Program

TRIM REFERENCE: D01540575

SUMMARY

This report records the current status of Wyong Shire's Tip Rehabilitation program.

RECOMMENDATION

That Council receive the report on the Tip Rehabilitation Program.

BACKGROUND

At its meeting held on 27 August 2008, it was resolved unanimously on the motion of Councillor EATON and seconded by Councillor BEST:

"That Council report on the Tip Rehabilitation Program including number, location and material contained in yet to be rehabilitated old tip sites, costs and estimated costs of rehabilitation funding of such work and impact on the residential garbage charge."

A closed landfill site is defined as an area of land where waste materials were received and buried over a period of time. Council is committed to remediating closed landfills (tips) in a sustainable manner, to ensure they have no negative impact on the surrounding environment. Tip rehabilitation costs are significant and are paid for by creating Tip Rehabilitation Reserves in which the equity is built up from revenues raised from Buttonderry Waste Management Facility and the Domestic Waste Management Charge.

In light of recent events at Gwandalan closed landfill, the tip rehabilitation program works have been expedited. This report provides information to address the above Resolution for sites used in Wyong Shire as landfills in the past that have now ceased to receive waste.

Location of Landfill Sites

There are seven closed landfills in the Shire. They are located at Bateau Bay, Mardi, Gwandalan, Shelly Beach, Tumbi Umbi, Warnervale and Toukley. Table 1 provides details on each site and the type of waste landfilled.

Table 1 Details of Landfill Sites

Closed Landfill	Location	Material Land filled
Bateau Bay	Passage Road , Bateau Bay	Domestic Waste ⁽¹⁾
Mardi	McPherson Road, Mardi	Commercial ⁽²⁾ and Domestic Waste
Gwandalan	Kanangra Drive, Crangan Bay	Domestic Waste ⁽¹⁾
Shelly Beach	Oaks Ave, Toowoan Bay	Domestic Waste ⁽¹⁾

Closed Landfill	Location	Material Land filled
Tumbi Umbi	Bellevue Road, Tumbi Umbi	Predominantly vegetation waste ⁽³⁾
Warnervale	Sparks Rd, Woongarra ⁽⁴⁾	Predominantly vegetation waste ⁽³⁾
Toukley	Wilfred Barrett Drive, Norah Head	Sewerage sludge ⁽⁵⁾ , landfilling and stockpiling from Council activities and reportedly Building Waste ⁽⁶⁾ in the 1940's to 1960's

Notes:

- ⁽¹⁾ Domestic Waste typically consists of general household waste, litter bins waste, food waste, packaging, furniture, white goods
- ⁽²⁾ Commercial Waste typically consists of food waste, packaging, office waste, building materials
- ⁽³⁾ Vegetation waste consists of tree branches, grass clippings and timber
- ⁽⁴⁾ Informal filling of the site predominantly during the 1970's.
- ⁽⁵⁾ Sewerage sludge from Toukley Treatment Works
- ⁽⁶⁾ Building Waste typically consists of bricks, concrete, timber, steel

It must be noted that the above closed landfills were operated prior to the implementation of recycling programs. As a result, all closed landfills, except Tumbi Umbi, Warnervale and Toukley, also contain significant quantities of paper, cardboard, plastics and glass. All closed landfills contain vegetation and timber. The Warnervale and Tumbi closed landfills were restricted to vegetation waste generated by Council's operations and were not officially used by the public. Toukley is the only landfill that contains significant amounts of sewerage sludge.

Contaminated Land Management Act

The Contaminated Land Management Act was gazetted in 1997 and is administered by the Department of Environment and Climate Change. The general objective of the Act is to establish a process for investigating and, where appropriate, remediating land where contamination presents a significant risk of harm to human health or the environment.

Contamination of land means the presence of a substance found in higher concentrations than normally present in the same locality and where the presence of this substance presents a risk.

Under this Act, the Department of Environment and Climate Change (DECC) can declare a site an investigation area or a remediation site, and order an investigation or remediation of the land.

As an alternative to DECC issuing an investigation or remediation order, Council can furnish DECC with a proposal to remediate land that it considers to be contaminated.

Council has developed a voluntary rehabilitation program that includes three stages for each closed landfill site. This program was initially formulated in 2004. Stage 1 involves the detailed assessment and investigation of the sites to determine the extent of the potential contamination and environmental hazards present. A Remedial Action Plan (RAP) and detailed designs, based on the hazards identified, are prepared in Stage 2. Rehabilitation and remediation in accordance with the RAP and detailed designs are undertaken in Stage 3.

Status of the Rehabilitation Program

All closed landfills have been assessed and prioritised in terms of environmental and health risks. The closed landfill at Bateau Bay has received a high rehabilitation priority due to its proximity to residential areas. Mardi and Gwandalan closed landfills received the second highest priority, followed by Shelly Beach, Tumby and Toukley closed landfills. Warnervale has also received high priority as the remediation of the site is critical for the development of the proposed Warnervale Town Centre.

Detailed designs were prepared for Bateau Bay in 2005 and remediation works are currently underway. The rehabilitation of Bateau Bay is scheduled for completion in September 2009.

Assessment and investigation works have been completed at the Mardi closed landfill site. The Remedial Action Plan and concept design for the rehabilitation work will be prepared in 2008-09, with remediation work to commence during 2011-12.

Investigation of the Warnervale closed landfill site has been completed and the Remedial Action Plan will be finalised by June 2009.

Investigation of Gwandalan, Shelly Beach and Tumby closed landfills will be completed in 2008-09 and the Remedial Action Plan and detailed designs for the rehabilitation work finalised in 2009-10. Investigation of Toukley closed landfill is scheduled for 2009-10 and development of Remedial Action Plan and detailed designs for 2011-12. Progressive rehabilitation will occur in order of priority, ie Gwandalan (2010-11), followed by Mardi (2011-13), Shelly Beach (2013-14) Tumby Umbi (2014-15) and Toukley (2015-16).

Staged rehabilitation of the various sites has been adopted due to the significant resource and cost commitment associated with rehabilitating each site. These sites have existed for decades and, while in need of remediation, are not presenting immediate risks that warrant the additional cost of expediting works beyond what can be achieved by efficient use of Council's resources.

Table 2 (Attachment 2 to this report) provides a summary of the rehabilitation program, timeframes and estimated costs. With the exception of Bateau Bay closed landfill, all costs are preliminary, with the final cost dependent upon the extent of work required once detailed designs are prepared and tenders called. Costs that could be estimated with a higher level of confidence are shown in bold.

The cost of the investigation constitutes approximately 10% of the total cost of the remediation of each closed landfill. The cost of the remediation is dependent on the type, complexity and severity of hazards present. Costs can therefore vary significantly, which is shown by the cost range in Table 2. The cost allocated for the remediation of the closed landfills includes the construction of informal recreation areas featuring walking trails, picnic areas and landscaping.

Impact on Domestic Waste Management Charge and Tipping Fees

The current Tip Reserve Funds will be used to fund extraordinary clean up costs for Gwandalan, Shelly Beach and Tumby closed landfills and additional costs for the Bateau Bay closed landfill. As a result, this Reserve will be exhausted at the end of 2008-09 and Council will need to rebuild the funds to meet future tip remediation costs. The financial model for waste has shown that sufficient revenue will accumulate to fund and complete the remediation works in accordance with Council's rehabilitation program.

The rehabilitation of closed landfills is funded from income received from the Domestic Waste Management Charge, revenue from commercial bin customers, revenue from the

Buttonderry Waste Management Facility (BWMF) and internal waste program loans (existing waste reserves designated for future use to construct new cells).

Since approximately 1999 funds have been accumulated towards the rehabilitation of closed landfills. The current Domestic Waste Management Charge of \$295 per household includes approximately \$33 as a contribution towards the Tip Rehabilitation Program. Table 3 shows the Domestic Waste Management Charge between 2007-08 to 2008-09 and the proposed Charge for 2009-10 including the contribution to tip rehabilitation.

The proposed tipping fee increases for 2009-10 are shown in Table 4, together with some comparative prices from a landfill in Gosford and one in Sydney. The current tipping fees for mixed waste of \$125.40 per tonne include \$10 towards the Tip Rehabilitation Program. This contribution is expected to increase to \$17 per tonne in 2009-10 until 2017-18.

Table 3 Domestic Waste Management Charge (DWMC)

	2007-08	2008-09	2009-10 (proposed)
Contribution to tip rehabilitation	\$ 27	\$ 33	\$ 40
Balance of costs*	\$254	\$262	\$281
Total DWMC	\$281	\$295	\$321

Notes:

¹ 2009 - 10 amounts are expressed in 2008 dollars

* Including collection services, composting of green waste, tipping fees of domestic waste and levy.

Based on the above costs, it is anticipated that the proposed contribution to tip rehabilitation for 2009/10 is \$40. The increase from currently \$33 per tonne to the proposed \$40 is due to the inclusion of Warnervale and Toukley closed landfills in the rehabilitation program. This amount will remain at this level until 2017-18 when no further rehabilitation costs will be incurred. It is expected that an ongoing maintenance and monitoring budget of about \$200,000 per annum will be required. This allocation will be included in the financial model and the asset management plan as an operational budget for closed landfills. The level of monitoring of the remediated landfills will vary depending on the specific rehabilitation design and methodology adopted. The operational budget for closed landfills will be partially funded from revenue from the BWMF (approximately \$0.70 per tonne) and partially from the DWMC (\$1.60 per household).

Table 4 Comparative Tipping Fee Increases

Components of Mixed Waste Fee	2008-09			2009-10 ⁴		
	WSC ¹	GCC ²	Kimbriki ³	WSC	GCC	Kimbriki
DECC levy	\$40.00	\$40.00	\$46.70	\$51.70	\$51.70	\$58.10
Operational and other costs	\$85.40	Not available	Not available	\$100.30	Not available	Not available
Total (incl GST)	\$125.40	\$141.42	\$145.00	\$152.00 (proposed)	\$156.16	\$159.35

Notes:

¹ WSC = Buttonderry Waste Management Facility mixed waste rate

² GCC = Gosford City Council – Woy Woy mixed waste rate

³ Kimbriki = Sydney Landfill Site

⁴ 2009-10 figures shown for GCC and Kimbriki are based on a 3% growth for CPI indexation and appropriate levy increase.

In order to ensure sufficient funds are available to undertake the remediation of all closed landfills in accordance with the programs in Table 2, to undertake capital works at the BWMF and other waste programs, tipping fees for mixed waste must be raised to \$152 per tonne.

Only waste disposed at Buttonderry attracts a contribution to tip rehabilitation through tipping fees. Recyclables and vegetation do not attract the tip rehabilitation component. As a result, customers of BWMF who apply waste separation and maximise recycling will be able to minimise the financial impact of tip rehabilitation fees. The transfer and recycling area at BWMF is currently being upgraded to enhance recycling opportunities for residents.

ATTACHMENTS

- 1 Table 2 Rehabilitation Program

Table 2 Rehabilitation Program

Closed Landfill Site	Rehabilitation Program	Budget 08/09 \$000,	Estimate cost 2009/10 \$000,	Estimate cost 2010/11 \$000,	Estimate cost 2011/12 \$000,	Estimate cost 2012/13 \$000,	Estimate cost 2013/14 \$000,	Estimate cost 2014/15 \$000,	Estimate cost 2015/16 \$000,
Bateau Bay	Rehabilitation	\$2,191							
	Construction of playing fields	\$2,947	\$1,500						
Mardi	Detailed Design	\$250							
	Rehabilitation				\$1,000 - \$2,000	\$3,000 - \$5,000			
Gwandalan	Investigation	\$250							
	Detailed Design		\$250						
	Rehabilitation			\$4,000 - \$7,000					
	Finalisation of Rehabilitation				\$1,000 - \$2,000				
	DECC Clean-up cost and tipping fees ¹	\$2,251							
Tumbi Umbi	Investigation	\$200							
	Detailed Design		\$200						
	Rehabilitation							\$3,000 - \$4,000	
	Clean up of dumped waste and tipping fees ²	\$104							

Closed Landfill Site	Rehabilitation Program	Budget 08/09 \$000,	Estimate cost 2009/10 \$000,	Estimate cost 2010/11 \$000,	Estimate cost 2011/12 \$000,	Estimate cost 2012/13 \$000,	Estimate cost 2013/14 \$000,	Estimate cost 2014/15 \$000,	Estimate cost 2015/16 \$000,
Shelly Beach	Investigation	\$250							
	Detailed Design		\$250						
	Preliminary Rehabilitation	\$300							
	Rehabilitation						\$3,000 -\$5,000		
Warnervale	Rehabilitation ³		\$500 – \$1,000	\$2,000 -\$3,000					
Toukley	Investigation		\$250						
	Detailed design			\$250					
	Rehabilitation								
Total		\$8,743	\$2,950 - \$3,450	\$6,250 - \$10,250	\$2,000 - \$4,000	\$3,000 - \$5,000	\$3,000 - \$5,000	\$3,000 - \$4,000	\$3,000 - \$4,000

Notes:

- ¹ The Waste Program is funding the clean up work for Gwandalan closed landfill. The clean up costs of \$2,250,873 include tipping fees of \$1,164,954.
- ² The Waste Program is funding the clean up work for Tumby closed landfill. The expected final costs of the Tumby clean up including tipping fees is approximately \$104,000.
- ³ \$200,000 have been spent to date to undertake investigation works at the site and to develop the Remedial Action Plan which was funded from the sale of land. This amount is not shown in Table 2 as it only shows costs funded from the Waste Program. The remediation of the site, however, will require funding from the Waste Program and has therefore been included in Table 2 and the Financial Model.

8.4 Investments for December 2008

TRIM REFERENCE: D01614745

AUTHOR: HS

SUMMARY

The following report provides details of Council's investments as at 31 December 2008.

RECOMMENDATION

That Council receive the report on Investments for December 2008.

BACKGROUND

November 2007

There was a negative return in the Enhanced Income Sector of the portfolio, due in the main to flow on effects of the collapse in the US sub-prime mortgage market.

March 2008

There was a sudden and apparently permanent increase in the credit spread, which represents the difference between the interest rates applicable to credit-rated securities compared with interest rates on Government securities. This means that the interest rates applicable to credit-rated securities are higher, resulting in investment returns on existing securities falling.

July 2008

A fall in credit-rated securities values resulted from market concerns about the stability of major US financial institutions.

September 2008

Significant events occurred in world financial markets, requiring a substantial injection of funds by the central banks of the advanced economies. The major investments of Council's current portfolio which contributed to the poor performance for the month were:

CURRENT STATUS

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy.

As at 31 December 2008 Council's total investments were as follows:

Table 1

	December 2008	Year-to-Date Returns
	\$ '000	%
Cash at Call	31,184	6.50
Term Deposits	18,885	6.14
Cash Plus Funds	15,099	(2.65)
Cash Management Funds	34,058	(8.08)
Enhanced Income Funds	12,587	(10.76)
Total Investments	111,813	(2.03)

In November 2008 the balance held in the Perennial Cash Enhanced Fund and the QIC Cash Enhanced Fund (\$4.7 million in total) was liquidated on advice from Council's investment advisor CPG Advisory (formerly Grove Research and Advisory Pty Ltd). Perennial and QIC Funds were showing signs of decreasing liquidity and the associated fund management actions gave rise to concern that Council's risk may rise beyond acceptable levels.

In December 2008, Council invested \$10m total in Term Deposits with IMB and BankWest for periods of 60 days and 90 days respectively. These funds were withdrawn from the ANZ High Yield Cash Account to reduce Council's exposure to variable rates by reducing "cash at call".

Investment transactions, and earnings, for the last quarter were:

Table 2

	July to Sept	Oct	Nov	Dec	Year to Date	Full Year Projected
	\$m	\$m	\$m	\$m	\$m	\$m
<i>Movement in Assets</i>						
Opening Balance	115.41	104.79	93.99	98.75	115.41	115.41
Capital Gain/(Loss)	(2.21)	(1.11)	(0.46)	(0.76)	(4.77)	(4.77)
Net Cash/Investments(Withdrawals)	(8.41)	(9.69)	5.45	13.82	1.17	(5.14)
Closing Balance	104.79	93.99	98.75	111.81	111.81	105.50
<i>Trading Position</i>						
Capital Gain/(Loss)	-	-	(0.23)	-	(0.23)	(0.23)
Capital Gain/(Loss) Unrealised	(2.21)	(1.11)	(0.46)	(0.76)	(4.54)	(4.54)
Interest Earnings	1.99	0.67	0.27	0.46	3.39	5.13
Total Return for Period	(0.22)	(0.44)	(0.42)	(0.30)	(1.38)	0.36

Movements in investment values are partly due to assessed losses in capital values that are only realised if council exits any particular investment or if institutional failure occurs.

World financial markets volatility warranted Council adopting a conservative “wait and see” policy in respect of investments until near Christmas 2008. Moves by the Federal Government to ensure confidence in financial markets made it prudent to shift investments into the protected banking sector where it was possible and practical.

Council’s investment “trading” position is a mix of capital gain (loss) and interest earned. The table reflects a satisfactory performance of the portfolio in terms of interest returned to Council despite the unrealised capital losses.

Currently the BlackRock Diversified Credit Fund is reflecting \$1.53m unrealised losses making up 33% of Council’s current status. In November 2008 Council’s total interest in this fund was transferred into the Black Rock Care and Maintenance Fund which will hold the existing Black Rock assets until maturity. Council is assured this process will result in most of the reported unrealised capital losses on this fund being reversed.

It is anticipated the Black Rock Care and Maintenance Fund will close by November 2018.

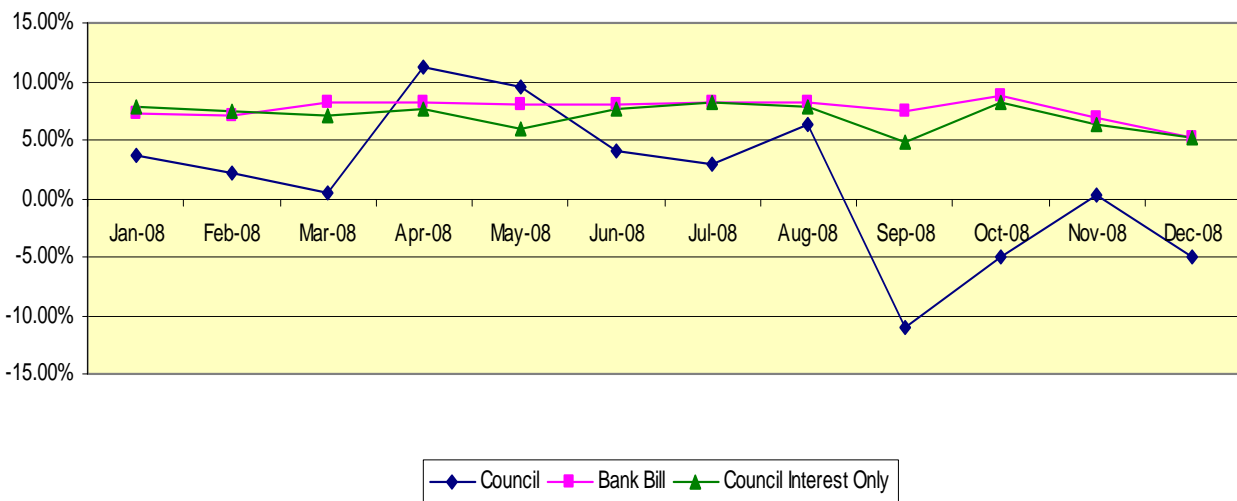
The total unrealised capital loss in for December was \$762,152 of which \$394,617 related to the Black Rock Care & Maintenance Fund. Due to capital losses the overall investment return remained negative for the fourth month running.

Monthly Annualised Returns

Councils overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This index is in common use among councils and is a measure of the top rated reliable cash rates. Using the index for Council establishes a minimum performance comparison.

A graph detailing the monthly return on a twelve monthly basis is as follows:

**Monthly Annualised Returns (Interest and Capital Movements)
Portfolio Performance Comparison to UBSA Bank Bill Index**



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held at 31 December 2008 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

Whilst Council's trading position shows accumulating unrealised loss of capital value, the portfolio's ability to "ride-out" the market volatility remains strong due to a diversified, low risk management approach. Continuing that direction is essential for minimising long term actual loss and loss of interest income.

ATTACHMENTS

Nil.

8.5 Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire

TRIM REFERENCE: D01615158

AUTHOR: KLH

SUMMARY

This report is in response to a resolution of Council dated 27 August 2008 regarding the establishment of a GP Super Clinic in Northern Wyong Shire.

RECOMMENDATION

That Council receive the report on Availability of Land for GP Super Clinics and other Medical Centres within Wyong Shire.

Council at its meeting held on 26 November 2008 resolved as follows:

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

That Council staff report on the availability of zoned land in the shire for large medical centres such as the proposed GP Super Clinics.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.”

A report on the GP Super Clinic program was considered by Council at its meeting held on Wednesday, 22 October 2008. At that meeting, it was resolved that proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the GP Super Clinic. As a result, Council's Future Planning Unit prepared a GP Super Clinic Fact Sheet, which is available to the public on Council's website.

BACKGROUND

GP Super Clinics are health centres that will allow privately practising GP's and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care tailored to the needs of the local community.

Over five years from 2007-08 the Federal Government has committed \$275m to establish GP Super Clinics in 31 localities across Australia. The Government has targeted the north of the Central Coast for one of these GP Super Clinics, and allocated up to \$2.5m towards this facility. The North Central Coast Invitation to Apply process is currently being undertaken and no decision on a preferred applicant has been made. An announcement is expected to be made by early March 2009.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off Wyong Hospital's emergency department, which is one of the busiest in NSW.

Similarly, a large Medical Centre will also take pressure off Wyong Hospital, as well as providing improved access to medical services within the Wyong Shire area.

IS THERE SUFFICIENT APPROPRIATELY ZONED LAND IN WYONG SHIRE?

The following information is provided regarding the permissibility of a GP Super Clinic or similar large Medical Centre within the Wyong Shire area:

Wyong Local Environmental Plan 1991

Wyong LEP 1991 defines a **medical centre** as “a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause.”

Medical Centres are only permissible in the 3(a)(Business Centre Zone) and 3(b)(Centre Support Zone) under the Wyong LEP 1991. There is 97ha of land zoned 3(a)(Business Centre Zone) and 32ha of 3(b)(Centre Support) within Wyong Shire. The distribution of this land is shown in Attachment 1.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 defines a **health services facility** as “a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) Day surgeries and medical centres,
- (b) Community health service facilities,
- (c) Health consulting rooms,
- (d) Facilities for the transport of patients, including helipads and ambulance facilities,
- (e) Hospitals.”

Clause 57(1) of *SEPP (Infrastructure) 2007* enables the development of health services facilities by any person, with the consent of Council, in zones which would otherwise prohibit such proposals under the *Wyong LEP 1991*. However, *SEPP (Infrastructure) 2007* can only be utilised for this purpose if the land is within a Prescribed Zone or a zone which is equivalent to a Prescribed Zone. Fifteen Prescribed Zones are listed in Clause 56 of *SEPP (Infrastructure) 2007*.

However, as these Prescribed Zones utilise the *Standard Instrument—Principal Local Environmental Plan* zones, they are not aligned with *Wyong LEP 1991* zones. Please see Table 1 for general suggestions as to equivalent zones under the *Wyong LEP 1991*. This information is based on the equivalency of zone objectives and permissible uses to one of the Prescribed Zones as listed under *SEPP (Infrastructure) 2007*. It should be noted that there are extensive areas of land available in Wyong Shire, which are zoned under *Wyong LEP 1991*, and which are equivalent to the prescribed zones listed in Table 1.

TABLE 1: Possible equivalent zones to SEPP (Infrastructure) 2007 – Prescribed Zones

SEPP (Infrastructure) 2007 – Prescribed Zones		Wyong LEP 1991 – Equivalent Zones	
(a)	<i>RU4 Rural Small Holdings</i>	→	No equivalent zone.
(b)	<i>RU5 Village</i>	→	<i>1(d) Village</i>
(c)	<i>RU6 Transition</i>	→	No equivalent zone.
(d)	<i>R1 General Residential</i>	→	<i>2(b) Multiple Dwelling Residential</i> <i>2(e) Urban Release Area</i>
(e)	<i>R3 Medium Density Residential</i>	→	<i>2(c) Medium Density Residential Zone</i>
(f)	<i>R4 High Density Residential</i>	→	<i>2(d) High Density Residential Zone</i>
(g)	<i>R5 Large Lot Residential</i>	→	<i>7(c) Scenic Protection Small Holdings</i>
(h)	<i>B2 Local Centre</i>	→	<i>3(a) Business Centre</i>
(i)	<i>B3 Commercial Core</i>	→	<i>3(a) Business Centre</i>
(j)	<i>B4 Mixed Use</i>	→	No equivalent zone.
(k)	<i>B5 Business Development</i>	→	<i>3(b) Centre Support</i>
(l)	<i>B6 Enterprise Corridor</i>	→	No equivalent zone.
(m)	<i>B7 Business Park</i>	→	<i>4(c) Business Park</i>
(n)	<i>SP1 Special Activities</i>	→	No equivalent zone.
(o)	<i>SP2 Infrastructure</i>	→	No equivalent zone.

Note: The equivalent zones listed above are suggestions only, based on the equivalency of zone objectives and permissible uses, and have not been formally adopted by Council. Therefore, the onus will be on an applicant to demonstrate that the objectives and permissible uses of a particular zone are equivalent to one of the Prescribed Zones.

For example, Council has received numerous enquiries about locating a GP Super Clinic on land zoned 10(a)(Investigation Precinct Zone) in the Warnervale area. This zoning does not align with any of the prescribed zones listed in *SEPP (Infrastructure) 2007*. Therefore, any proposed GP Super Clinics within the 10(a) zone cannot be approved under *SEPP (Infrastructure) 2007*.

The amount of land within these equivalent zones is listed as follows:

	Equivalent Zone	Amount of Land (ha)
(a)	<i>1(d) Village</i>	→ 54 ha
(b)	<i>2(b) Multiple Dwelling Residential</i>	→ 1204 ha
(c)	<i>2(c) Medium Density Residential</i>	→ 121 ha
(e)	<i>2(e) Urban Release Area Zone</i>	→ 606 ha
(f)	<i>2(d) High Density Residential Zone</i>	→ 14 ha
(g)	<i>3(a) Business Centre</i>	→ 97 ha
(h)	<i>3(b) Centre Support</i>	→ 32 ha
(j)	<i>4(c) Business Park</i>	→ 55 ha
(k)	<i>7(c) Scenic Protection Small Holdings</i>	→ 1496 ha

State Environmental Planning Policy (Major Projects) 2005

SEPP (Major Projects) 2005 shares the same definition of **health services facility** as *SEPP (Infrastructure) 2007*. *SEPP (Major Projects) 2005* also defines a **medical centre** as *business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.*

The Warnervale Town Centre, Wyong Employment Zone (WEZ) and Rosecorp Group's Gwandalan site are the only sites within Wyong Shire that are zoned under *SEPP (Major Projects) 2005*. These are considered to be State Significant Sites. Medical centres are permissible in the Warnervale Town Centre site in the B2 Local Centre zone only. Medical centres are not permitted in any zone within the WEZ or Rosecorp Group's Gwandalan site.

Relationship of SEPP (Infrastructure) 2007 to SEPP (Major Projects) 2005

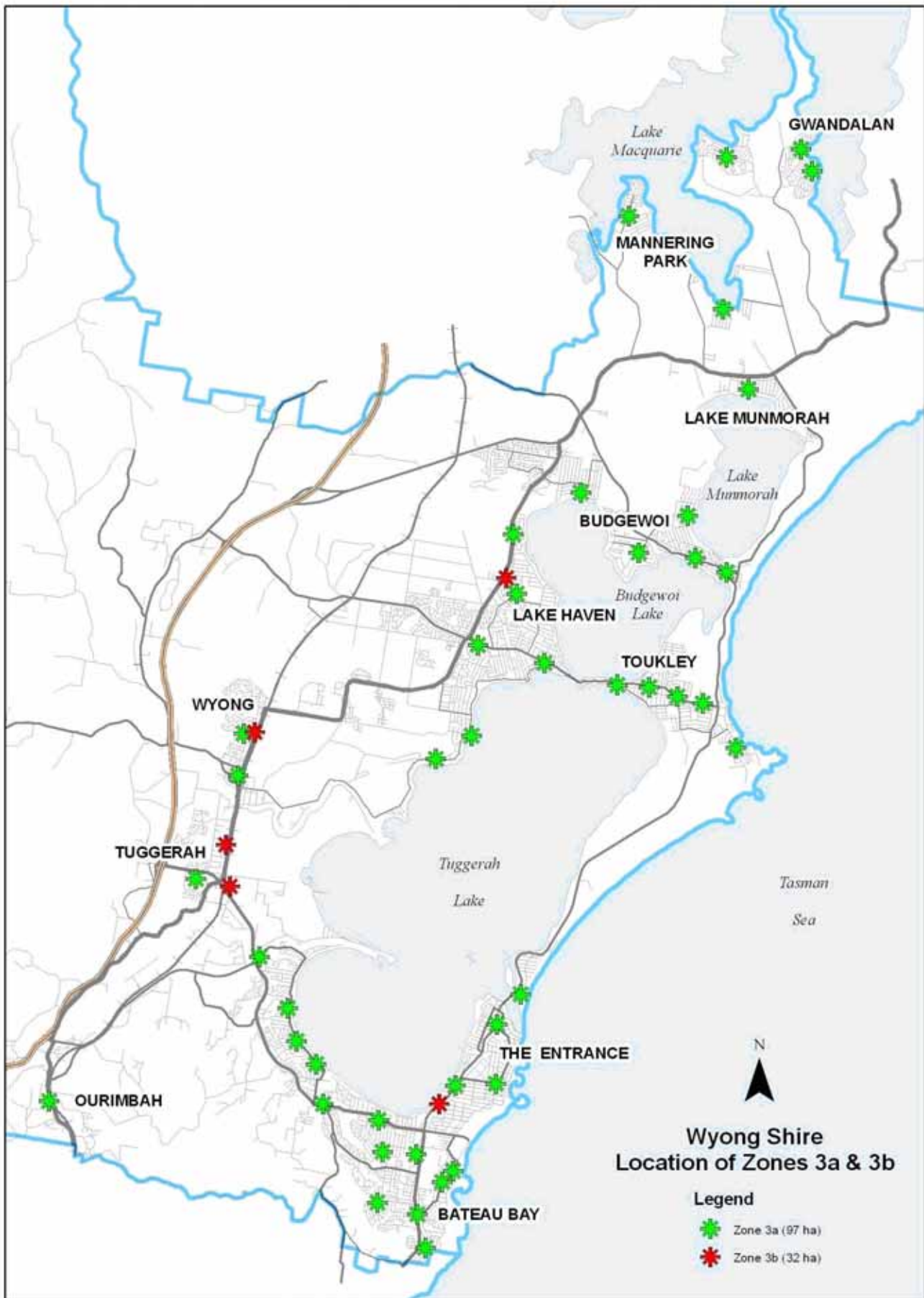
In the event of any inconsistencies, *SEPP (Infrastructure) 2007* cannot be utilised on land subject to *SEPP (Major Project) 2005* zoning. Therefore, if an applicant wishes to locate a Medical Centre within the Warnervale Town Centre site, the site would need to be located within the B2 Local Centre zone.

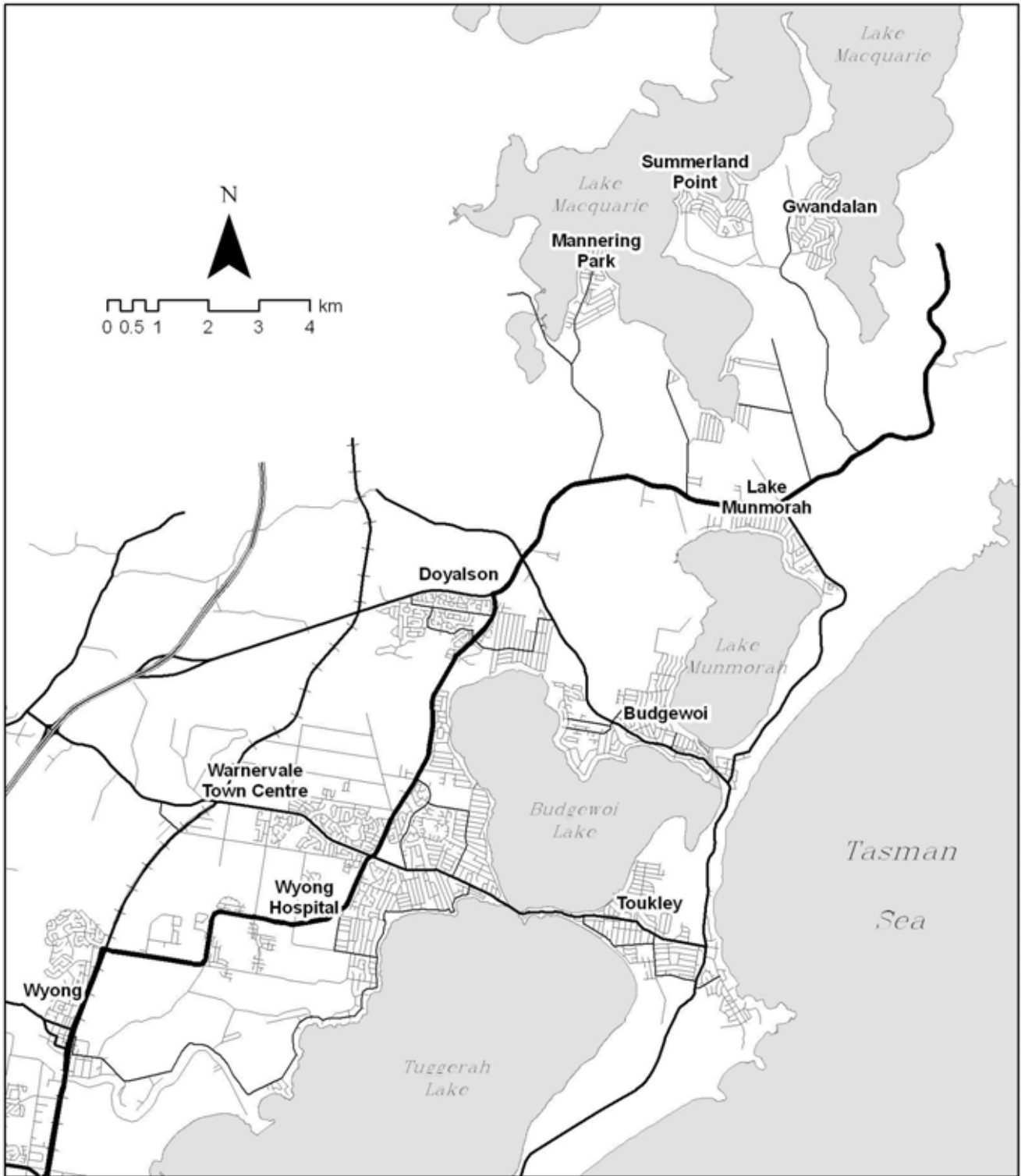
CONCLUSION

There is ample zoned land available within Wyong Shire where a GP Super Clinic or large medical centre would be permissible.

ATTACHMENTS

- 1 Distribution of Land Zoned 3(A) (Business Centre and 3(B) (Centre Support) where Medical Centres are a Permissible Use
- 2 Map of Northern Wyong Shire
- 3 GP Super Clinic Fact Sheet 2.0



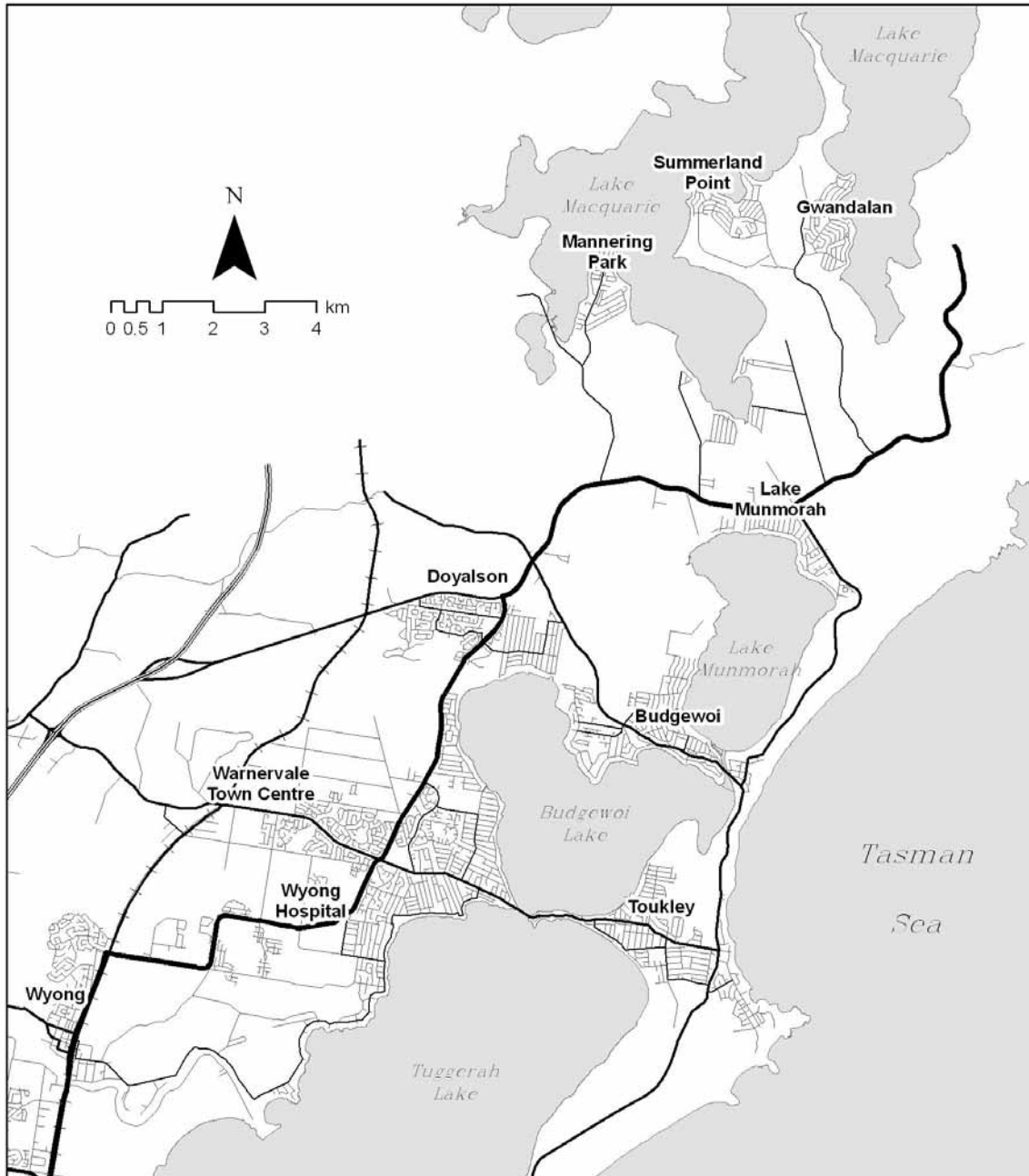


GP SUPER CLINICS

Background

The Federal Government has committed \$275 million over 5 years, starting in 2007-08, to establish GP Super Clinics in 31 localities across Australia. The Government has chosen the north of the Central Coast (pictured below) for a GP Super Clinic because it is a growing area, with many young families.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off Wyong Hospital and its emergency department, which is one of the busiest in the State.



What is a GP Super Clinic?

GP Super Clinics are health centres that will allow privately practising General Practitioners (GP's) and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care which is tailored to the needs and priorities of the local community.

By co-locating specialists and allied health services such as physiotherapists, mental health counsellors and dieticians with GPs, the Super Clinics will enable patients to easily access the range of health services they need to improve their health.

For further information on the GP Super Clinic initiative, please go to:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/pacd-gpsuperclinics>.

How can Wyong Shire Council assist?

Wyong Council provides the following information to assist interested parties in developing an application for the North Central Coast GP Super Clinic:

Council Resolution

A report on the GP Super Clinic program was considered by Council at its meeting held on Wednesday, 22 October 2008. At that meeting, it was resolved that proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the Super GP Clinic.

LEP / SEPP Definitions and Permissibility

Wyong Local Environmental Plan 1991

The Wyong LEP defines a **Medical centre** as “a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only, but does not include a building or place elsewhere specifically defined in this clause.”

Medical Centres are only permissible in the 3(a) (Business Centre Zone) and 3(b) (Centre Support Zone) under the Wyong LEP (1991). Council staff believe that this definition would be used to define a GP Super Clinic.

State Environmental Planning Policy (Major Projects) 2005

SEPP (Major Projects) 2005 defines a **Health services facility** as “a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.”

SEPP (Major Projects) 2005 also defines a **medical centre** as a business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 shares the same definition of **Health Services Facility** as the *SEPP (Major Projects) 2005*. Clause 57(1) of *SEPP (Infrastructure) 2007* enables the development of health services facilities in zones which would otherwise prohibit such a proposal under the *Wyong LEP 1991*, as long as the land is within a prescribed zone or equivalent to a prescribed zone.

Prescribed zones as listed under Division 10 of *SEPP (Infrastructure) 2007* are provided in the following table. As these prescribed zones utilise the *Standard Instrument—Principal Local Environmental Plan* zones, they are not aligned with *Wyong LEP 1991* zones.

Therefore, please see the table below for general suggestions as to equivalent zones under the *Wyong LEP 1991*. This information is based on the equivalency of zone objectives and permissible uses to one of the prescribed zones as listed under *SEPP (Infrastructure) 2007*.

	<i>SEPP (Infrastructure) 2007 – Prescribed Zones</i>	<i>Wyong LEP 1991 – Equivalent Zones</i>
(a)	<i>RU4 Rural Small Holdings</i>	No equivalent zone.
(b)	<i>RU5 Village</i>	<i>1(d) Village</i>
(c)	<i>RU6 Transition</i>	No equivalent zone.
(d)	<i>R1 General Residential</i>	<i>2(b) Multiple Dwelling Residential 2(e) Urban Release Area</i>
(e)	<i>R3 Medium Density Residential</i>	<i>2(c) Medium Density Residential Zone</i>
(f)	<i>R4 High Density Residential</i>	<i>2(d) High Density Residential Zone</i>
(g)	<i>R5 Large Lot Residential</i>	<i>7(c) Scenic Protection Small Holdings</i>
(h)	<i>B2 Local Centre</i>	<i>3(a) Business Centre</i>
(i)	<i>B3 Commercial Core</i>	<i>3(a) Business Centre</i>
(j)	<i>B4 Mixed Use</i>	No equivalent zone.
(k)	<i>B5 Business Development</i>	<i>3(b) Centre Support</i>
(l)	<i>B6 Enterprise Corridor</i>	No equivalent zone.
(m)	<i>B7 Business Park</i>	<i>4(c) Business Park</i>
(n)	<i>SP1 Special Activities</i>	No equivalent zone.
(o)	<i>SP2 Infrastructure</i>	No equivalent zone.

Note: *The equivalent zones listed above are suggestions only, based on the equivalency of zone objectives and permissible uses, and in no way enforces Council to formally adopt these zones as equivalent to any prescribed zone.*

Please note that the onus will be on the Applicant to prove that the proposed GP Super Clinic falls within the definition of either the *Wyong LEP 1991* or the *SEPP (Major Projects) 2005* as a Medical Centre or Health Services Facility, or under the *SEPP (Infrastructure) 2007* as a Health Services Facility.

Council has received some enquiries about locating a GP Super Clinic in and around Warnervale and Doyalson on land zoned 10(a) (Investigation Precinct Zone). However, this zoning does not align with any of the prescribed zones as listed in *SEPP (Infrastructure) 2007*. Therefore, any proposed GP Super Clinics within the 10(a) zone cannot be approved under Division 10 of the *SEPP (Infrastructure) 2007*.

On 7 November 2008, an amendment to the *SEPP (Major Projects) 2005* was gazetted to incorporate the Warnervale Town Centre as a State Significant Site. This amendment has resulted in 7 new land use zones applying to the site, however Medical Centres will be permissible in the B2 Local Centre zone only. *SEPP (Infrastructure) 2007* cannot be utilised within the remaining 6 zones, and therefore it would be most appropriate to investigate the possible location of such a Super Clinic within the B2 Local Centre zone within the Warnervale Town Centre.

Additional Information

Wyong Shire Community Plan 2008-2013

The Community Plan is a 5-year community focussed plan reflecting the challenges, aspirations and key social issues facing our Shire. It will guide Council, State and Federal Government, non-Government agencies, community groups and the local community to help make Wyong Shire an even better place to live.

The plan identifies who makes up our community, what is important to them and how Council and others can improve our quality of life. It also recognises the importance of building community spirit, connections, linkages and networks and focuses on the Shire's strengths, looking at ways we can build on them.

As part of the development of Community Plan, extensive community engagement was undertaken with local residents with health emerging as one of the major themes.

To see the Community Plan go to:

http://www.wyong.nsw.gov.au/communities/Community_plan07.htm

Central Coast Quality of Life Survey 2007

In August 2007 the Central Coast Research Foundation (CCRF) was contracted to conduct the Central Coast quality of Life Survey. The aim of the survey was to obtain information about resident's attitudes and perceptions about the 7 quality of life domains as well as residents overall wellbeing. Health is one of the 7 quality of life domains. 1500 Central Coast residents (700 from Wyong Shire) participated in the 25 minute random telephone survey.

To see the survey results go to:

<http://www.wyong.nsw.gov.au/communities/pdfs/Quality%20of%20Life%20in%20the%20Central%20Coast%20FINAL.pdf>

Wyong Shire Population Profile

The Wyong Shire Council Community Profile includes results from the 2006, 2001, 1996, and 1991 Censuses of Population and Housing.

The Wyong Shire Council Community Profile is designed to inform community groups, investors, business, students and the general public. To achieve this, the Profile is formatted to present the data in simple, clear tables and charts with concise factual commentary.

To access the profile go to http://www.wyong.nsw.gov.au/wyongshire/social_atlas.html.

Further Enquiries

If you wish to discuss the above information or have any further questions, please contact Mr Garry McLachlan, Manager Business Development on (02) 4350 5777 or Ms Jenny Webb, Council's Duty Planner, on (02) 4350 5546.

8.6 Options for Funding of Rainwater Tanks

TRIM REFERENCE: D01615778

AUTHOR: GM

SUMMARY

Reporting on various options and costs associated with Council providing rainwater tanks and associated infrastructure to pensioners following Council's resolution of 10 December 2008.

RECOMMENDATION

That Council receive the report on options for funding rainwater tanks.

BACKGROUND

At its meeting of 10 December 2008, Council:

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

"That Council request staff to provide a report on the options for Council to fund installation of internally connected rainwater tanks on existing properties owned by pensioners with the cost to be paid back to Council when the property ceases to be in the ownership of the pensioner."

This report is provided in response to that resolution and provides Council with an explanation of both the legal framework in which this activity could be undertaken and the likely costs to Council if it were implemented.

The Legal Mechanism by Which Council Can Lend Money

The Local Government Act (section 356) provides Council with the mechanism to provide financial assistance to others. The relevant section is reproduced below.

“356 Can a council financially assist others?”

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days’ public notice of the council’s proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if: -*
 - (a) *the financial assistance is part of a specific program*
 - (b) *the program’s details have been concluded in the council’s draft management plan for the year in which the financial assistance is proposed to be given*
 - (c) *the program’s proposed budget for that year does not exceed 5 per cent of the council’s proposed income from the ordinary rates levied for that year*
 - (d) *the program applies uniformly to all persons within the council’s area or to a significant group of persons within the area*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.”*

Parts 1 and 3 above are relevant in this circumstance and it should be noted that in the event that the budget exceeded 5% of the proposed income from ordinary rates, then public notice will be required. Dependent on the takeup of a program such as this, exceeding 5% of the ordinary rates income is a possibility.

Lending Arrangements

Whilst the arrangement to loan money to pensioners under Section 356 is considered under the Act to be providing financial assistance, it is not intended that this financial assistance will be in the form of a gift or grant, but instead be in the form of a loan which will need to be repaid in full at some time in the future – most likely at the sale of the residence but possibly some time earlier.

A typical loan per property under this scheme is expected to be \$4,000. Repaid after 25 years at an annual interest rate of 7% it would equate to a debt against the property of in excess of \$21,000.

As the loan does not meet the definition of a secured charge over the land under the Local Government Act, the debt would be considered as unsecured leaving Council with a risk of not being repaid if debts on the property exceeded the property sale. This is a possible scenario when financial institutions are now providing reverse mortgages, lending up to 40% of the value of the home to persons aged over 60 years and interest accruing until the home is sold.

In order to reduce this risk, Council would need to secure the debt by becoming a mortgagee. This would include additional legal and stamp duty costs at the time of granting the loan.

Eligible Pensioners

Eligible pensioners (under the definition of the Local Government Act) are those people registered as pensioners with Centrelink or with Veteran Affairs. Council's records do not differentiate between different pensioner types. In total, there are presently 13,717 rateable assessments within the water supply area that are entitled to a pensioner rebate. There may be pensioners who have already installed rainwater tanks. It is suggested that, if this program is introduced, retrospective payments not be made to these people.

Loan Costs per property

Rainwater tank size varies and for the purpose of this exercise, it has been assumed that the most likely size would be 5000 litres. A 5000 litre tank typically costs in the order of \$3,500 to purchase and install, including a required connection to internal plumbing.

It is also assumed that Council would expect this to be a cost neutral exercise and as such, all administration, legal and interest costs, would be recouped.

Administration costs associated with receiving applications for rebates/loans and inspection of the tank installation are assumed to be \$150 per installation.

A "borrowing" of this nature does not meet the definition of a secured charge over the land under the Local Government Act. The debt would be either unsecured or Council would have to take out mortgages against the property and conduct the conveyancing and associated stamping and legal fees. The average cost of this per property is assumed to be in the order of \$350.

Total loan per property

Purchase and installation	\$3,500
Administration costs	\$150
Legal costs	<u>\$350</u>
Total	\$4,000

Variables

There are a number of variables, due to the nature of the program that will fluctuate.

a Interest

As the costs of the scheme are paid back once the pensioner vacates the property, the cost of funding the program can be considered to be the cost of interest on the outstanding debts. Interest rates are likely to be in the range of 5% to 9% depending on the duration of the loan.

b Term

The term of the loan is another variable that cannot be determined exactly due to the varying periods that property owners will be in residence. Likely terms range from 10 years to 30 years.

c Takeup Rate

It is unlikely that all of the 13,717 eligible properties will take up the offer as it can be assumed that there would be some who already have undertaken to have a tank installed under the present scheme, some who don't have room to install a tank, those who won't want the disruption or perceived inconvenience of the installation and others who won't be prepared to enter into a mortgage arrangement. A range of 20% to 60% is possible.

The Actual Cost to Council

If only 20% of the eligible pensioners took up the offer based on 5000 litre tanks, the total amount required to fund this would be \$10,973,600 (20% x 13,717 x \$4,000). In order to manage this, Council would need to borrow the funds, distribute the funds to pensioners and begin making repayments on the outstanding loan. In this example, the annual repayments if drawn over a 20 year period at 7% per annum would be \$1million annually. These costs would need to be carried by the Council until such time as the property was sold and the debt repaid.

Table 1 – Council’s Annual repayments for differing interest and uptake rates (\$’000,000)

annual interest rate (%)	Take up rate (%)	
	20	40
5	\$ 0.8 / annum	\$ 1.7 / annum
7	\$ 1.0 / annum	\$ 2.0 / annum
9	\$ 1.2 / annum	\$ 2.4 / annum

A higher interest rate, shorter loan term or greater take-up rate would increase costs significantly. If the take-up rate were to increase to 40% and the loan term and interest rate remain at 20 years and 7% respectively, annual repayments would increase to \$2 million annually. Table 1 demonstrates the possible range of repayments required under different scenarios based on 5000 litre tanks.

Due to the variation in costs to Council described above, there are a number of options available to Council that could be implemented to ensure the scheme is kept manageable. This could include partial funding of loans with the property owner meeting a proportion of the cost or the scheme only funding a limited number of properties to a predetermined funding limit.

It can be argued that the net cost to Council over the term of the loan is NIL and this is true, however the variability in repayments from pensioners compared to the constant requirement of Council to meet its loan repayments means that there is either a surplus or shortfall in every year of the program that needs to be accounted for in the annual budget.

Other Issues to be Considered

There are a number of other issues that Council should also consider before undertaking such a program. These are listed below:

- Gosford has historically been involved in demand management matters as a joint program and should be included in discussions if Wyong were considering such a program.
- The Halcrow Pacific Report (Engaged by IPART to undertake an independent review of Council’s capital and operating expenditure - pg 29) recommends that Council cease its rebate program for water tanks.
- There are other disadvantaged groups in the Shire who won’t be given the same opportunity.
- The average cost per kL saving under a scheme such as this is \$3.60 to \$5.40 / kL. The current town water is priced at \$1.67 / kL
- The Federal Government has announced a “Greenloans” initiative to commence in mid 2009 that has been structured for the purpose of providing loans to households in order to undertake energy and water saving works on their properties.

Alternative non – Council options

Alternatives to a program such as this include;

- No Interest Loan Schemes (NILS) operated by a number of community groups and also the NSW Office of Fair Trading. These loans are typically for small loans (up to \$1,200) to low income households.
- The proposed federal government's 'Greenloans' scheme programmed to commence in mid 2009 for water and energy savings which will provide up to \$10,000 per household.
- Reverse mortgages are available through most financial institutions and allow property owners to borrow against the equity in the property with the loan repaid at the sale of the property.

Conclusion

There is sufficient legislation in place to enable Council to provide financial assistance to property owners in the form of a loan. There are a number of issues to be addressed in regard to the mechanisms in which loans would be distributed and this would require Council becoming the mortgagee in order to ensure the debt was secured. The costs of administering this and the legal costs associated with this would be included in the cost of the loan.

The project is cost neutral over the full term of the loan however, due to the varying repayments, there will be significant fluctuations in the annual budget to allow for differences between bank loan repayments and pensioner loan repayments.

There are other alternatives for pensioners to gain financial assistance to undertake rainwater tank installation both through existing financial institutions and government programs.

ATTACHMENTS**1 Annual Repayments**

ANNUAL REPAYMENTS - in \$ '000

annual interest rate (%)	term of loan (yrs)	Take up rate (%)									
		20		40		60		80		100	
Tank size (l)		5000	10000	5000	10000	5000	10000	5000	10000	5000	10000
5	30	\$ 707	\$ 1,149	\$ 1,414	\$ 2,297	\$ 2,121	\$ 3,446	\$ 2,828	\$ 4,595	\$ 3,535	\$ 5,744
	20	\$ 869	\$ 1,412	\$ 1,738	\$ 2,824	\$ 2,607	\$ 4,237	\$ 3,476	\$ 5,649	\$ 4,345	\$ 7,061
	10	\$ 1,397	\$ 2,270	\$ 2,793	\$ 4,539	\$ 4,190	\$ 6,809	\$ 5,587	\$ 9,079	\$ 6,984	\$11,348
7	30	\$ 876	\$ 1,424	\$ 1,752	\$ 2,847	\$ 2,628	\$ 4,271	\$ 3,504	\$ 5,695	\$ 4,380	\$ 7,118
	20	\$ 1,021	\$ 1,659	\$ 2,042	\$ 3,318	\$ 3,063	\$ 4,977	\$ 4,084	\$ 6,636	\$ 5,105	\$ 8,295
	10	\$ 1,529	\$ 2,485	\$ 3,058	\$ 4,969	\$ 4,587	\$ 7,454	\$ 6,116	\$ 9,938	\$ 7,645	\$12,423
9	30	\$ 1,060	\$ 1,424	\$ 2,119	\$ 2,847	\$ 3,179	\$ 4,271	\$ 4,238	\$ 5,695	\$ 5,298	\$ 7,118
	20	\$ 1,185	\$ 1,925	\$ 2,370	\$ 3,851	\$ 3,554	\$ 5,776	\$ 4,739	\$ 7,701	\$ 5,924	\$ 9,626
	10	\$ 1,668	\$ 2,711	\$ 3,336	\$ 5,421	\$ 5,004	\$ 8,132	\$ 6,672	\$10,843	\$ 8,341	\$13,553

Table 1 – Annual repayments required to service loan under varying interest rates, periods, takeup rates and tank sizes

8.7 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: D01450796

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

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

Question Asked / Councillor	Department	Meeting Asked	Status
Q123 – Darcy Smith Court Case Councillor Pavier	Shire Planning	12 December 2007	A response will be reported to Council when the case has been finalised in the Land and Environment Court.
Q066 – Discussions with Developers Councillor Symington	Shire Planning	26 November 2008	A response to this question will be submitted upon receipt of legal advice.
Q068 - Education Program into Toddler Drowning Councillor Best	Shire Planning	26 November 2008	A response to this question will be submitted to 25 February 2009 Council meeting.
Q001 – Amount of Stormwater Levy Funds Allocated Towards Areas on Lake Macquarie located in Wyong Shire Councillor Symington	Shire Planning	28 January 2009	A response to this question will be submitted to 11 March 2009 Council meeting
Q002 – Norah Head Ocean Access Councillor Best	Shire Services	28 January 2009	A response to this question will be submitted to 11 March 2009 Council meeting
Q003 – Investigate the use of “Green Concrete” for footpath construction. Councillor Wynn	Shire Services	28 January 2009	A response to this question will be submitted to 11 March 2009 Council meeting
Q004 - Investigate alternative environmentally friendly materials for footpath construction. Councillor Wynn	Shire Services	28 January 2009	A response to this question will be submitted to 11 March 2009 Council meeting

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007 Eaton / Best	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2010.
470 – Ferry Service between Wyong and The Entrance <i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i>	Shire Planning	14 November 2007 Eaton / Best	A report will be submitted to 25 March 2009 Council meeting.
231 – Poll on Popularly Elected Mayor and Electricity Privatisation <i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i>	Corporate Services	28 May 2008 Stewart / Graham	A report will be subject to future briefing session for Council. The report will provide an outline of possible ward boundaries.
293 – The Entrance Long Jetty Strategy Meeting <i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council. That the Mayor chair the meeting, report back on the progress or otherwise.</i>	Shire Planning	25 June 2008 Pavier / Graham	Meeting was held on 30 July 2008. Council update issued regarding outcomes. Formal report back to Council as part of adoption of The Entrance / Long Jetty strategy to be submitted to 25 March 2009 Council meeting.
295 – Wyong Pool Maintenance Policy <i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator. That the Mayor and General Manager report to Council on discussions.</i>	General Manager's Unit	25 June 2008 Pavier / Graham	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to Council.
298 – Long Jetty Café <i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i>	Shire Planning	25 June 2008 Best / Eaton	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).

Notice of Motion	Department	Meeting Resolved	Status
<p>383 – Central Coast Regional Strategy – Toukley</p> <p><i>That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.</i></p>	Shire Planning	13 August 2008 Best / Stevens	A briefing workshop is expected to be held with Councillors in May 2009.
<p>384 – Central Coast Regional Strategy</p> <p><i>That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.</i></p>	Shire Planning	13 August 2008 Pavier / Eaton	A briefing workshop is expected to be held with Councillors in May 2009..
<p>498 - Central Coast Tourism Inc (CCTI) Funding</p> <p><i>That Council report on funding for Central Coast Tourism Inc (CCTI).</i></p>	General Manager's Unit	12 November 2008 Eaton / Graham	A report will be submitted to 25 March 2009 Ordinary Meeting.
<p>499 - Wyong Parking Initiatives</p> <p><i>That Council congratulate the Member for Wyong, Mr David Harris MP, on his support for a joint venture between Council and the State Government to construct additional car parking around the Civic/Justice/Police precinct of Wyong Town Centre.</i></p> <p><i>That Council request staff to contact appropriate State Government agencies to address this matter.</i></p>	Shire Planning	12 November 2008 Eaton / Best	A report will be submitted to Council upon response from State Government Agencies.
<p>502 - Dredging Boat Harbour Summerland Point</p> <p><i>That Council request staff to report on the following when cost estimates are available:</i></p> <p><i>a the results of the preliminary investigation into the reported shallowing of the channel leading into the Boat Harbour at Summerland Point.</i></p> <p><i>b the necessary approvals required and funding options available to undertake dredging in order to provide safe navigable access for the recreational boating community in the north of Wyong Shire.</i></p> <p><i>That Council refer this matter/report to the local State Member for Swansea, Mr Robert Coombs, requesting his assistance in gaining the necessary departmental approvals to allow the timely restoration of the Channel and Harbour and funding options available.</i></p>	Shire Services	12 November 2008 Best / Eaton	A report will be submitted to 25 February 2009 Council meeting.

Notice of Motion	Department	Meeting Resolved	Status
<p>541 – Extended Safety of Surf Patrol Beaches</p> <p><i>That having regard to the increasing incidence of unseasonably warm weather associated with global warming and the resultant high beach usage outside current patrol hours Council take a proactive approach with a view to providing our residents and ratepayers with greater coverage of patrolled surf beaches.</i></p> <p><i>That Council receive a briefing on current coverage and resources required to patrol our Shire's beaches including any recommendation for Council to consider a more flexible approach to beach patrol timetables.</i></p>	Shire Services	26 November 2008 Best / Eaton	A future briefing will be held once the date is confirmed on current coverage and resources required to patrol beaches.
<p>570 – Joint Council Meetings with Gosford Council</p> <ol style="list-style-type: none"> 1 <i>That Council support regular joint meetings with Gosford Council to determine major water policy and other common issues.</i> 2 <i>That any such meetings to be convened as formal council meetings of both Councils to enable prompt efficient and consistent decision making.</i> 3 <i>That a copy of this resolution be forwarded to Gosford City Council for its consideration and support.</i> 	Corporate Services	10 December 2008 Eaton / Best	Awaiting response from Gosford City Council
<p>10.1 – Fleet Cars</p> <ol style="list-style-type: none"> 1 <i>That Council provide the incentive to staff to select more environmentally sustainable vehicles and;</i> 2 <i>That Council seek to introduce as alternative technologies approach commercial viability more environmentally sustainable vehicles and introduce these to the fleet.</i> 	Shire Services	28 January 2009 Wynn / Eaton	

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Encouraging Responsible Disposal of Asbestos</p> <p>1 <i>That Council review its asbestos waste disposal policy to further encourage responsible disposal.</i></p> <p>2 <i>That Council highlight this cost saving initiative while reinvigorating our “dob in a dumper” (DIAD) campaign.</i></p> <p>3 <i>That to further strengthen the DIAD campaign Council extend its \$10,000 vandalism reward incentive to also include the DIAD campaign.</i></p> <p>4 <i>That staff report to Council on the operational issues associated with the initiative above.</i></p> <p>5 <i>That Council carry out an advertising and education campaign highlighting the health risks associated with illegal dumping and explaining the cost effectiveness of asbestos disposal at Buttonderry tip.</i></p>	Shire Services	28 January 2009 Best / Eaton	
<p>10.4 – Recognise Staff on OH&S Initiatives</p> <p>1 <i>That further to Council’s commitment to workplace safety, Council recognise the outstanding work done by Council’s Occupational Health and Safety Committees in particular the recent safety awareness initiative which developed and distributed an OH&S Council calendar depicting important safety tips monthly.</i></p> <p>2 <i>That Council through the General Manager provide to both the Indoor and Outdoor OH&S Committees a certificate of recognition as a token of Council’s appreciation of their contribution to workplace safety.</i></p> <p>3 <i>That Council also recognise staff of Council’s OH&S Support Section who contributed and assisted the Committees.</i></p>	Corporate Services	28 January 2009 Best / Graham	

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

Question without Notice / Notice of Motion	Outcome
416 – Tip Rehabilitation Budgetary Provisions	Report included in the business paper
540 – Super Clinic Sites	Report included in the business paper
569 – Funding for Installation of Rainwater Tanks	Report included in the business paper

ATTACHMENTS

Nil.

9.1 Notice of Motion - NSW State Body Board Championships

TRIM REFERENCE: D01648813

AUTHOR: MR

Councillor J J McNamara has given notice that at the Ordinary Meeting to be held on Wednesday, 11 February 2009 he will move the following Motion:

- "1 That Council allocate \$10,000 from the 2008-09 budget for Community Support and Development to secure the "NSW State Body Board Championships" to be held in March 2009 at Soldiers Beach.*
- 2 That Council transfer the \$10,000 from the amount allocated in the 2008-09 budget to the "Central Coast Pro Surfing Competition" which has been cancelled.*
- 3 That Council consider allocating a similar amount to the "NSW Body Board Championships" in the 2009-10 budget provided it can be demonstrated that the event continues to provide significant benefit to the Shire.*
- 4 That a report on attendance, economic benefits etc of the event be presented to Council at the completion of the championships."*

9.2 Notice of Motion - Central Coast Express Advocate article

TRIM REFERENCE: D01643227

AUTHOR: ED

Councillor W R Symington has given notice that at the Ordinary Meeting to be held on Wednesday, 11 February 2009 he will move the following Motion:

"That further to the sensationalised report in the Express Advocate published on 21 January 2009 under the headline "Welcome To a Shire Shambles", and following the report (9.10) presented to the ordinary meeting of Council on 28 January 2009, Staff report on the following:

- 1 *Did the Express/Advocate, as reported in the article, ask Council to verify this story before it went to press and, if so, when did this occur?*
- 2 *Did any Councillors ask for any clarification of this incident further to the Question Without Notice No. QO75 asked by Councillor Best at the Ordinary Meeting on 10 December 2008?*
- 3 *Were Staff able to provide the facts as contained in Report No. (9.10) and if so, when?*
- 4 *If staff did not to respond to these requests, why not?*
- 5 *Does Council's media section have a working relationship with the local press and, if so, how can we reinforce this relationship to ensure that we get the facts in the hands of the journalists to prevent the publication of non verified and/or grandstanding articles in the future.*

COUNCILLOR NOTE

It is obvious from the staff report (9.10) of 28 January 2009, that there were logical and sound reasons for each step of the approval, construction, and what will be the eventual relocation of the welcome sign in Cobbs Road.

At no stage should any person, be they journalist or Councillor, have found cause to apportion any blame to Council or Council staff, yet we still finish up with a sensationalised account of an ordinary incident, whose only purpose it appears, is to discredit the Council in general and Council staff in particular.

9.3 Notice of Motion - Boat Harbour Dredging Proposal Summerland Point

TRIM REFERENCE: D01648745

AUTHOR: MR

Councillor G P Best has given notice that at the Ordinary Meeting to be held on Wednesday, 11 February 2009 he will move the following Motion:

“That further to Council’s resolution 502 of 12 November 2008 unanimously endorsing the commencement of the dredging approvals process, Council now allocate indicative funding in the forward budgetary estimates to facilitate the initial phase of dredging works required in Boat Harbour to provide safe navigable access”

9.4 Notice of Motion - Precinct Support Program

TRIM REFERENCE: D01648741

AUTHOR: ED

Councillor G P Best has given notice that at the Ordinary Meeting to be held on Wednesday, 11 February 2009 he will move the following Motion:

- "1 That Council reaffirm its support and commitment to its Precinct Committee network while recognising their valuable contribution to the community.*
- 2 That Council review its current level of assistance with a view to growing and supporting this important community network and its membership.*
- 3 That staff report to Council on past, current and future recommendations regarding levels of support required to achieve 2 above "*

9.5 Notice of Motion - Closed Circuit TV Toukley

TRIM REFERENCE: D01648724

AUTHOR: ED

Councillor G P Best has given notice that at the Ordinary Meeting to be held on Wednesday, 11 February 2009 he will move the following Motion:

- "1 That further to the continuing and escalating incidents of vandalism and graffiti in and around the Toukley and Toukley East areas, staff report on the findings of the recently conducted Toukley Community Safety Audit soon to be released.*
- 2 That staff report to Council on the feasibility of installing a Closed Circuit TV network in the Toukley area similar to the recently federally funded 27 camera system now being installed in the Woy Woy business district."*