



Council's photography competition and exhibition was a highlight of the recent Central Coast Festival of the Arts. Pictured is 19-year-old Wamberal student Sarah-Kate Harris who took first place over 600 entrants for her striking portrait 'Ethereal'

# ORDINARY MEETING

22 April 2009



*This page is intentionally blank*

# MEETING NOTICE

The **ORDINARY MEETING**  
of **Wyong Shire Council**  
will be held in the **Council Chamber**,  
**Wyong Civic Centre, Hely Street, Wyong** on  
**WEDNESDAY 22 APRIL 2009** at **5.00 pm**,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

### 1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	5
1.2	Proposed Briefings .....	6
1.3	Proposed Inspections.....	7
1.4	Address By Invited Speakers .....	8
1.5	Confirmation of Minutes of Previous Meetings.....	9

### 2 PLANNING REPORTS

2.1	Proposed Strata Subdivision, Tumbi Umbi.....	23
-----	--	----

### 3 PROPERTY REPORTS

3.1	Proposed Easement for Drainage over Lot 390 DP 30316 Eyre Crescent, San Remo .....	31
-----	--	----

### 4 CONTRACT REPORTS

4.1	Contract CPA 149736 - Supply, Delivery and Laying of Turf at Bateau Bay Landfill .....	34
4.2	Contract Variations - March 2009.....	37

### 5 GENERAL REPORTS

5.1	2009 National General Assembly of Local Government .....	41
5.2	Re-establishment of Alcohol Free Zones within Wyong Shire .....	43
5.3	Proposed Councillors' Community Improvement Grants .....	48
5.4	Parental Leave.....	51
5.5	Revised Liquid Trade Waste Policy.....	53
5.6	Proposed Central Coast Water Corporation.....	55

### 6 INFORMATION REPORTS

6.1	Information Reports .....	58
6.2	Activities of the Development Assessment Unit.....	59
6.3	General Works In Progress .....	64
6.4	Water and Sewerage - Works in Progress .....	72
6.5	Audit for Best Practice Management Guidelines for Water Supply and Sewerage.....	77
6.6	Minutes of the Wyong Shire Senior Citizens Council Meeting of 26 February 2009.....	88
6.7	Finalisation of Contracts .....	96
6.8	Outstanding Questions Without Notice and Notices of Motion .....	101

**7 ANSWERS TO QUESTIONS WITHOUT NOTICE**

7.1	Q016 - Community Reserve Near Applegum Place, Woongarrah.....	108
7.2	Q017 - Submission on Variation of the \$20,000 Section 94 Cap.....	109

**8 NOTICES OF MOTION**

8.1	Notice of Motion - Pile Creek Culvert Fatalities.....	110
8.2	Notice of Motion - Webcasting Council Meetings.....	111
8.3	Notice of Motion - Wyong Performing Arts Centre Working Party .....	112

**9 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: f2009/00008 - D01879502

AUTHOR: SW

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

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

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

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

### **RECOMMENDATION**

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

## 1.2 Proposed Briefings

---

TRIM REFERENCE: F2009/00008 - D01879540

AUTHOR: SW

### 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
6 May 2009	Workshop	Various Issues	11.00 am – 6.00 pm	General Manager

### RECOMMENDATION

*That Council receive the report on Proposed Briefings.*

### 1.3 Proposed Inspections

TRIM REFERENCE: F2009/00008 - D01879560

AUTHOR: SW

#### SUMMARY

Inspections proposed to be held on 22 April 2009 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
22 April 2009	DA 38/2009 – Strata Subdivision of a Dual Occupancy 5 Woodstork Close, Tumbi Umbi	Director Shire Planning
22 April 2009	Saltwater Creek Rehabilitation Works	Director Shire Planning and Director Shire Services
22 April 2009	The Entrance Community Centre	Director Shire Services
22 April 2009	34 Gordon Avenue, Gwandalan – Unfenced Pool	Councillor Symington, Director Shire Planning and Director Shire Services

#### RECOMMENDATION

***That Council receive the report on Proposed Inspections.***

## **1.4 Address By Invited Speakers**

---

TRIM REFERENCE: F2009/00008 - D01879561

AUTHOR: SW

### **SUMMARY**

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

### **RECOMMENDATION**

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



## **1.5 Confirmation of Minutes of Previous Meetings**

---

TRIM REFERENCE: F2009/00008 - D01879566

AUTHOR: SW

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 8 April 2009 and the Extraordinary Meeting held on 15 April 2009.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 April 2009 and the Extraordinary Meeting held on 15 April 2009.***

### **ATTACHMENTS**

- 1 Minutes of Ordinary Meeting held on 8 April 2009
- 2 Minutes of Extraordinary meeting held on 15 April 2009 (distributed under separate cover)      Enclosure

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 8 APRIL 2009,  
COMMENCING AT 5.02 PM**

---

---

**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), 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, ACTING DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES AND MANAGER CONTRACTS.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.02 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK DELIVERED THE OPENING PRAYER AND READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR BEST WHO IS ON ANNUAL LEAVE.

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

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

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

AGAINST: NIL.

## 1.1 Disclosure of Interest

---

### 2.1 THE ENTRANCE PENINSULA PLANNING STRATEGY

COUNCILLOR WEBSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE AND HER HUSBAND OWN A UNIT IN THE AREA.

COUNCILLOR WEBSTER 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."*

### 2.1 THE ENTRANCE PENINSULA PLANNING STRATEGY

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THAT PART OF THE MATTER RELATING TO THE NORTH ENTRANCE PRECINCT FOR THE REASON THAT HER HUSBAND IS THE MANAGING DIRECTOR OF ANDREWS NEIL WHO HAS PROVIDED DEVELOPMENT OPTIONS FOR DUNLEITH CARAVAN PARK REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

### 10.2 NOTICE OF MOTION – COUNCIL FACILITY FEES

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF A COMPANY WHICH FROM TIME TO TIME USES COUNCIL FACILITIES.

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."*

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

***That the report on Disclosure of Interest be received and advice of disclosures noted.***

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

AGAINST: NIL.

## 1.2 Proposed Briefings

---

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

***That Council receive the amended report on Proposed Briefings.***

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

AGAINST: NIL.

### **1.3 Proposed Inspections**

---

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

***That Council receive the report on Proposed Inspections.***

FOR: COUNCILLORS 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 McNAMARA:**

- 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 an Invited Speaker's address.***

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

AGAINST: NIL.

### **1.5 Confirmation of Minutes of Previous Meeting**

---

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 March 2009.***

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.

## **2.1 The Entrance Peninsula Planning Strategy**

---

COUNCILLOR WEBSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE AND HER HUSBAND OWN A UNIT IN THE AREA.

COUNCILLOR WEBSTER STATED:

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

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THAT PART OF THE MATTER RELATING TO THE NORTH ENTRANCE PRECINCT FOR THE REASON THAT HER HUSBAND IS THE MANAGING DIRECTOR OF ANDREWS NEIL WHO HAS PROVIDED DEVELOPMENT OPTIONS FOR DUNLEITH CARAVAN PARK REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

MR MICHAEL MILMAN, MILMAN GOODE CONSULTING REPRESENTING LAKESIDE PLAZA, ADDRESSED THE MEETING AT 5.06 PM, ANSWERED QUESTIONS AND RETIRED AT 5.18 PM.

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

***That Council re-exhibit the draft The Entrance Peninsula Planning Strategy for a further 28 days and report back on results of exhibition.***

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

## **3.1 Sale of Council Land at 27 Emerald Place, Berkeley Vale**

---

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

- 1 *That Council authorise the sale of Lot 295 DP 28398, 27 Emerald Drive, Berkeley Vale for an amount not less than the market value as determined by an independent registered valuer.***
- 2 *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for Sale and Transfer of the land.***
- 3 *That Council authorise the Mayor and the General Manager to execute all documents.***

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

AGAINST: NIL.

**4.1 Contract CPA 153228 - Construction of Woongarra Sports Facility**

---

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

- 1 That Council accept Tender No. 9 from Maincon Pty Ltd in the lump sum amount of \$4,620,995 (excl GST).**
- 2 That Council approve a contract budget of \$5,083,095 (excl GST) that provides for a contingency amount of \$462,100 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL.

**4.2 Contract CPA 155267 - Hamlyn Terrace Community and Sporting Facility**

---

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

- 1 That Council accept Tender No 17 from Quinn O’Hanlon Architects in the lump sum amount of \$347,855 (excl GST).**
- 2 That Council approve a contract budget of \$382,855 (excl GST), that provides for a contingency amount of \$35,000 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the design.**

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

AGAINST: NIL.

**5.1 Wyong Council Community Environment Network and WyCare Liaison Group**

---

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

- 1 That Council nominate a Councillor delegate to the Wyong Council Community Environment Network and WyCare Liaison Group.**
- 2 That Council nominate Councillor Wynn as the delegate.**

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

AGAINST: NIL.

**5.2 Budgewoi, Buff Point, Halekulani Community Precinct Committee**

---

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

- 1 That Council consent to the formation of a Community Precinct Committee to serve the areas of Budgewoi, Buff Point and Halekulani.**
- 2 That Council appoint the following Executive Members of the Budgewoi, Buff Point, Halekulani Community Precinct Committee in accordance with the provisions of Section 355 of the Local Government Act 1993:**
  - **Chairperson, Phil Heaton**
  - **Senior Vice Chairperson, Matthew Ross**
  - **Junior Vice Chairperson, Sam Benge**
  - **Secretary, Joy Brown**
  - **Assistant Secretary, Patricia Dalton**
  - **Treasurer, Helen Burkette**
  - **Assistant Treasurer, Kerri Denning**
  - **Publicity Officer, Melissa Burrows**
  - **Executive Officer, Ian Purdie**

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

AGAINST: NIL.

### **5.3 Proposed Councillors' Community Improvement Grants**

---

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

**That Council allocate an amount of \$4,124 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.**

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

AGAINST: NIL.

### **5.4 Committee nominee for Regional Development Australia in New South Wales**

---

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council nominate one of the current ROC members for the RDA Committee.**
- 2 That Council exempt this motion from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00am on 9 April 2009.**
- 3 That Council nominate Councillor Webster as the delegate.**

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

AGAINST: NIL.



---

**6.1 Exhibition Draft Management Plan 2009-10**

---

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council adjust the Draft 2009-10 Management Plan to reflect the rate pegging determination of 3.5% and;**
- 2 That Council adopt the adjusted Draft Management Plan for public exhibition in accordance with Section 405 of the Local Government Act.**

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

AGAINST: COUNCILLORS EATON, McBRIDE, MATTHEWS AND VINCENT.

---

**7.1 Minutes - Wyong Shire Grants Committee meeting - 18 March 2009**

---

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

***That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 18 March 2009 and adopt the recommendations contained therein, subject to further clarification of the application from Youth Connections Industry Link.***

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

AGAINST: NIL.

---

**8.1 Information Reports**

---

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

***That with the exception of report number 8.3 the information reports be received and the recommendations adopted.***

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

AGAINST: NIL.

## **8.2 Disclosure of Interest Returns**

---

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

***That Council receive the report on Disclosure of Interest Returns.***

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

AGAINST: NIL.

## **8.3 Minutes - Wyong Shire Senior Citizens' Council Meetings - 17 December 2008 and 29 January 2009**

---

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 6.38 PM AND RETURNED TO THE CHAMBER AT 6.39 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meetings - 17 December 2008 and 29 January 2009.***

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

AGAINST: NIL.

## **8.4 Recycle/Re-use Initiative - Tip Shop/Re-Use Centre**

---

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

***That Council receive the report on Recycle/Re-use Initiative – Tip Shop/Re-Use Centre.***

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

AGAINST: NIL.

**8.5 Outstanding Questions Without Notice and Notices of Motion**

---

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

***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 - Safety Fencing at The Entrance Bridge**

---

MR COLIN GRAHAM, REPRESENTING NORTH ENTRANCE PROGRESS ASSOCIATION, ADDRESSED THE MEETING AT 6.08 PM, ANSWERED QUESTIONS AND RETIRED AT 6.45 PM.

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 6.38 PM AND RETURNED TO THE CHAMBER AT 6.39 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.39 PM AND RETURNED TO THE CHAMBER AT 6.41 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 6.41 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.51 PM AND RETURNED TO THE CHAMBER AT 6.53 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council support the North Entrance Progress Association in pursuing the need for safety fencing on The Entrance bridge between the footpaths and the travelling lanes.**
- 2 That Council make representation to the Minister for Roads and the State Member for The Entrance in support of the Progress Association.**

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

AGAINST: NIL.

**10.2 Notice of Motion - Council Facility Fees**

---

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF A COMPANY WHICH FROM TIME TO TIME USES COUNCIL FACILITIES.

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."*

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.51 PM AND RETURNED TO THE CHAMBER AT 6.53 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 7.00 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council staff investigate and report on the fees, including bonds levied on community groups, NGO's and sporting associations for the use of Council facilities including open space.***
- 2 That staff conduct a comprehensive audit of the fee structure with a view to minimising the financial impact on community groups working within the Wyong Shire to achieve social engagement.***

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

AGAINST: NIL.

**10.3 Notice of Motion - Change of Start Time of Council Meetings**

---

*It was MOVED by Councillor McBRIDE and SECONDED by Councillor MATTHEWS:*

- 1 That, in order to encourage wider community participation and engagement, Council propose to amend the adopted Code of Meeting Practice to change the commencement time of the Ordinary Meeting of Council and the Extraordinary Meeting for the Election of the Mayor to 6.00pm.*
- 2 That Council advertise the proposed amendment for public comment.*
- 3 That a further report be brought to Council following exhibition.*

***The MOTION was put to the vote and declared LOST.***

FOR: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

AGAINST: COUNCILLORS EATON, GRAHAM, McNAMARA, SYMINGTON, WEBSTER AND WYNN.

**10.4 Notice of Motion - Speaker Protocols**

---

*It was MOVED by Councillor EATON and SECONDED by Councillor McNAMARA:*

- 1 That Council advise invited speakers that they will be required to answer fair and reasonable questions at the end of their address.*
- 2 That Council not permit speakers to address Council if they advise that they will not answer questions.*

*An AMENDMENT was moved by Councillor WYNN and seconded by Councillor VINCENT:*

*That Council advise invited speakers that they can expect to be asked fair and reasonable questions at the end of their address, however if they feel that a response is not required they are not obliged to do so.*

***The AMENDMENT was put to the VOTE and declared CARRIED.***

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, VINCENT AND WYNN.

AGAINST: COUNCILLORS EATON, McNAMARA, SYMINGTON AND WEBSTER.

***The AMENDMENT became the MOTION.***

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

***That Council advise invited speakers that they can expect to be asked fair and reasonable questions at the end of their address, however if they feel that a response is not required they are not obliged to do so.***

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

AGAINST: NIL.

**QUESTIONS WITHOUT NOTICE ASKED**

**Q019 – Lease Negotiations and Activities at the Oasis Youth Centre  
Councillor Graham**

*“Could staff provide an update on lease negotiations and current activities undertaken at the Oasis Youth Centre?”*

**Q020 – Sister City Agreements  
Councillor Eaton**

*“Could staff advise briefly on the duration of the existing Sister City Agreements and recent activity under these agreements?”*

**Q021 – Development at Corner Coral Street and The Entrance Road, The Entrance  
Councillor McBride**

*“Could Council staff please report on the progress of development at the Corner of Coral Street and The Entrance Road? How much longer are residents, visitors and business owners likely to be affected by the obstruction/damage to the footpath and what is the timeframe for repair to improve public access and safety?”*

**Q022 – The Entrance Town Centre  
Councillor McBride**

*“It has come to my attention that Council Rangers will no longer be employed in The Entrance Town Centre. Does Council have a regulatory role? Who will assume the role and responsibility previously discharged by Rangers to ensure the security of residents, visitors and businesses in The Entrance Town Centre. Have the displaced Rangers been guaranteed redeployment?”*

**Q023 – Hall on Council Land at Lot 82 DP 221815 Acacia Avenue, Lake Munmorah  
Councillor Wynn**

*“Could the status of the burnt hall located on Council land at Lot 82 DP 221815 Acacia Avenue, Lake Munmorah be advised?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.08 PM.

.....  
CHAIRPERSON

## 2.1 Proposed Strata Subdivision, Tumbi Umbi

TRIM REFERENCE: D01870655

AUTHOR: KO

### SUMMARY

An application has been received for the strata subdivision of an existing dual occupancy at 5 Woodstork Close, Tumbi Umbi. The dual occupancy building has been constructed and is completed. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP& A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following planning assessment the application is recommended for approval.

<b>Applicant</b>	Cahill and Cameron P/L
<b>Owner</b>	F & L Bates
<b>Application No</b>	38/2009
<b>Description of Land</b>	Lot 120 DP 1092138 No 5 Woodstork Close, Tumbi Umbi
<b>Proposed Development</b>	Strata Subdivision
<b>Site Area</b>	760.8m <sup>2</sup>
<b>Zoning</b>	2(a) Residential
<b>Existing Use</b>	Residential

### RECOMMENDATION

***That Council approve Development Application 38/2009 subject to the conditions attached to this report. In making this decision, Council have regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and other relevant issues detailed in the report.***

### PRECIS

- \* The application is for the strata subdivision of an existing dual occupancy building.
- \* The site is zoned 2(a) Residential. Under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- \* If the application for dual occupancy and application for strata subdivision had been applied for concurrently, WLEP enables subdivision of the dual occupancy without reference to a minimum lot size variation.
- \* However, as the application for subdivision is separate to the application for the development, the proposal involves a variation greater than 10% under State Environmental Planning Policy No 1 (SEPP1) to Clause 42D of the WLEP.
- \* As a result of a directive by the Department of Planning (DoP) to all NSW Councils, any applications that rely on a SEPP 1 variation greater than 10% are required to be reported to full Council for determination.
- \* It is recommended that the application be approved.

## INTRODUCTION

An application has been received for the strata title subdivision of an existing dual occupancy building at 5 Woodstork Close, Tumbi Umbi. The dual occupancy is located within a residential area that consists of a mixture of single residences and dual occupancy developments.

The subject dual occupancy development was approved in 2007 under development consent 1055/2007. Torrens title subdivision of the dual occupancy was also approved in 2008 under development consent 731/2008. The current application now proposes to strata subdivide the existing dual occupancy. No physical changes to the existing development will result from this application.



The property is currently zoned 2(a) Residential and requires a SEPP 1 objection to Clause 42D under the WLEP 1991 for the subdivision of the dual occupancy building. The DoP released a circular in November 2008 directing that all development applications where there is a variation greater than 10% in standards under SEPP 1 be determined by full Council. The subject application includes a SEPP 1 variation greater than 10% and as such is required to be determined by full Council.

The strata subdivision of the dual occupancy will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

## VARIATIONS TO POLICIES - (WLEP)

In approving this application, Council's LEP 1991 is required to be varied as detailed below;

Clause	42D
Standard	450m <sup>2</sup> minimum lot size
LEP/DCP	WLEP 1991
Departure basis	Lot 1 – 276m <sup>2</sup> / Lot 2 – 264m <sup>2</sup>
Variation %	Lot 1 = 39%, Lot 2 = 42%

## PERMISSIBILITY

The subject site is zoned 2(a) Residential. Within this zone, Clause 13 of WLEP permits subdivision with development consent. Under the provisions of Clause 42D of WLEP 1991, subdivision within the 2(a) zone must not create lots that have an area less than 450m<sup>2</sup> unless the subdivision consent:

- “(a) is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or
- (b) in the case of land within Zone No 2 (a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same land and the subdivision will be carried out in conjunction with the dual occupancy development”.



The proposed subdivision will create two lots with an area less than 450m<sup>2</sup>. The dual occupancy that is to be subdivided was approved in November 2007. The subdivision of the land was therefore not undertaken concurrently with the dual occupancy development and a SEPP 1 objection is therefore required to enable the strata subdivision to be considered.

### **RELEVANT STATE/COUNCIL POLICIES AND PLANS**

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

- Wyong Local Environmental Plan 1991 (Wyong LEP 1991)
- State Environmental Planning Policy 1 – Development Standards (SEPP 1)
- Development Control Plan 2005, Chapter 66 – Subdivision (Chapter 66)

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

### **ASSESSMENT**

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 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 No 1 – Development Standards**

To ensure that a SEPP 1 objection is well founded and that compliance with a standard is unreasonable or unnecessary a number of questions identified within the *Winton Property Group Ltd v North Sydney Council*, [2001] NSWLEC 46 judgment need to be addressed. These questions and the appropriate answers are as follows:

Is the planning control in question a development standard?

Clause 42D of the Wyong LEP 1991 is a development standard.

What is the underlying object or purpose of the standard?

The purpose of Clause 42D is to maintain the residential character of the 2(a) Residential Zone through limiting the minimum size of new lots created through subdivision.

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

The non-compliance with the standard will not result in a development that is inconsistent with the aims of the WLEP 1991 as the subdivision of the land will complement the orderly development of the land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The site already has a dual occupancy building approved and built on the site. To not allow the subdivision of the development would be unreasonable given the building already exists on the site and subdivision of the property will allow the future sale of both dwellings.

Is the objection is well founded?

The objection is well founded in that the subdivision of the dual occupancy will allow the creation of two parcels of land which will then provide an alternative housing choice for members of the community.

**Reason for proposed variation:**

The strata subdivision of the land will provide scope for a wider range of buyers.

There are a growing number of residents who wish to have smaller properties to reduce maintenance and economic obligation and to increase socio economic welfare.

The strata subdivision of the land will not reduce the amenity of the surrounding area.

Non-compliance with clause 42D of WLEP 1991 does not raise any matters of significance and public benefit will not be enhanced by maintaining the specific planning control in this instance. Council is satisfied that the objection is well founded and that, in this instance, strict compliance with clause 42D of WLEP 1991 is unnecessary.

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

**The relationship to the regional and local context and setting:**

The development is within a residential area that contains a number of new single dwellings and dual occupancy developments. The subdivision of the existing dual occupancy will not result in development that is not compatible with surrounding area.

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

**Any submission from the public:**

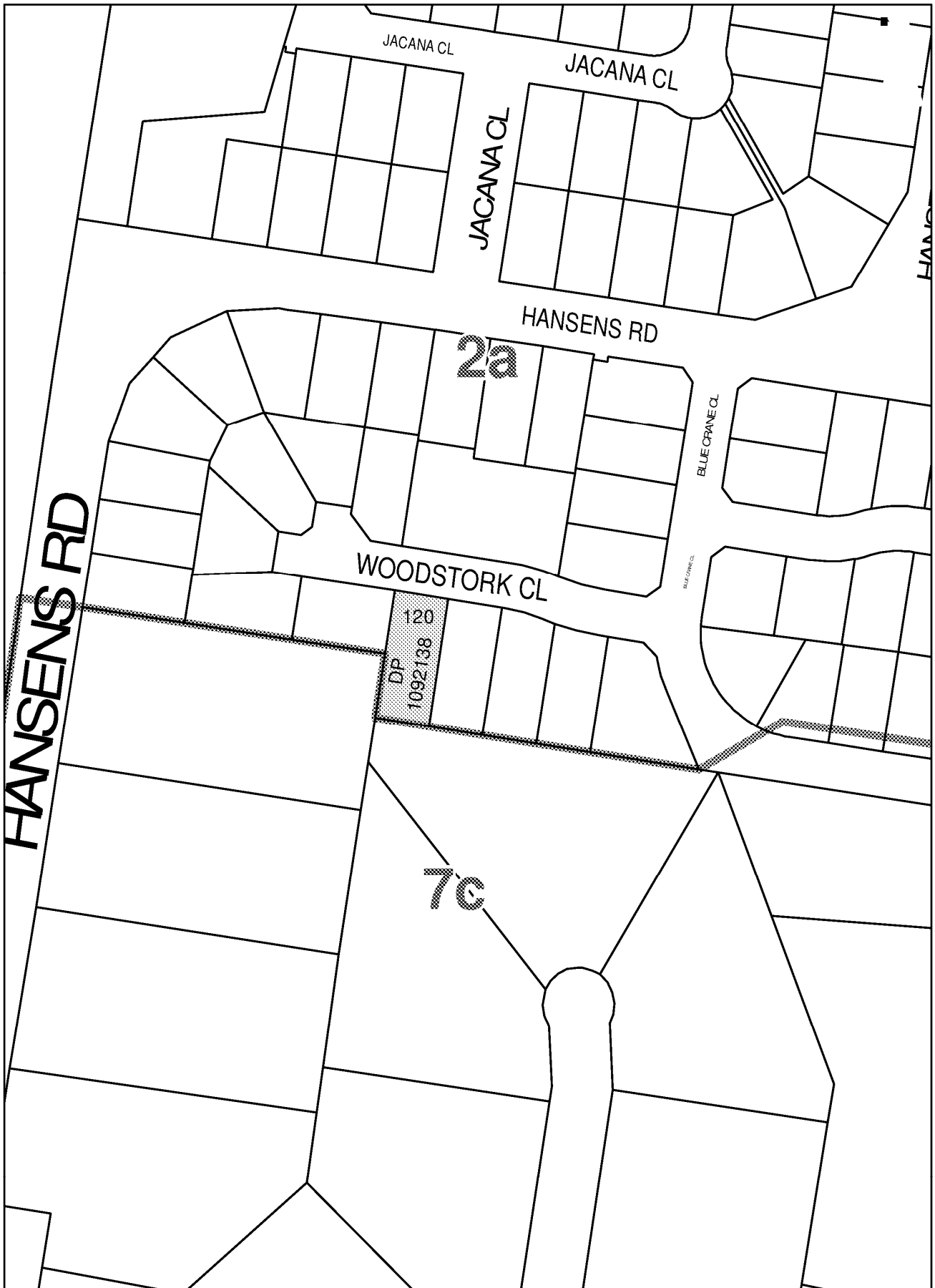
In accordance with DCP 2005 Chapter 70-Notification of Development Proposals, the application did not require notification.

**CONCLUSION**

The proposed development is for the strata subdivision of a recently constructed dual occupancy building. Torrens title subdivision was previously approved for the site, however, due to an issue with the electricals of the dwellings the subdivision was never registered. The development requires a SEPP 1 objection to Clause 42D of the WLEP 1991 which is supported given that compliance with the clause is considered unreasonable in the current case. The application is therefore recommended for approval subject to suitable conditions of consent.

**ATTACHMENTS**

- 1 Locality Plan
- 2 Strata Plan Map
- 3 Draft Conditions

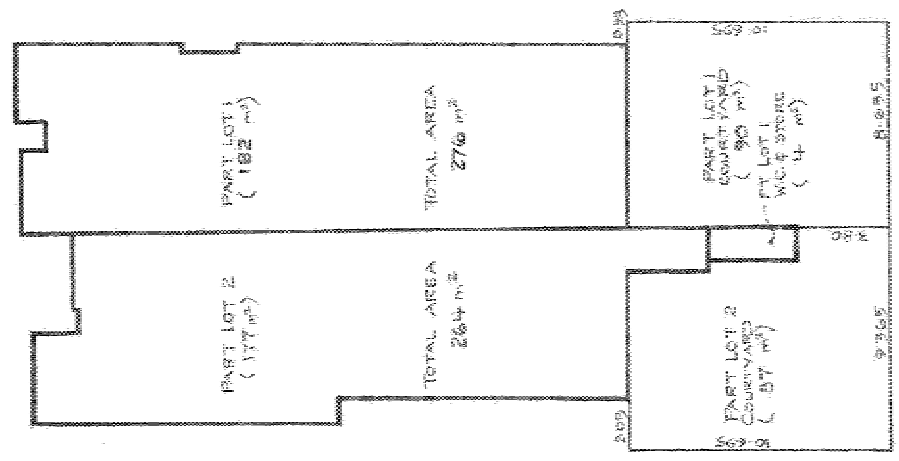


STRATA PLAN FORM 2

THIS DRAWING IS SUBJECT TO THE STRATA ACT AND REGULATIONS

STRATA PLAN FORM 2

TENTATIVE



GROUND FLOOR

\* ALL AREAS ARE APPROXIMATE.  
 \* COURTYARDS EXTEND DOWNWARD TO A DEPTH OF 2 METRES BELOW & UPWARD TO A HEIGHT OF 2 METRES ABOVE THE UPPER SURFACE OF THE FLOOR LEVEL, OF THE GROUND FLOOR OR THEREAFTER RESPECTIVE, ADJOINING UNIT EXCEPT WHERE COVERED OVER.

This drawing is prepared from architectural drawings. Changes may occur during construction. Dimensions and areas are approximate and subject to final survey. Areas are approximate and should not be used for any purpose other than this plan.

Sheet 2  
 Lengths are in metres

Reduction Ratio 1:250

Registered Surveyor  
 Authorised Person/General Manager/Accredited Certifier  
 SURVEYOR'S SIGNATURE: C. J. BARKER - TENTATIVE

GROUND FLOOR

NOT TO BE USED IN FINAL SURVEY. APR 2009  
 SURVEYOR'S SIGNATURE: C. J. BARKER - TENTATIVE

**Date:** 25 March 2009  
**Responsible Officer:** Katrina O'Malley  
**Location:** 5 Woodstork Close, TUMBI UMBI NSW 2261  
Lot 120 DP 1092138  
**Application No:** DA/38/2009  
**Proposed Development:** Strata subdivision

### **PROPOSED CONDITIONS**

- 1 The development taking place in accordance with the approved development plans reference number C19823 Sheets 1 to 3 by Cahill and Cameron P/L except as modified by any conditions of this consent, and any amendments in red.

### **Certificates / Engineering Details**

- 2 A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

### **Subdivision Works**

The registration of the necessary restrictions as to user.

- 4 The completion of all works required under Council's consent to Development Application No 1055/2007 prior to issue of a Subdivision Certificate.
- 5 All subdivision works must be approved by Council prior to the issue of a Subdivision Certificate.

### **Prior to Registration of Strata Subdivision**

- 6 Prior to registration of strata subdivision, consent to be surrendered to Council for the Torrens Subdivision of the property (DA 731/2008).

### **3.1 Proposed Easement for Drainage over Lot 390 DP 30316 Eyre Crescent, San Remo**

TRIM REFERENCE: D01873437

AUTHOR: SJL

#### **SUMMARY**

Approval is sought to acquire an easement for drainage over Lot 390 DP 30316, 15 Eyre Crescent, San Remo to enable reconstruction of the drainage system to alleviate downstream flooding problems.

#### **RECOMMENDATION**

- 1** *That Council acquire an easement for drainage 3.5m wide and 12m long over Lot 390 DP 30316.*
- 2** *That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.*
- 4** *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the formal documents for Transfer of the land and any application for compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents.*

#### **BACKGROUND**

Council has constructed drainage works on this property and these drainage works are to be extended by the landowners during proposed development works.

An easement has not been acquired over the existing drainage.

#### **THE PROPOSAL**

As part of the Perouse Avenue drainage improvements Council proposes to reconstruct the drainage system over Lot 390 DP 30316, 15 Eyre Crescent, San Remo to alleviate downstream flooding problems.

To undertake the drainage works it will be necessary for Council to acquire an easement for drainage 3.5m wide and 12m in length over the subject property to satisfy Council's requirements in respect to the operation and maintenance of the installation.

Access to the property will be required in October 2009 to enable construction to begin.

**FINANCIAL IMPLICATIONS**

The acquisition will be funded from the 2009-10 Rolling Works Program.

**CONSULTATION**

The owner of the effected property has been advised of the proposal and negotiations for the acquisition of the easement will proceed subject to Council's approval.

**GOVERNANCE**

Council has the authority to acquire the easement under the Local Government Act 1993 and if compulsory acquisition is necessary the Land Acquisition (Just Terms Compensation) Act 1991 provides the procedure to be undertaken.

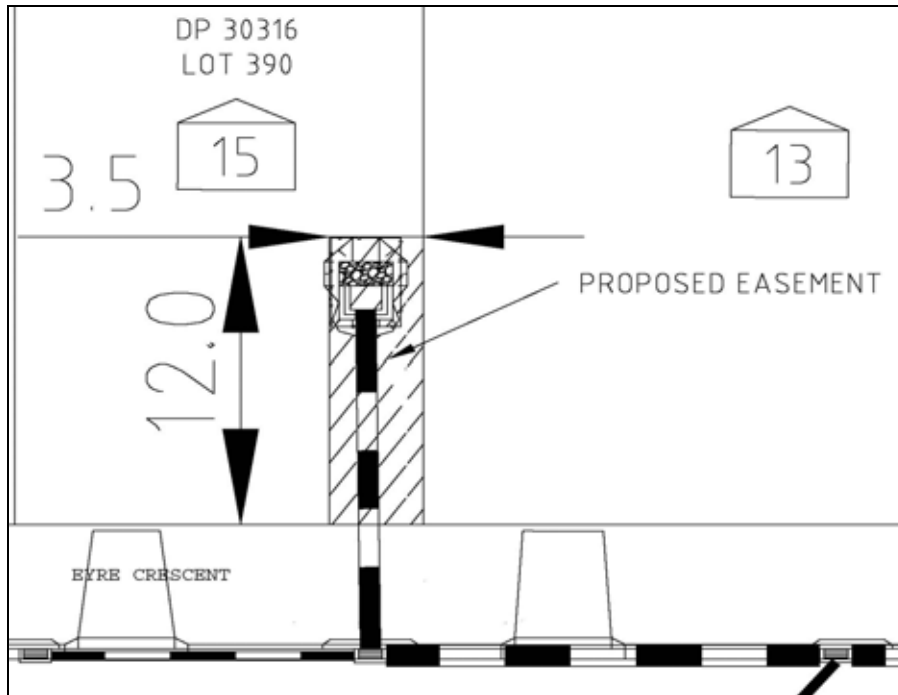
**CONCLUSION**

Re-construction of the drainage system in the area will alleviate flooding. An easement over the property is essential to allow works to proceed and that easement can be acquired by negotiation or by compulsory acquisition. Negotiation is clearly the preferred option however staff do need Council's approval to acquire if the preferred option fails.



3.1 Proposed Easement for Drainage over Lot 390 DP 30316 Eyre Crescent, San Remo (contd)

Proposed Easement detail – Lot 390 DP 31316 Eyre Crescent, San Remo



Location Plan



ATTACHMENTS

Nil.

#### **4.1 Contract CPA 149736 - Supply, Delivery and Laying of Turf at Bateau Bay Landfill**

---

TRIM REFERENCE: D01869920

AUTHOR: JT

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/149736 - Supply, Delivery and Laying of Turf at Bateau Bay Landfill.

#### **RECOMMENDATION**

- 1** *That Council decline to accept any of the tenders received.*
- 2** *That Council re-invite tenders on the basis of an expanded scope of works to include the supply and placement of the growing medium and turf.*

#### **BACKGROUND**

The supply and placement of turf for the new sports complex at the closed Bateau Bay Landfill site was originally part of the works to be undertaken by Neumann Contractors under Contract CPA/115479 – The Rehabilitation and Redevelopment of the Bateau Bay Landfill Site. The scope and the methodology of the works were detailed in the specification prepared for Council by URS Australia Pty Ltd.

Subsequent to the award of Contract CPA/115479, and based on experience gained during the construction of the Wadalba Sportsfield, Council engaged the services of an independent sportsfield specialist to review the specification and recommend amendments to improve the quality of the product. This was to remove inconsistencies and ambiguities in the specification of materials. The amended specification incorporated additional requirements for the installation and preparation of a growing medium layer under the turf and the harvesting, installation and maintenance of the turf.

The amended specification was issued to Neumann Contractors with a request for advice on the impact of the amended specification on its contract price. Neumann's advice at that time was that whilst it was prepared to supply and install the growing medium at its original tendered rates, the pre-turfing preparation of the growing medium and the additional requirements for the supply, installation and maintenance of the turf would incur additional cost. Neumann further advised that as the amended works were outside its usual business activities that it would not object to Council deleting the pre-turfing preparation of the growing medium, the supply and installation of the turf from the contract and for Council to engage a specialist contractor to carry out the works.

On the basis of this advice, tender documents were prepared and tenders invited for the supply and laying of the turf including the pre-turfing preparation of the growing medium.

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 2 September 2008, the Central Coast Express Advocate on 3 September 2008 and the Newcastle Herald on 6 September 2008. The invitation documents called for Schedule of Rates tenders based on a detailed specification. The specification required that the turf be Legend, Conquest or Windsor Green couch varieties and tenderers were free to offer a rate for any or all of the three turf varieties.

One addendum was issued during the tender period.

Tenders closed at Council Chambers at 2:00pm on Thursday, 25 September 2008.

### **EVALUATION OF TENDERS**

Tenders were received from the following three companies:

- M Collins & Sons Pty Ltd
- Scape Constructions Pty Ltd
- The Green Horticultural Group Pty Ltd

M Collins & Sons Pty Ltd and The Green Horticultural Group Pty Ltd tendered only on the basis of supplying Legend Couch while Scape Constructions Pty Ltd offered separate prices for each of the three nominated couch cultivars.

All the tenders received were fully conforming and all were subject to a full tender evaluation. Given the recommendation in respect to these tenders detailed in this report and the likelihood that some, if not all, of the current tenderers may re-tender the works, it is not appropriate for details of the tender prices to be divulged at this point. Full details of the tender prices are on file.

Concurrent with the closing and evaluation of the tenders, delays were being experienced at the Bateau Bay Landfill site over the issue of the supply of the sportsfield drainage gravel which underlies the turf growing medium layer. As a result, and despite the fact that tenders had been fully evaluated and a preferred tenderer selected, it was considered prudent to delay reporting on the evaluation of tenders until such time as the issue of the drainage gravel supply had been resolved and a firm commitment could be made to the preferred turf supply tenderer as to when the sportsfields would be made available to it for the commencement of works.

The issue of the supply of the drainage gravel was not resolved and ultimately led to Council taking over the contract for construction of the sportsfields.

An opportunity now exists to maximise efficiencies in the construction of the sportsfields. One such opportunity is to increase the scope of the original turf supply contract to also include the supply and placement of the growing medium.

The project requirements are for approximately 10,000 cubic metres of growing medium that must be placed and levelled to very tight tolerances using specialised low ground pressure equipment to minimise any unnecessary compaction of the material. Two of the three original tenderers are specialist sportsfield constructors rather than merely turf suppliers and installers and the third is a specialist earthworks and landscaping contractor. All are experienced in sportsfield construction and either possess or have access to the specialised plant and equipment necessary to undertake this type of work.

#### **4.1 Contract CPA 149736 - Supply, Delivery and Laying of Turf at Bateau Bay Landfill (contd)**

---

In addition, it has been some five months since tenders closed and in the current volatile market prices may have changed significantly.

It is considered that the opportunity now available to Council to combine the supply and placement of the growing medium with the supply and placement of the turf has the potential to realise savings both in the direct costs of the works and in the costs of managing the works. Any potential savings will not be accurately known until tender prices have been received.

Fresh tenders for supply and placement could be invited as soon as Council considers this report. Allowing for the usual tender invitation period and time to evaluate tenders a new recommendation could be presented to the meeting of Council scheduled for 24 June 2009. Award of a contract by late June 2009 will see the site fully turfed by mid September 2009 allowing advantage to be taken of the spring/summer growing season to fully establish the turf surface in time for the commencement of the 2010 winter sports season.

#### **CONCLUSION**

It is recommended that due to the time elapsed since tenders were called and the changed circumstances on the Bateau Bay site, Council decline to accept any of the tenders received for Contract CPA/149736 and that the works be re-scoped to include the supply and placement of both the growing medium and the turf. It is further recommended that fresh tenders be invited with specific invitations to tender being made to the three tenderers that responded to the current invitation.

#### **ATTACHMENTS**

*Nil.*

## **4.2 Contract Variations - March 2009**

TRIM REFERENCE: D01873335

AUTHOR: GP

### **SUMMARY**

Reporting on variations made to contracts with a value greater than \$150,000 (excl GST) and, where necessary, approval is sought for additional contingency funding. The report covers approved variations for March 2009.

### **RECOMMENDATION**

*That Council note the variations to contracts (Attachment 1).*

### **BACKGROUND**

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. Section 55 of the Local Government Act requires that contracts of an estimated value greater than \$150,000 (excl GST) be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000 (excl GST) are awarded under Delegations of Authority made to the General Manager.

The Final Value of a contract is the amount tendered by the recommended tenderer (incl contingencies) and approved by Council or staff delegation, as the case may be.

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

A Contract that guarantees Council a fixed schedule of rates for goods or services to be supplied over time, may require variations to the original estimated value due to the changes in demand for the goods / services.

Contracts for Consultants or Professional Services also may change during the course of an agreement due to changes in outcomes being sought by Council, or changes enforced by circumstances affecting the work being done.

Contracts routinely include a contingency sum to cover a level of variations acknowledged in contracting as "normal". Contingency amounts are generally expressed as a percentage of the contract value, commonly 10% of the contract value, but vary between 5% and 30%, or may be expressed as a specific dollar value.

Contingencies provide authority for staff to approve variations up to the contingency amount.

### **THE PROPOSAL**

To enable completion of the project arising from the contract in this report, it is necessary for Council to provide funding commensurate with the actual scope of works completed by the contractors.

For the two contracts with variations for the reporting period, funds previously approved by Council are at this time considered sufficient to ensure completion of that contract.

### **FINANCIAL IMPLICATIONS**

On contracts approved by Council Resolution, variation expenditure approved under delegated authority (ie within the contingency amount) is reported to Council on a monthly basis. For variations that exceed the contingency amount, authority will be requested from Council on a monthly basis.

For contracts awarded by Delegated Authority, variations are reported and authority requested for additional contingency, on a monthly basis, if the final contract amount is expected to exceed \$150,000 (ex GST).

In seeking Council's resolution to approve expenditure, all amounts are expressed exclusive of Goods & Services Tax.

### **CONCLUSION**

The two contracts with variations for the reporting period have at this time sufficient remaining contingency funds to complete the project. Reported for information only.

### **ATTACHMENTS**

- 1 Contract Variations - March 2009

## Contract Variations For March 2009 Attachment

### Sewerage And Drainage - Investigation And Design Documentation - Treatment Plants -Toukley Sewerage Treatment Plant - Inlet Works

Contract Number	Date of Council Approval	Contractor	Approved Contract Value	Total Approved Budget (incl. contingency)	Actual Contract Value	Value of Variations Previously Reported	Value of Variations For Reporting Period	Total Value of Variations	Source of Funds
136486	26/03/2008	Maunsell Australia Pty Ltd	\$ 149,139.00	\$ 189,053.00	\$ 168,389.00	\$ 8,750.00	\$ 10,500.00	\$ 19,250.00	Loan Funds
<b>Individual Variations For Reporting Period</b>									
<b>Description</b>						<b>Description</b>		<b>Value</b>	
Variation 2 – Supply and installation of 5 additional flow meters to the 5 inlet mains to the Toukley STP. These meters are additional to the number originally specified as a requirement of the DECC licence received for the works.								\$ 10,500.00	

Work under the contract is estimated at 90% complete. There is one further variation still to be assessed and valued. The remaining contingency as approved in the contract budget will be sufficient at this time to meet any future additional variations. No Additional amount is therefore sought.

### Toukley Reclaimed Effluent Treatment Plant Augmentation Works

Contract Number	Date of Council Approval	Contractor	Approved Contract Value	Total Approved Budget (incl. contingency)	Actual Contract Value	Value of Variations Previously Reported	Value of Variations For Reporting Period	Total Value of Variations	Source of Funds
117144	23/01/2008	Water Treatment Australia Pty Ltd	\$ 2,237,364.40	\$ 2,454,914.36	\$ 2,263,919.09	\$ 15,345.64	\$ 11,209.09	\$ 26,554.73	Loan Funds
<b>Individual Variations For Reporting Period</b>									
<b>Description</b>		<b>Value</b>			<b>Description</b>			<b>Value</b>	
Supply and installation of alternate control equipment (PLC) to that offered in tender due to adverse operating experience with the tendered equipment.		11,209.09						\$	

Work under the contract is estimated at 75% complete. There are no further variations expected. The remaining contingency as initially approved in the contract budget will be sufficient at this time to meet any future additional variations. No Additional amount is therefore sought.



## **5.1 2009 National General Assembly of Local Government**

TRIM REFERENCE: D01869363

AUTHOR: ED

### **SUMMARY**

This paper deals with submissions (Notices of Motions) to be made by councils for consideration at the Australian Local Government Association (ALGA) National General Assembly of Local government to be held in Canberra June 2009.

### **RECOMMENDATION**

- 1 That Council note that no motions have been received from Councillors for submission to the 2009 National General Assembly of Local Government.**
- 2 That Council authorise interested Councillors to attend the 2009 National General Assembly of Local Government between 21 and 24 June 2009.**
- 3 That Council pay expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 4 That Council determine the voting delegate should the Mayor not attend.**

### **BACKGROUND**

The National General Assembly (NGA) of Local Government is the major event on the annual local government events calendar and typically attracts more than 700 mayors, councillors and senior officers from councils across Australia. The Australian Government has also confirmed that the next meeting of Mayors and Shire Presidents as part of its Australian Council of Local Government will be held to coincide with the Assembly.

The theme for this year's Assembly is *Rising to the Challenge – Infrastructure, Financing, Climate Change*.

In response to feed back received at previous Assemblies, the ALGA has revised the process for motions to ensure that policy debates relate to the current national priorities for local government. To be eligible for inclusion in the NGA business paper motions must:

- 1 fall under one of the themes – infrastructure, climate change or local government financing;
- 2 be relevant to the work of local government nationally;
- 3 complement or build on the policy objectives of state or territory association.

## THE PROPOSAL

The Assembly will be held in Canberra from 22 to 24 June 2009 and registrations have now opened with early bird registration closing on 27 April 2009. Only one voting delegate per Council is permitted. Councillors were advised by email on 24 March 2009 that the Assembly program had been added to the Councillors Event section in Sharepoint.

The deadline for Notices of Motions is 24 April 2009 and to date no motions have been submitted by Councillors for consideration.

### Financial Implications

Cost per attendee is estimated as follows:

Registration (early bird)	\$ 799
Accommodation (four nights)	\$ 888
Meals	\$ 400
Travel (flight)	\$ 300
Total	\$2,387

Funds are available in the Councillor Support Budget. Attendance and payment of costs involved are in accordance with the Facilities and Expenses Policy for Councillors.

## GOVERNANCE

The Assembly is an opportunity for Councillors to extend their understanding of infrastructure, local government financing and climate change which are all issues effecting this Shire. It therefore has relevance to Councillors of Wyong.

## CONCLUSION

The Assembly is an opportunity for Council to ensure issues of concern are debated widely and for Councillors to network with other elected representatives from throughout Australia.

Submission made by Councillors on behalf of Council will ideally require presentation at the Assembly. Attendance by the appropriate Councillor(s) would be necessary if submissions are made.

## ATTACHMENTS

*Nil.*

## **5.2 Re-establishment of Alcohol Free Zones within Wyong Shire**

TRIM REFERENCE: D01863105

AUTHOR: MW

### **SUMMARY**

Alcohol Free Zones (AFZ) within Wyong Shire are set to expire on 30 June 2009 and it is proposed to re-establish all zones until 30 June 2013.

### **RECOMMENDATION**

- 1 That Council propose the renewal of all Alcohol Free Zones within Wyong Shire until 30 June 2013 as outlined in the attachments and complete the required public consultation process.**
- 2 That Council advise the NSW Anti-Discrimination Board of the proposal.**
- 3 That Council determine the renewal of the Alcohol Free Zone Regulations upon receipt of a report at a later date, following the public consultation process.**

### **BACKGROUND**

Alcohol Free Zones were introduced to Wyong Shire many years ago as a means of controlling anti-social behaviour resulting from the consumption of alcohol. Established by Regulation the zones may only be set for a period of four years. The current term is due for reconsideration and renewal at Council's option.

It is considered appropriate for all of the zones in Wyong Shire to be re-established to a common expiry date of 30 June 2013.

The Tuggerah Lakes Local Area Command of the NSW Police has advised they support the renewal of all Alcohol Free Zones within Wyong Shire until 30 June 2013.

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

### **OPTIONS**

- 1 Approve the renewal of all Alcohol Free Zones within Wyong Shire in accordance with existing authorities. The evidence of social behaviour improvement since the introduction of the practice of AFZs, is clear and has received favourable support from Police. Continuation of the AFZs is desirable if continued improvement in behaviour is to be achieved.
- 2 Establish and approve new and/or reclassify existing Alcohol Free Zones. There is no case presented by Shire Services or the Police warranting any new or altered zones.
- 3 Dis-establish all Alcohol Free Zones within Wyong Shire. This action would certainly result in an increase in complaints regarding anti-social behaviour in the areas concerned and a return to the social conditions prevalent prior to the introduction of AFZs. A move in this direction would be unpopular with Police.

## THE PROPOSAL

It is proposed to renew the alcohol free zones in their current configuration – see map attached.

## STRATEGIC LINKS

### Management Plan

Principal Activity	Key Issue(s) and Objective (s)	Financial Line Item No and Description
A better community	To contribute to a safe community	1.6

Work in partnership with government, nongovernment agencies and community groups to address crime and safety issues.

Ongoing efforts to reduce the incidence of vandalism across the Shire.

## FINANCIAL IMPLICATIONS

Nil

## CONSULTATION

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

The guidelines also provide that specific Councils must consult with the Anti-Discrimination Board and all other Councils have the option of advising the Board of proposals. Whilst Wyong Shire Council is not required to consult with the Anti-Discrimination Board, it is proposed that Council advise the Board of the proposal.

## GOVERNANCE

The proposal is in accordance with section 632 of the Local Government Act. The procedures outlined in the Ministerial Guidelines are addressed.

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

**CONCLUSION**

There is obvious benefit to the community in continuing the existence of Alcohol Free Zones. A renewal by Council of the Regulation for a further four years is warranted and well supported by NSW Police. There is a consultation process to be conducted and final approval of the renewed Regulations cannot be achieved by Council Resolution until that process is completed.

**ATTACHMENTS**

- 1 Alcohol Free Zone List All Wyong Shire 2009
- 2 Maps of Alcohol Free Zone within Wyong Shire Enclosure

## LIST OF ALCOHOL FREE ZONES

<b>ZONE</b>
<p><b>Bateau Bay (1)</b> The zone is bound by Bateau Bay Road, Reserve Drive, Hilltop Street, Malana Avenue, Sierra Avenue from intersection with Malana Avenue, Anne Findlay Place. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Bateau Bay (2)</b> Debra Anne Drive between Rotherham Street and Melissa Close.</p>
<p><b>Bateau Bay (3)</b> The zone is bound by Sherwood Close and Anglers Drive in the North, Fishermans Bend Avenue and Northview Drive in the East, Sir Joseph Banks Drive in the South and Lady Penrhyn Close and Rotherham Street in the West. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Berkeley Vale</b> Entire length of Lakedge Avenue including part of Bluebell Avenue, to Grevilla Close and part of Emerald Place to Kerry Crescent.</p>
<p><b>Budgewoi (1)</b> Ocean Street, Cudgegong Street, Weemaler Street, Lake Street, Boomerang Street and Ouringo Street.</p>
<p><b>Budgewoi (2)</b> The zone is bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary are included within the Alcohol Free Zone.</p>
<p><b>Chain Valley Bay (South)</b> Tall Timbers Road, Scaysbrook Avenue, Dale Avenue, Bridges Avenue and Lloyd Avenue.</p>
<p><b>Chain Valley Bay (North)</b> Teragalin Drive, Tarwhine Avenue and Trevally Avenue.</p>
<p><b>Gwandalan</b> Gwandlan – Gamban Road from Winbin Crescent to Bowers Lane including Bowers Lane.</p>
<p><b>Kulnura</b> George Downes Drive and Greta Road in the vicinity of the Kulnura Hall and Tennis Courts.</p>
<p><b>Lake Haven</b> Lake Haven - Goobarabah Avenue, Lake Haven Drive, Lake Haven Recreation Centre Carpark.</p>
<p><b>Lake Munmorah</b> Anita Avenue - from Boronia Road to Anthony Street; Dianne Avenue, Adeline Avenue, Viney Lane, Alister Avenue and Arcardia Avenue.</p>

<p><b>Long Jetty</b> That portion of Long Jetty between Tuggerah parade and Watkins Street intersection by Toowoan Bay Road, Thompson Street, Stella Street, Pacific Street and Elseimer Street and the relevant section of The Entrance Road.</p>
<p><b>Mannering Park</b> That portion of Vales Road between Spencer Road and Greenway Avenue.</p>
<p><b>Norah Head</b> Bungary Road from its intersection with Cliff Street, Hargraves Street, Park Street, Henderson Street, Cliff Street, Roslyn Place, Budgewoi Road from intersection with Bungary Road and Elizabeth Drive, Ada Avenue and Elizabeth Drive.</p>
<p><b>Ourimbah</b> Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive, Pacific Highway, King, Station and Ourimbah Streets.</p>
<p><b>Shelly Beach</b> Carpark and road area in vicinity of Life Saving Club and Shelly Beach Cabins.</p>
<p><b>Summerland Point</b> Summerland Point- Cams Boulvarde from Illawong Road and Gurrail Place, Illawong Road from Cams Boulevard to Muraban Road, Muraban Road from Illawong Road and Gurrail Place, Gurrail Place.</p>
<p><b>The Entrance</b> The Entrance Road (Denning Street to The Entrance Bridge) Marine Parade, Beach Street (Marine Parade to Ocean Parade), that Portion of The Entrance Road to Warrigal Street, Victoria Street, Victoria Street, Denning Street. Theatre Lane; the carpark bounded by Theatre Lane, Bayview Avenue, Short Street and Denning Street; Short Street; Bayview Avenue and Ambler Parade.</p>
<p><b>Toowoan Bay</b> Bay Road - Koongara Street, including entire length of Koongara Street.</p>
<p><b>Toukley</b> Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade, Peel Street, Lakeview Street, Holmes Avenue, Victoria Avenue, Canton Beach Road, Yaralla Street, Elden Street, Summerside Street and Sonters Lane.</p>
<p><b>Wyong (1)</b> Cutler Drive between Harvey Street and Casey Drive, Owen Avenue.</p>
<p><b>Wyong (2)</b> Hely Street from intersection with Anzac Avenue to intersection to Pacific Highway, Hardware Lane with Norah Road.</p>

### **5.3 Proposed Councillors' Community Improvement Grants**

TRIM REFERENCE: D01874442

AUTHOR: SG

#### **SUMMARY**

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

#### **RECOMMENDATION**

***That Council allocate an amount of \$7,925 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.***

#### **BACKGROUND**

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

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

#### **THE PROPOSAL**

To allocate funding to community groups or individuals in accordance with the CCIG Policy.

#### **OPTIONS**

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

#### **STRATEGIC LINKS**

##### **Management Plan**

<b><i>Principal Activity</i></b>	<b><i>Key Issue(s) and Objective (s)</i></b>	<b><i>Financial Line Item No and Description</i></b>
A better community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

##### **Contribution of Proposal to the Principal Activity**

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



## 5.3 Proposed Councillors' Community Improvement Grants (contd)

### Financial Implications

Expenditure is approved until the end of the current financial year. Unspent approvals lapse 30 June 2009.

### CONSULTATION

Applications that met the criteria were distributed to Councillors for their consideration. Applications received directly from Councillors were not distributed to other Councillors.

### GOVERNANCE

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

### CONCLUSION

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Expenditure up to and including Ordinary Council Meeting of 08/04/2009		800	650	3,164	2,705	1,631	2,650	0	2,500	2,490	2,600	19,190
Available allocation as at 22/04/2009		6,700	6,850	4,336	4,795	5,869	4,850	7,500	5,000	5,010	4,900	55,810
Proposed Allocations for 22 April 2009												
A Classified Weekend	Assist to meet expenses for funding and advertising to improve annual festival						500		350			850
Australian Red Cross	Assist to support banner promoting volunteers first aid and emergency services	25							350			375
Camp Breakaway Inc	Assist to purchase air conditioning for Breakaway Lodge	250				250	1,000		800			2,300
Camp Endeavour	Assist to provide transport for young adults with disabilities from Toukley to Mingara Leisure Centre on 25 April 2009	100			100					500		700
Northern Lakes Junior Rugby League Football Club & Sport and Rec Club	Assist to complete irrigation of the fields								800			800

## 5.3

## Proposed Councillors' Community Improvement Grants (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
The Entrance and District Cricket Club	Assist to purchase second hand roller from Wyong Council for the preparation of the turf wicket at Jubilee Park		500	500	100		500			500		2,100
Toukley Neighbourhood Centre	Assist with purchasing a washing machine / dryer for community who may not have access to these	80							720			800
<b>Total Proposed Allocations for 22/04/2009</b>		<b>455</b>	<b>500</b>	<b>500</b>	<b>200</b>	<b>250</b>	<b>2,000</b>	<b>0</b>	<b>3,020</b>	<b>1,000</b>	<b>0</b>	<b>7,925</b>
<b>Total Accumulated Allocations as at 22/04/2009</b>		<b>1,255</b>	<b>1,150</b>	<b>3,664</b>	<b>2,905</b>	<b>1,881</b>	<b>4,650</b>	<b>0</b>	<b>5,520</b>	<b>3,490</b>	<b>2,600</b>	<b>27,115</b>
<b>Balance of Accumulated and Pending Allocations</b>		<b>1,255</b>	<b>1,150</b>	<b>3,664</b>	<b>2,905</b>	<b>1,881</b>	<b>4,650</b>	<b>0</b>	<b>5,520</b>	<b>3,490</b>	<b>2,600</b>	<b>27,115</b>
<b>Balance Uncommitted as at 22/04/2009</b>		<b>6,245</b>	<b>6,350</b>	<b>3,836</b>	<b>4,595</b>	<b>5,619</b>	<b>2,850</b>	<b>7,500</b>	<b>1,980</b>	<b>4,010</b>	<b>4,900</b>	<b>47,885</b>

## ATTACHMENTS

*Nil.*

## **5.4 Parental Leave**

TRIM REFERENCE: D01872689

AUTHOR: BS

### **SUMMARY**

This report covers Wyong Shire Council's (WSC) intention to increase maternity leave in keeping with modern workforce needs.

### **RECOMMENDATION**

***That Council authorise the General Manager to vary the 2008-09 Management Plan to allow the immediate introduction of the following parental leave entitlements as standard conditions for staff:***

- a Eighteen weeks maternity leave at full pay or 36 weeks at half pay.***
- b Two weeks paternity leave at full pay or four weeks paternity leave at half pay.***

### **BACKGROUND**

Council is experiencing a skills shortage and has an ageing workforce and needs to introduce strategies to ensure retention and attraction of good quality staff.

Parental leave has been identified as a significant factor in retaining and attracting staff and in particular, female staff.

A number of Councils have introduced parental leave provisions beyond those provided by the current Local Government State Award. Local Government organisations and Unions are supporting these changes.

The Local Government and Shires conference 2008 and the United Services Union conference in 2008, both resolved that conferences support the provision of 18 weeks paid maternity leave and two weeks paid paternity leave as a standard condition for all NSW Local Government employees. These resolutions will no doubt be considered in the negotiations and form part of a new Award in 2010.

A review of paid maternity leave in NSW councils shows a majority of councils provide maternity leave of nine weeks paid leave in accordance with the NSW Local Government (State) Award. A number of other Councils provide varying lengths of paid maternity leave including Gosford and Ryde, 18 weeks, Orange, Leichardt and Sydney with 14 weeks and Hawkesbury and Port Stephens with 12 weeks.

Council, through the development of a new Human Resources Strategy has identified that the biggest issues currently facing Council are skills shortage and ageing workforce.

In terms of retention and attraction, staff focus groups have identified parental leave particularly for female staff as an important factor. The retention and attraction team, one of a number of staff groups developing and implementing the HR strategy have agreed that the parental leave policy is one of a number of key policies for Council and recommend amending the current policy in line with the Local Government and Shires Association's resolution. They recommend that the new entitlements be implemented immediately.

## THE PROPOSAL

Currently 37% of WSC's total permanent workforce is female and are in predominately administrative and professional positions. Further, 21% of WSC's female workforce are between the ages of 25 and 45.

Local Government organisations are urging the Local Government sector to adopt more transparent and flexible work practices and that women are seen as a real solution to the skills shortage problems facing Councils everywhere. The retention rate of female staff is significantly higher in organisations that offer extended parental leave as opposed to those which do not. (NSW Government submission to the Productivity Commission inquiry into paid maternity, paternity and parental leave, pg 14)

The Local Government (State) Award does not include any paid entitlement to paternity leave. Councils that have increased maternity leave provisions have also adopted up to two weeks paternity leave.

A parental leave model that allows for paid paternity leave increases the options for parental caring arrangements and enables parents to fairly distribute responsibilities during the early stages after the birth of a child.

## FINANCIAL IMPLICATIONS

Over the past 12 months, 21 employees have taken maternity leave – unusually above the running average of 12 births per annum over the past six years.

The cost of maternity leave over the last 12 months is based on nine weeks paid leave is \$179,000 for the 21 employees, which would become \$358,000 if that rate of birth continued.

However on the running average a more realistic comparison is

- Current cost (9 weeks maternity leave). - \$102,000 per annum
- Projected cost (18 weeks).....- \$204,000 per annum

Currently paternity leave is taken from accrued sick leave entitlement and it is difficult to determine how many employees have taken paternity leave in the past.

Using the maternity leave averages the cost per occasion would be \$1,900. Based on the average of 12 occasions the cost to Council would be \$22,800 per annum.

The draft 2009-10 Management Plan has provided for these increased entitlements. The extra cost for the remainder of the current 2008-09 Management Plan would be \$21,600.

## CONCLUSION

Increases in cost are likely to be insignificant against costs saved against reduced recruitment resulting from increased stability, retention of trained people and retention of "corporate knowledge".

Introducing the new conditions earlier demonstrates Wyong Shire's commitment to the welfare of its staff and in these times of change, to adopting pro-active strategies to retain staff already trained and knowledgeable in WSC affairs.

## ATTACHMENTS

*Nil.*

## **5.5 Revised Liquid Trade Waste Policy**

TRIM REFERENCE: D01878058

AUTHOR: VW

### **SUMMARY**

This report seeks Council's adoption of a revised Liquid Trade Waste Policy. The existing Policy has been updated to align with the Department of Water and Energy (DWE), 2009 Liquid Trade Waste (LTW) Management Guidelines.

The main difference between the current policy and the amended policy is that the amended policy includes a reference to the National Framework for Wastewater Source Management Guideline, July 2008 and also the DWE LTW Management Guidelines have included Septic Effluent and Pan Waste requirements, which includes fees and charges as advised by the DWE and included in the Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002. These charges are included in the Independent Pricing and Regulatory Tribunal (IPaRT) draft pricing determination.

### **RECOMMENDATION**

- 1 That Council exhibit the Liquid Trade Waste Policy for public comment.**
- 2 That Council adopt the policy subject to no significant objections as a result of the exhibition.**
- 3 That Council consider a further report if there are significant objections.**

### **BACKGROUND**

Liquid Trade Waste is all liquid waste other than sewage of a domestic nature. Sewage of a domestic nature includes human faecal matter, urine and waste water associated with an ordinary kitchen, laundry and ablution activities of a household.

Council's Sewage Treatment Plants (STP) are designed to treat sewage of a domestic nature. LTW can contain high strength waste ie; grease, solids and other pollutants not normally contained in domestic sewage. These high strength wastes (LTW) are difficult to treat which may cause pollutants to be discharged in the effluent from Council's STP. This in turn may pollute the environment and impose higher charges from the Department of Environment and Climate Change.

Fees and charges are applied to Liquid Trade Waste dischargers based on a user pays system.

Typical examples of LTW dischargers include Takeaway Shops, Restaurants, Hairdressers and Dentists, through to industrial processes such as Powder Coating, Chemical Manufacturing eg; Cheminova and Food Manufacturing eg; Mars Foods and Sanitarium.

The LTW Policy is required to regulate commercial and industrial businesses, to ensure that their discharges comply with Council's acceptance limits contained in their approval.

Council adopted and implemented its current Liquid Trade Waste (LTW) Policy at the 12 April 2006 Ordinary meeting. The current policy has been reviewed and amended to align with current best practice.

## 5.5 Revised Liquid Trade Waste Policy (contd)

---

The amended Policy incorporates the updated Department of Water and Energy LTW Management Guidelines, 2009 which includes the management of Septic Effluent and Pan Waste. It is mandatory for Council to comply with these Guidelines based on the requirements of the Local Government Act, 1993.

Fees and charges for Septic Effluent and Pan Waste are incorporated in the amended policy, in line with the DWE Guidelines, for determining LTW fees and charges. LTW fees and charges that align with the structure of the amended policy, have been submitted to IPaRT for determination.

The fees and charges for septic effluent and pan waste are existing in the current Management Plan under the general fund and will be applied under the trade waste policy.

The amended policy targets the following key outcomes:

- a) Improved management of septic effluent, ship-to-shore pump-out and pan waste services.
- b) Reduced load on the sewerage system which will defer the need to build new sewerage infrastructure.

The proposed policy will have the following impact:

- a) There will be no increase in fees and charges for customers that discharge septic effluent, ship-to-shore waste or pan waste.

There will be one new Classification of Liquid Trade Waste discharger being Classification S which will be linked to Category S fees and charges (see impacts a), which are already contained in Council's Management Plan.

### **ATTACHMENTS**

- 1 Liquid Trade Waste Policy amended 1-4-2009 Enclosure

## 5.6 Proposed Central Coast Water Corporation

TRIM REFERENCE: D01866505

AUTHOR: GM

### SUMMARY

Update on discussions with NSW Minister for Water, the Honourable Phillip Costa in regard to the proposed Central Coast Water Corporation.

### RECOMMENDATION

***That Council concur with the process to engage an expert advisor to assist both Wyong Shire and Gosford City Councils to undertake a due diligence analysis to determine and assess any risks or issues in the formation of a Central Coast Water Corporation and to identify potential actions to address these.***

### BACKGROUND

In 2004 the then Minister for Water, the Hon Frank Sartor, directed Gosford and Wyong Councils to examine amalgamation of the water, sewerage and drainage functions. The two Councils employed PriceWaterhouseCoopers to examine all options for joint operation, including the current arrangements. PriceWaterhouseCoopers identified that under the current arrangements, the Gosford Wyong Councils' Water Authority could not act as a decision making body on behalf of the Councils and could only operate as an advisory body. The ongoing difficulty with the current arrangements is that the two Councils may make different decisions on matters as they have done in the past in regard to temporary desalination, restrictions etc.

In 2005 both Councils formally resolved to support a new joint service entity based on model 2 as proposed by the PriceWaterhouseCoopers. The basis of the entity would be:

- a The Joint Service Entity (JSE) be established with shareholding restricted to Local Government authorities;
- b Retention of Councils' direct ownership and control of water, sewerage and drainage infrastructure;
- c Councillors, Council officers and non-Councillors able to be members of the Board of Directors of the JSE and appointed by the two Councils.
- d Retention of job security and career opportunities for existing staff;
- e Operational responsibility for the water functions to remain with Gosford and Wyong Councils;
- f Councils continue to be the water authority under the Water Management Act and, if appropriate, the licensed operator;
- g Councils be responsible to the community for the delivery of water, sewerage and drainage services.

Under this model the JSE would be the decision making body for strategic issues without the need to seek the approval of the two Councils, while the Councils would retain the responsibility for day to day operations.

Minister Sartor agreed to support the legislative change necessary to establish this entity. However the legislation eventually proposed by the then Water Minister, David Campbell, was significantly different from that proposed by the two Councils. The State Government would make the longer term decisions on transferring assets from the Councils and the Councils would cease to have any operational responsibility in a short timeframe. This model could also have a significant financial impact on the two Local Government Authorities.

The two Councils resolved in 2007 to seek amendments to the legislation – namely addressing concerns in regard to the two Councils ceasing to be water authorities after a set period, transferring the power from the Minister to the Councils in regard to the assets that are transferred to the corporation and amendments to the Act in relation to the make up of the board.

On 15 January 2009, the two Councils' Mayors and General Managers met with the Minister for Water Utilities, the Hon Phillip Costa MP. The purpose of the meeting was to discuss the creation of the Central Coast Water Corporation. At that meeting both Gosford and Wyong outlined their concerns in regard to Councils continuing to have direct ownership of the assets and continuing to act as Water Supply Authorities with the responsibility for day to day operations. The Minister appreciated the Councils' concerns and while he indicated that it was not his preferred option, he indicated that he was willing to pursue legislative change if necessary. It was agreed at the meeting that a Steering Committee comprising the General Managers of the two Councils and chaired by the Director General of the Department of Water and Energy would be established to progress the formation of a Corporation. It was agreed that the first step would be to undertake a due diligence analysis to determine and assess any risks or issues. It is envisaged that this process will take approximately six months with a report back to the Councils' and the Minister by September 2009. The report will identify potential action the Minister may need to take to facilitate the implementation of the legislation and will ensure that any issues that the two Councils may have can be addressed and resolved before the Corporation is established. This due diligence analysis would best be conducted by an independent expert.

The first meeting of the Steering Committee was held on 2 February 2009 where it was agreed to proceed with the appointment of an Expert Advisor to assist with the work program over the next six months.

## **REPORT**

Proposals were sought from various firms. Interviews were held with a shortlist of three consultants from Mallesons, Clayton Utz and Allens Arthur Robinson.

Following the interviews, detailed proposals including how the Expert Advisor would undertake the assignment were sought from Clayton Utz and Allens Arthur Robinson.

The General Managers of both Councils, together with the Director General of the Department of Water and Energy have agreed on the appointment of Simon Brady (Clayton Utz), who is proposed to work in the Expert Advisor role with the General Managers and Mayors over the next six months to meet the September deadline. A summary of the proposal is attached.



**FINANCIAL IMPACT STATEMENT**

The cost estimate from Clayton Utz is approximately \$132,000 to undertake the work as outlined in the proposal. It is proposed Simon Brady be commissioned to undertake the work as outlined in his proposal, up to an amount of \$150,000, to allow for additional work he may be required to undertake over the course of the assignment. This cost is to be shared by Gosford and Wyong Councils'.

**ATTACHMENTS**

- 1 Confidential enclosure - Summary of Clayton Utz Proposal - (Under Separate Cover) Enclosure

## **6.1 Information Reports**

---

TRIM REFERENCE: F2009/00008 - D01879565

AUTHOR: SW

### **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.*

## 6.2 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D01879066

AUTHOR: JD

### SUMMARY

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

### RECOMMENDATION

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

#### Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	19	5,090,830	18	6,254,180
Industrial	7	700,000	2	1,559,000
Residential	87	8,950,383	70	12,929,488
Other	15	189,810	13	2,163,681
<b>Total</b>	<b>128</b>	<b>14,931,023</b>	<b>103</b>	<b>22,906,349</b>

#### Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	1	6	-	-
Industrial	-	-	1	2
Residential	2	2	2	2
Rural	-	-	-	-
<b>Total</b>	<b>3</b>	<b>8</b>	<b>3</b>	<b>4</b>

### Net Median Turn-around Time

There were two priority applications approved during the month with a net median turn-around time of 34 days. The applications were for extensions to a Shopping Centre at Lakehaven and an industrial Unit at Wyong.

The net median turn-around time in working days for development applications determined during the month was 15 days.

### Other Approvals and Certificates

Type:	Number Determined:
Trees	38
Section 149 D Certificates	22
Construction Certificates	76
Complying Development Certificates	11

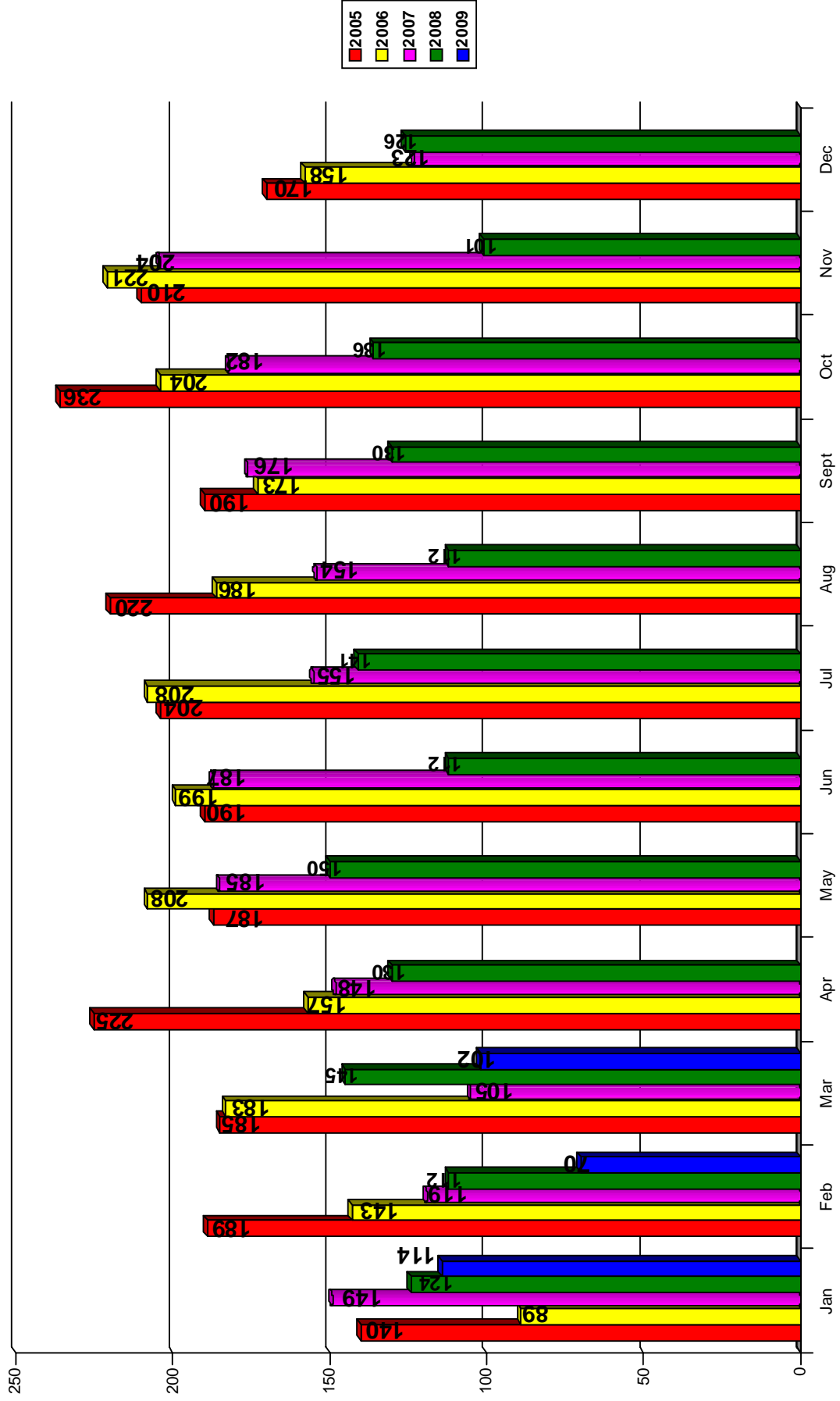
### State Environmental Planning Policy No 1

There were no applications that relied on SEPP 1 variations for the Month of March.

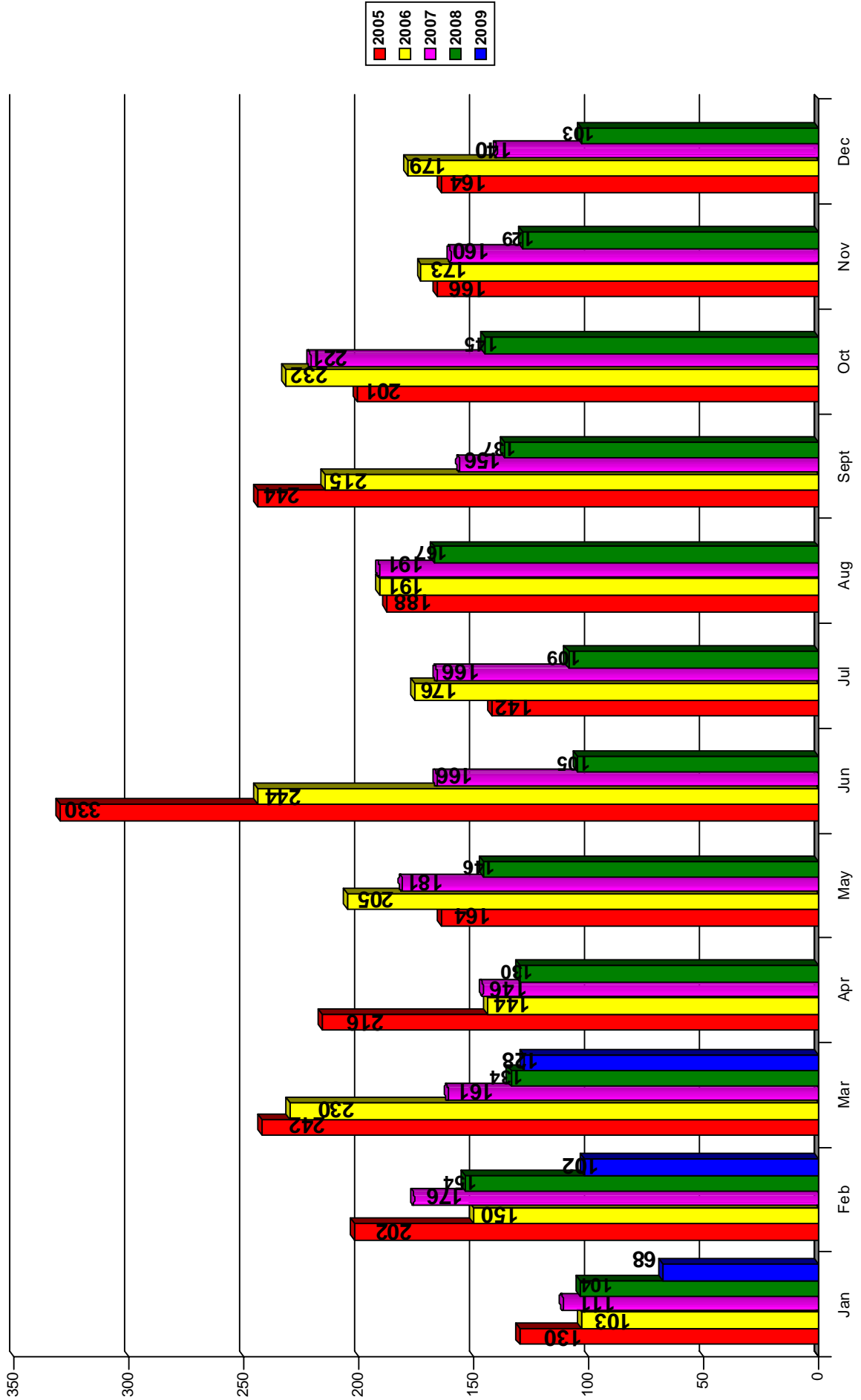
### ATTACHMENTS

- 1 Activities Report Graphs - DA's Determined, Da's Lodged and CC's Determined

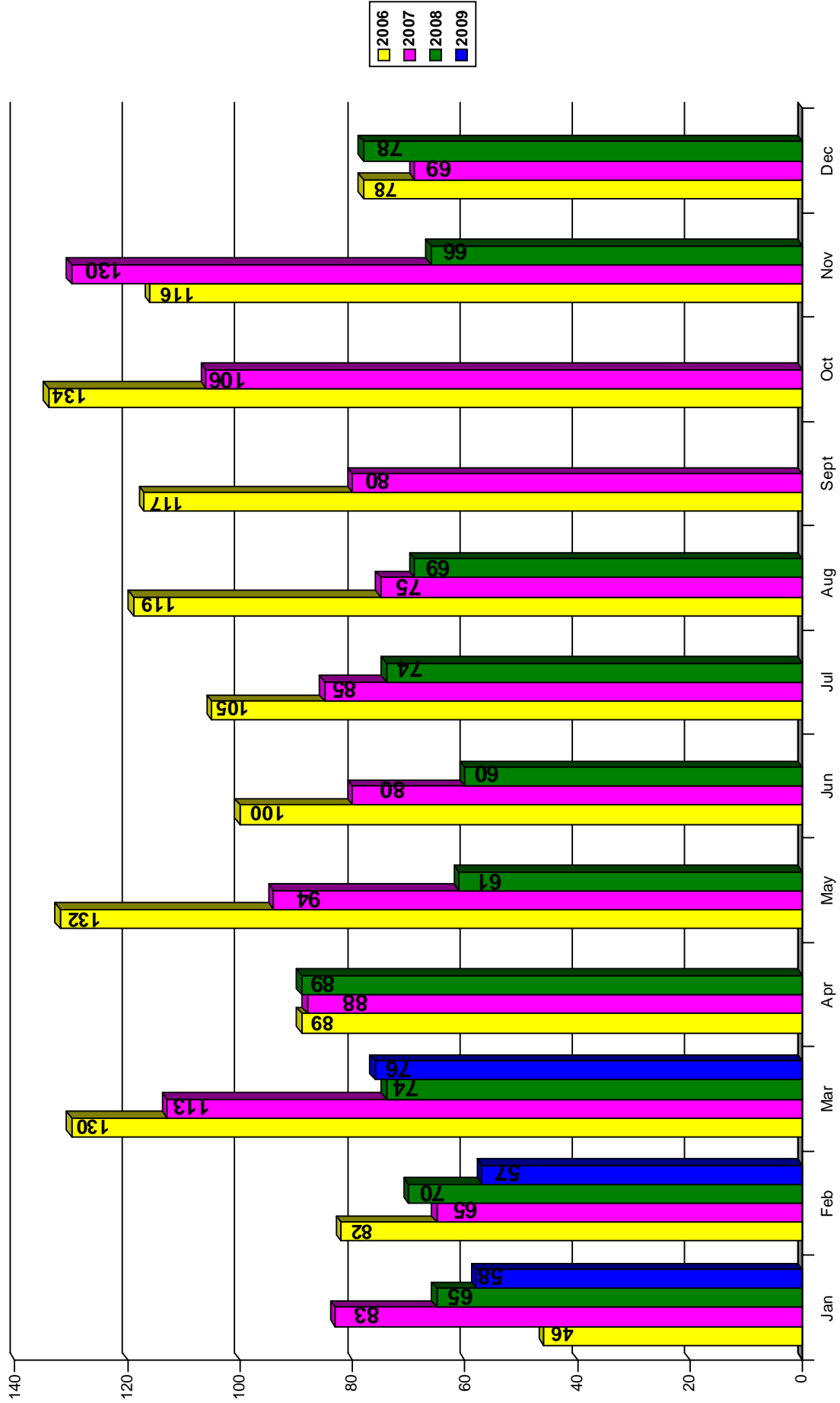
**DA's DETERMINED**



**DA's LODGED**



**CCs DETERMINED**



### 6.3 General Works In Progress

TRIM REFERENCE: D01871359

AUTHOR: JM; DG

#### SUMMARY

This report shows the current status of completed significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of March 2009. Water and Sewerage services are not included.

#### RECOMMENDATION

*That Council receive the report on General Works In Progress.*

#### ROADS AND DRAINAGE SECTION OVERVIEW

##### Capital Works In Progress

The table below is a status report of current major new and upgrade road drainage projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Sunrise Avenue – Halekulani Constructed wetlands	250,000	60	June 2009	Construction of wetland on foreshore off Sunrise Ave between Lukela Ave and Ulana Ave Halekulani. Works include installation of drainage line including inline GPT, construction of wetland with water control devices and planting program. Earthworks in progress
Fairport Avenue & Ocean Parade – The Entrance. Intersection & drainage upgrade	890,000	20	May 2009	Construction of roundabout at intersection, upgrading of drainage lines, renewal of kerb and gutter, road reconstruction and installation of pedestrian refuges and traffic facilities  Works commenced on drainage pipeline



Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Panorama Avenue Charmhaven. Road and drainage reconstruction	720,000	100	March 2009	Upgrading of the existing Road pavement and intersection at Charmhaven Avenue to current standards including installation of kerb and guttering, traffic islands and concrete footpath.  Kerb and gutter has been installed and asphalt pavement completed. Footpath and restoration works have been carried out to complete works.
Glen & Fern Roads, Ourimbah. Road and drainage reconstruction	610,000	100	March 2009	Reconstruction and sealing of existing section of gravel road to current standards, including widening, realignment works and associated drainage works. Works now completed
Thompson Street – Long Jetty. Road closure.	114,000	80	April 2009	Road closure of Thompson St Long Jetty at the intersection with Watkins St. Works include the construction of turning circle, installation of kerb and gutter, rehabilitation of road pavement at Watkins and Thompson St and the creation of a garden on the footway between roads. Roadworks completed, kerb and gutter installed.
Manoa Road Halekulani drainage upgrade	315,000	100	March 2009	Drainage upgrade works including pipe installation, construction of kerb and gutter, and minor roadworks. All works now completed
Eastern Road – Tumbi Umbi. Roadworks and drainage reconstruction.	350,000	100	March 2009	Rehabilitation of existing pavement. Upgrading of existing drainage. Installation of shared pathway. Works now completed
Albert Warner Drive – Warnervale  Footpath construction	14,500	100	March 2009	Construction of concrete footpath on Albert Warner Dr between Aldenham Rd and St Albans Road. Works now completed.
Cams Boulevard – Summerland Point.  Footpath construction.	24,500	100	March 2009	Construction of concrete footpath on Cams Boulevard between Ginganup Rd and Tarwarri Rd Summerland Point. Works completed

**General Maintenance Work**

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

	<b>North</b>	<b>South</b>
<b>Drainage Maintenance</b>	Yarramalong Buff Point Warnervale	Tuggerah
<b>Replacement of Damaged Foot paving</b>	Woongarah Hamlyn Terrace Budgewoi	The Entrance Killarney Vale
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	Nil	Nil
<b>Heavy Patching</b>	Charmhaven Kanwal	Fountaindale Tuggerah South Tacoma
<b>Table Drain Maintenance</b>	Lake Haven Mannering Park Chain Valley Bay Charmhaven Budgewoi Toukley Gwandalan	Berkeley Vale Long Jetty Bateau Bay Killarney Vale Tumbi Umbi
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
<b>Fencing</b>	Nil	Nil

	North	South
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty

### CONTRACTS AND SPECIAL PROJECTS SECTION

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

Contract No	Contract Description	Contract Status	% Completed
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Agreement has been reached with the contractor regarding OH & S clauses in the Deed of Agreement. Executable copies of the Deed are being prepared. The Deed is expected to be signed by the parties by mid-April 2009.	5
CPA/94531	Consultancy for Investigation and Design of Link Road and Trunk Water Main to Mardi Dam	Design and tender documentation of the Link Road and adjacent trunk water main is complete. Design and tender documentation for the trunk water main connection back to Mardi Dam has been put on hold. If the southern section of Link Road does not proceed, an alternative route for the trunk water main has to be determined.	90
CPA/94559	Design and Documentation of Woongarra Sports Fields	Contract drawings revision in hand and outstanding minor claims to be resolved to finish off this design commission.	99
CPA/98240 complete, becomes CPA/152870	Implementation of Buttonderry Waste Management Facility Entry Master Plan	Contract has been let to GWH Construction (NSW) Pty Ltd. Works commenced in March 2009 with completion by December 2009. Estimated contract value is \$2.7M.	2
CPA/114612	Don Small Oval Lighting	Contract awarded October 2008. Lighting has been installed and final testing carried out. Removal of old lighting and final commissioning was completed in March 2009. Contract value \$157,000.	100
CPA/117144	Design and Construct Toukley Reclaimed Effluent Treatment Plant Augmentation	Contract awarded to Water Treatment (Australia) Pty Limited in February 2008. There is a delay in getting the UV equipment in time. It is planned to commission the new works by end of April 2009 without the UV equipment. Final commissioning with UV equipment expected in June 2009. Estimated project construction cost is \$2.72M.	75

## 6.3

## General Works In Progress (contd)

Contract No	Contract Description	Contract Status	% Completed
CPA/130590	Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to Bonacci Group Pty Ltd January 2008. Verification of detail designs is in progress. Detail design for Stage 1 expected in May 2009 and construction expected to commence in October 2009 and be completed April 2010. Estimated project construction cost \$8M, with this consultancy costing \$580,000.	70
CPA/130591	Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to SMEC Australia Pty Ltd April 2008. Anticipate completion of design and tender documentation by May 2009. Construction expected to commence October 2009 and be completed by March 2010. Project construction cost \$2M, with this consultancy costing \$265,000.	75
CPA/136020	Gwandalan Landfill Remediation – Investigations Only	This Stage 1 consultancy is for the preparation of a Brief for the detailed investigation of the Gwandalan Closed Landfill. Anticipate completion by end of April 2009. Value \$50,000. Stage 2 (detailed investigation and Remedial Action Plan) will be tendered by end of June 2009.	15
CPA/136021	Tumbi Landfill – Remediation – Preliminary Investigations	Contract for the first stage of investigations for the remediation of the site has been awarded and is expected to be completed by June 2009. Preparatory vegetation slashing has been completed. Site survey and part fencing of site will be completed by end of April 2009. Detailed investigations, remediation action plan (RAP) and design will follow preliminary investigations.	5
CPA/136398 to CPA/136401	Year Two Upgrade Works – All Holiday Parks (CPA/136398 to CPA/136401)	Contract resolution still being discussed with Contractor. Remaining works including the camp kitchen to be completed after the Easter holiday period and arranged by Council. Contact value \$ 1.84m	97
CPA/136486	Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	Contract awarded to Maunsell Australia Pty Ltd April 2008. Detail design and tender documentation being reviewed. Electrical design scope revised and currently in progress. Construction is expected to commence July 2009 and be completed by March 2010. Estimated project cost \$2.05m, with this consultancy costing \$164,000.	85
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Contract works nearing completion with Contractor expecting Practical Completion at end of March 2009. Project value is \$2.5m.	90

Contract No	Contract Description	Contract Status	% Completed
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp close)	Construction of Buff Point Shared Pathway	Construction 100% complete for Stage 1 from Edgewater Park to 600m past Matumba Road – approx. 1.6km of total 3km of planned pathway. Design work complete for steep section (Stage 3) near Kemp Close. REF submitted at end of March 2009. Lands agreement received. Federal funds received for this section and construction expected to be complete by 30 September 2009. Stage 2 (easternmost 1km) REF being revised to include creek crossing. Estuary Management Plan (EMP) funds likely to be available for Stage 2 work 2009-2010. Estimated cost of construction \$935,000 (overall).	50
CPA/145814	Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	Contract was awarded to Cardno (QLD) Pty Ltd October 2008. Detail design has been reviewed. Expected completion of the design by end of April 2009. Estimated project cost \$11M, with this consultancy costing \$160,000.	60
CPA/149519	Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	Ongoing. Structural design concept commission commenced. Special fuel area requirements report from Petrolink received and being finalised. New ground monitoring wells will be required, plus bunding and roof changes. Investigation of situation at Long Jetty depot fuel dispensing area to be included with this Charmhaven work. New wells also required.	25
CPA/152818	Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1	Contract awarded to GHD Pty Ltd on 6 January 2009. Option report in progress. Construction expected to commence November 2009 and be completed by February 2010. Estimated project cost \$2.15m, with this consultancy costing \$148,000.	25
CPA/153228	Construction of Woongarra Sports Facility	Tender review complete and reported to 8 April Council meeting. Construction start anticipated May 2009. Target is for playing fields to be ready for the winter 2010 season. Estimated total project construction cost \$6.1m (contract + other related works)	0
CPA/153765 to CPA/153784	Holiday Park Upgrade Works 2009	Construction tenders closed 18 December 2008. Tender recommendation for Toowoomba Bay project approved at Council meeting of 11 March 2009. Norah Head and Budgewoi projects approved by delegation. Norah Head Swimming Pool project by direct management. All projects are due to commence at end April 2009. (following Easter school holidays), as originally planned.	5

Contract No	Contract Description	Contract Status	% Completed
CPA/155267	Hamlyn Terrace Community and Sporting Facility	Design tender closed 18 December 2008. Tenders have been evaluated, and recommendation submitted for approval at Council meeting on 8 April 2009.	5
CPA/155526	Mardi Landfill – Remediation Action Plan (RAP) and Concept Design	Contract for RAP and concept design awarded and expected to be completed by June 2009. Work temporarily on hold pending the removal of asbestos contaminated material (ACM) from the access tracks on the site. The ACM removal to be completed by early April 2009. Detailed design tenders will follow RAP and concept design. Cost of remediation works yet to be determined but will be estimated as part of the concept design. Construction is not expected to commence until 2010-11. Site survey and site fencing completed as required by DECC Clean Up Notice.	15
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address five year work program for TETC include: <ol style="list-style-type: none"> <li>1. Installation of five pedestrian ramps to lower end of The Entrance Road to be completed by end of June 2009.</li> <li>2. Quotes for purchase of tiles for maintenance purposes have been received. Recommendation made in relation to preferred supplier.</li> </ol>	50
F2008/02390	Design for Construction of Proposed New Cell 4.2B at Buttonderry Waste Management Facility	Minor contracts for preliminary investigation works awarded. Geotechnical investigations and survey completed. Preliminary design for new cell completed. Contract for leachate system investigation (CPA/156894) is in progress. Contract for detailed design documentation (CPA/156896) is in progress. Program is for construction tenders to be called July 2009 for completion by July 2010.	20
F2008/02700	Investigate and Design for Mannering Park Shared Pathway	Surveys and acid sulphate reports complete. REF submitted end March 2009. Considerable objections – may delay Determination if referred to Council. Federal funds approved (\$259,000) will enable about 800 m to Campbell Pde to be completed (only). Delta Electricity amenable to route in Delta land and are currently arranging lease documents for southern end.	50
Reach 9, 10, 11, 4 & 1 Saltwater Creek, Long Jetty / Bateau Bay		The Rehabilitation of approximately 1km of creek line inclusive of 2.3ha of Bush Regeneration works. Estimated cost \$1,238,038. Estimated completion date June 09.	35

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
		NIL	

**ATTACHMENTS**

*Nil.*

## 6.4 Water and Sewerage - Works in Progress

TRIM REFERENCE: D01878175

AUTHOR: DP

### SUMMARY

Water supply and sewerage works in progress and completed for March 2009.

### RECOMMENDATION

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

### WATER SUPPLY

The table below is a status report of current major new and upgrade water projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Fairport Ave and Ocean Pde, The Entrance.	55,000	30	April 2009	<p>The relocation and replacement of approximately 90 metres of 150mm asbestos cement water main with 150mm MPVC class PN12 pipe.</p> <p>This work forms part of Roads and Drainage Program to construct a roundabout at the intersection of Fairport Ave and Ocean Pde and is being funded by Roads &amp; Drainage.</p>
Nimbin St, The Entrance.	10,000	ongoing	April 2009	Ongoing fittings and replacement works as part of the water maintenance program. The work is being funded by Water and Sewerage Capital Works Program.
Bateau Bay Reservoir, Berne St, Bateau Bay.	65,000	70	June 2009	<p>Construct new water pump station building, WPS 8 and upgrade existing telemetry.</p> <p>Construction of WPS 8 is complete. Telemetry and electrical works in progress are approximately 70% complete. This work is being funded by Water Capital Works Program.</p> <p>Works have been extended to build new retaining walls, footpaths, access driveways and upgrade security fencing. This work is being funded by the Water and Sewer Maintenance Program and is approximately 50% complete.</p>



## 6.4 Water and Sewerage - Works in Progress (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Wattle St and Oleander St, Canton Beach.	30,000	30	April 2009	The relocation and lowering of 2x100mm diameter asbestos cement water mains with an equivalent size MPVC class PN12 pipe.  This work forms part of the Roads and Drainage Works Program at the intersection of Wattle St and Oleander St and is being funded by Roads and Drainage.
Ruttleys Rd, Mannering Park.	20,000	0	May 2009	Ongoing fittings and replacement works as part of the water maintenance program. The work is being funded by Water and Sewerage Capital Works Program.
Burnett Rd, Warnervale.	12,500	70	April 2009	Installation of a 200mm metered domestic water supply system as part of Blue Tongue Brewery construction works.
Pacific Highway, Charmhaven, between Charmhaven Ave to Wyreema Ave	60,000	0	June 2009	Ongoing fittings and replacement works as part of Roads and Drainage Footpath program. The work is being partially funded by Water and Sewerage Capital Works program and Roads and Drainage Footpath Program.

### SEWERAGE

The table below is a status report of current major new and upgrade sewerage projects.

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Tuggerawong Rd, Wyongah.	300,000	0	June 2009	Work commences on 30 March 2009. Restore approximately 33 metres of 150mm vitreous clay sewer pipe. Restore existing drainage embankment to reinforce and stabilise the drainage line as a result of a land slippage during June 2007 storms.
Killarney Vale Wyong Summerland Point  Perouse Ave, Eyre Cres & Richardson Rd, San Remo	10,000	ongoing	June 2009	Ongoing sewer main and manhole replacement and adjustment works. Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Pacific Hwy, Ourimbah.	10,000	20	April 2009	Ongoing sewer main and manhole replacement and adjustment works have been occurring as part of the RTA works upgrading the Pacific Highway at Ourimbah. This work consists of lowering 2 manholes at the Pony Club.

## PROCESS

### Water Treatment

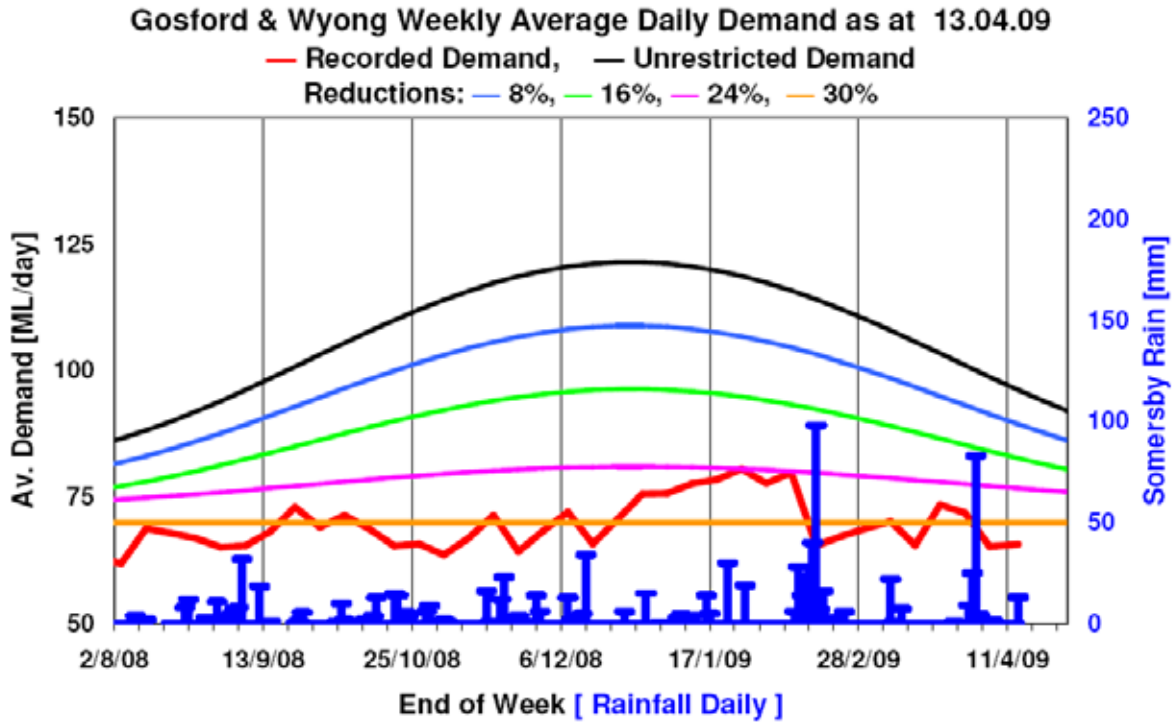
All water produced by the Water Treatment Plant, for the period 1 March 2009 to 31 March 2009, has met National Health and Medical Research Council Guidelines.

### Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 March 2009 to 28 March 2009, has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

<b>Monday, 13 April 2009</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	53,410	28.1	Down 37 ML
Mardi Dam	7400	7,400	100.0	Up 313 ML
Mooney Dam	4600	4,600	100.0	Unchanged
<b>Total</b>	<b>202000</b>	<b>65,410</b>	<b>32.4</b>	<b>Up 276 ML</b>
<p><b>STORAGE:</b></p> <ul style="list-style-type: none"> <li>Total stored water volume has increased by 0.4% since last month.</li> <li>This day last year the volume stored as a percentage of total capacity was 5.8% lower</li> </ul> <p><b>HUNTER TRANSFERS:</b></p> <ul style="list-style-type: none"> <li>Hunter Water Corporation supplied 0.0 ML last week keeping this years supply to 0.0 ML.</li> <li>Gosford/Wyong supplied 0.0 ML to Hunter Water last week keeping this years supply to 68.2ML</li> </ul> <p><b>GROUND WATER BORES:</b></p> <ul style="list-style-type: none"> <li>Groundwater Bores supplied 7.5 ML last week increasing this years supply to 110.7 ML</li> </ul>				
<b>WATER USAGE &amp; RAINFALL</b>				
<b>Period</b>	<b>Water Usage [MI]</b>	<b>Rainfall [mm]</b>		
		<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>
Week to date	463	2	0	0
Previous week	457	123	76	91
Current week last year	458	64	63	34
This year to date	7,439	507	282	320
Same period last year	6,824	730	532	452
<p>Week to date consumption was 463 ML, 1.1% more than the same week last year and 1.3% more than the previous week.</p> <p>Consumption this year to date is 7,439 ML, 9.0% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 20 April 2009 is 490 ML</p>				



- 1 **Black Line** Wyong Shire's normal demand when no restrictions are in place.
- 2 **Blue line** 8% reduction (based on the 'black line') over the entire year.
- 3 **Green Line** 16 % reduction (based on the 'black line') over the entire year.
- 4 **Pink Line** 24% reduction (based on the 'black line') over the entire year.
- 5 **Orange Line** 32% reduction (based on the 'black line') over the entire year.
- 6 **Blue Bars** Rainfall at Somersby in mm/day.
- 7 **Red Line** Wyong Shire's average daily demand.

**ATTACHMENTS**

*Nil.*

## **6.5 Audit for Best Practice Management Guidelines for Water Supply and Sewerage**

TRIM REFERENCE: D01877031

AUTHOR: DK

### **SUMMARY**

Results of an audit on Council's compliance with the Department of Water and Energy (DWE) Best Practice Management of Water Supply and Sewerage Services guidelines for the year ending 30 June 2008.

### **RECOMMENDATION**

***That Council receive the report on Audit for Best Practice Management Guidelines for Water Supply and Sewerage.***

### **BACKGROUND**

DWE provides Best Practice Management Guidelines for the management of water supply and sewerage services, and requires water utilities to comply with these guidelines. In response to DWE Guidelines, Council has developed a Water and Sewerage Strategic Business Plan (SBP) that is updated annually. The SBP includes the following key areas:

- 1 Operating environment review;
- 2 Asset management plan - operation, maintenance, and capital works;
- 3 Key performance indicators including reporting to DWE;
- 4 Customer service plan;
- 5 Levels of service;
- 6 Human resources plan;

Council engaged the Department of Commerce (Sydney) as the independent auditor. Enclosed is the auditor's Report on Audit of Compliance with DWE Guidelines for Best Practice Management of Water Supply and Sewerage Services.

As part of the audit, the auditor has reviewed Council's SBP and other associated documents such as financial plans, asset management plans, drought management and demand management plans. The auditor concluded that Council has demonstrated substantial compliance with Best Practice Management Guidelines for water supply and sewerage services in line with the Department of Water and Energy Guidelines for the year ended 30<sup>th</sup> June 2008".

"Substantial Compliance" means a level of compliance with the Guidelines such that any identified deficiencies do not detract from the outcome of achieving Best Practice Management for Water Supply and/or Sewerage.

## **6.5 Audit for Best Practice Management Guidelines for Water Supply and Sewerage (contd)**

---

The auditor's findings indicate that Council continues to achieve best practice management of its water supply and sewerage services, in line with the Guidelines issued by the NSW Department of Water and Energy.

### **ATTACHMENTS**

- 1** Report on Audit of Compliance with DWE Guidelines for Best Practice Management of Water Supply and Sewerage Services
- 2** Table 1 - Water Supply and Sewerage Report on Audit of Best Practice Management - February 2009



## Wyong Shire Council

February 2009

### Report on Audit of Best Practice Management of Water Supply and Sewerage

Contact Name: Chris Jefferd  
T 02 9372 7887  
F 02 9372 7844  
E [chris.jefferd@commerce.nsw.gov.au](mailto:chris.jefferd@commerce.nsw.gov.au)



---

## REPORT OF COMPLIANCE

### With DWE Guidelines for Best Practice Management of Water Supply Services for Wyong Shire Council in Year 2007/08

#### Scope

We have performed the agreed procedures in accordance with our proposal for engagement by Wyong Shire Council and described below with respect to the compliance of the Council's **water supply services** with *DWE Best-Practice Management Guidelines, August 2007* for the year ended 30 June 2008 based on relevant criteria as set forth in column (3) of Table 1 of these Guidelines. The audit was generally undertaken in accordance with Australian Auditing Standards applicable to agreed-upon procedures of engagements.

The responsibility for determining the adequacy or otherwise of the procedures agreed to be performed is that of Council and the Department of Water and Energy (DWE). The procedures were performed solely to assist Council and the Department of Water and Energy in evaluating the validity of the compliance requirements and are summarised as follows:

1. We reviewed the current **Strategic Business Plan (updated June 2008)** to ensure that it included an:
    - Operating environment review;
    - Asset management plan - operation, maintenance, capital works;
    - Performance indicators;
    - Customer service plan;
    - Levels of service;
    - Human resources plan.
  2. We reviewed the **financial plan** to ensure that it covers a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB).
  3. We have not reviewed **full cost recovery** and the projected total annual income to ensure it was consistent with the above financial plan as IPART administers Council's pricing/ revenue policy and Council is exempt.
-



4. We have not reviewed **water supply tariffs** to confirm they complied with the outcomes listed in column (4) of Table 1 of the Best-Practice Management Guidelines as IPART administer Council's pricing policy and Council is exempt.
5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We reviewed the **Demand Management Plan (updated in 2007)** to confirm that it included the outcomes listed in column (4) of Table 1.
7. We reviewed the **Drought Management Plan (updated in 2007)** to confirm that it included the outcomes listed in column (4) of Table 1.
8. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to DWE by 15 September 2008 and the latest DWE review (2 page TBL Report) reported back to Council.
9. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

## Findings

We report as follows:

1. With respect to 1 above we found the Strategic Business Plan is substantially compliant with outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines.
2. With respect to 2 above we found that the financial plan was for 30 years. Wyong Shire Council have reported the average residential bill using their 'in-house' spreadsheet financial model, which is accepted by IPART for their pricing determinations.
3. Council is exempt with respect to 3 above.
4. Council is exempt with respect to 4 above.
5. Council is exempt with respect to 5 above.
6. With respect to 6 above we found that the Demand Management Plan (updated in 2007) made provision for the outcomes listed in column (4) of Table 1.

7. With respect to 7 above we found that Drought Management Plan considered the outcomes listed in column (4) of Table 1.
8. With respect to 8 above we found that Council completed and lodged the performance reporting forms in the DWE Performance Monitoring Database in early November 2008 with the approval of DWE. We also found that the latest available DWE review (2-page TBL report for 2005/06) along with action plan has been reported to Council in an ordinary meeting held on 12 December 2007.
9. With respect to 9 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting an IWCM Strategy Plan in August 2007.

## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated **substantial compliance with Best Practice Management of Water Supply Services** in line with the DWE Guidelines as applicable for year ended 30<sup>th</sup> June 2008.

## Definition

We have adopted the following definition for this engagement:

*"Substantial Compliance" means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or Sewerage.*

What constitutes substantial compliance is also a function of at what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.

## Disclaimer

Our report is solely for the purpose set forth in the first paragraph of this report and for the information of Council and the Department of Water and Energy and is not to be used for any

Wyong Shire Council Best Practice Management Audit Report



---

other purpose or distributed to any other party. This report relates only to the items specified above and does not extend to any financial report of the Council taken as a whole.

Signed:

Date signed: 9<sup>th</sup> February 2009

A handwritten signature in black ink that reads "Chris Jefferd". The signature is written in a cursive style and includes a long horizontal flourish extending to the right.

**(Chris Jefferd)**

**Manager, Strategic Water Management Unit**

NSW Department of Commerce, NSW Water Solutions

Level 14E, McKell Building

2-24 Rawson Place

Sydney NSW 2000

---

## REPORT OF COMPLIANCE

### With DWE Guidelines for Best Practice Management of Sewerage Services for Wyong Shire Council in Year 2007/08

#### Scope

We have performed the agreed procedures in accordance with our proposal for engagement by Wyong Shire Council and described below with respect to the compliance of Council's **sewerage services** with *DWE Best-Practice Management Guidelines, August 2007* for the year ended 30 June 2008 based on relevant criteria as set forth in column (3) of Table 1 of these Guidelines. The audit was generally undertaken in accordance with Australian Auditing Standards applicable to agreed-upon procedures of engagement.

The responsibility for determining the adequacy or otherwise of the procedures agreed to be performed is that of Council and the Department of Water and Energy (DWE). The procedures were performed solely to assist Council and the Department of Water and Energy in evaluating the validity of the compliance requirements and are summarised as follows:

1. We reviewed the current **Strategic Business Plan (updated June 2008)** to ensure that it included an:
    - Operating environment review;
    - Asset management plan - operation, maintenance, capital works;
    - Performance indicators;
    - Customer service plan;
    - Levels of service;
    - Human resources plan.
  2. We reviewed the financial plan to ensure that it covers a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB).
  3. We have not reviewed **full cost recovery** and the projected total annual income to ensure it was consistent with the above financial plan as IPART administers Council's pricing/ revenue policy and Council is exempt.
  4. We have not reviewed **sewerage tariffs** to confirm they complied with the outcomes listed in column (4) of Table 1 of the Best-Practice Management Guidelines as IPART administer Council's pricing policy and Council is exempt.
-

5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to DWE by 15 September 2007 and the latest DWE review (2 page TBL Report) reported back to Council.
7. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

## Findings

We report as follows:

1. With respect to 1 above we found the Strategic Business Plan is substantially compliant with outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines.
2. With respect to 2 above we found that the financial plan was for 30 years. Wyong Shire Council have reported the average residential bill using their 'in-house' spreadsheet financial model, which is accepted by IPART for their pricing determinations.
3. Council is exempt with respect to 3 above.
4. Council is exempt with respect to 4 above.
5. Council is exempt with respect to 5 above.
6. With respect to 6 above we found that Council completed and lodged the performance reporting forms in the DWE Performance Monitoring Database in early November 2008 with the approval of DWE. We also found that the latest available DWE review (2-page TBL report for 2005/06) along with action plan has been reported to Council in an ordinary meeting held on 12 December 2007.
7. With respect to 7 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting IWCM Strategy Plan in August 2007.

## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated **substantial compliance with Best Practice Management of Sewerage Services** in line with the DWE Guidelines as applicable for the year ended 30<sup>th</sup> June 2008.

## Definition

We have adopted the following definition for this engagement:

*"Substantial Compliance" means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or Sewerage.*


What constitutes substantial compliance is also a function of at what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.

## Disclaimer

Our report is solely for the purpose set forth in the first paragraph of this report and for the information of Council and the Department of Energy, Utilities and Sustainability and is not to be used for any other purpose or distributed to any other party. This report relates only to the items specified above and does not extend to any financial report of the Council taken as a whole.

Signed:

Date signed: 9<sup>th</sup> February 2009



**(Chris Jefferd)**  
**Manager, Strategic Water Management Unit**

NSW Department of Commerce, NSW Water Solutions

Level 14E, McKell Building

2-24 Rawson Place

Sydney NSW 2000

AUDIT OF WYONG SHIRE COUNCIL FOR BEST PRACTICE MANAGEMENT OF WATER SUPPLY AND SEWERAGE SERVICES IN 2007-08  
February 2009

The following definition prepared by Strategic Water Management Unit of NSW Dept of Commerce has been adopted as the working definition for this audit:

"Substantial Compliance means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or sewerage"

What constitutes substantial compliance is also a function of what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice

Criterion	Required Outcome (Table 1 of DWE Best Practice Guidelines, August 2007)	Indicators to Demonstrate Achievement of Outcome	Comments on Current Status (Assessed in February 2009)
TABLE 1	<b>(01) STRATEGIC BUSINESS PLANNING:</b> A current, sound Strategic Business Plan (SBP) and financial plan.  (A current SBP and financial plan is one which has been prepared or updated within the last 3 years)	<b>Current SBP (June 2008) that includes:</b> Operating environment review Asset management plan (operation, maintenance, capital works) Performance indicators - LWU's latest TBL performance report included - Review of LWU's latest TBL Performance Report included, together with proposed corrective actions. This review should be consistent with the SBP Customer service plan Business objectives for each key result area. Key result areas are taken to be as Ref.1 i.e. LOS, areas served, demand management, service pricing incl. developer charges, customer/community consultation, environmental protection & sustainable development. Address also DWE BPM WS & S Guidelines, App.A - topic 6. Levels of service - Are clear, meaningful and measurable - A compliance monitoring and reporting system is in place - Target LOS have been identified Human resources plan - Organisation chart is included Address issues in Ref.1 and the Check List in Appendix A. Additional items in App.A are - Service delivery Customer Service Plan @6.1,6.2,6.3,6.4,6.5,6.6,6.7,6.8 and Action Plan. A robust minimum 20 year financial plan which identifies the lowest required stable typical residential bill (TRB)	Included Separate documents exist as cross referenced in the SBP Included Included Included Target LOS for water supply and sewerage services need to be included in the SBP. Included Not required to be audited. In-house spreadsheet model is used by Council for this purpose. This model is reviewed and acceptable to IPART for their water supply and sewerage pricing determinations. 30-year capital works program exists: the spreadsheet financial model uses 20-year capital works program.
TABLE 1	<b>(02a) PRICING &amp; DEVELOPER CHARGES:</b> Full cost-recovery for each of water supply and sewerage businesses	Appropriate tariffs without significant cross-subsidies Total annual income and projected TRB should be consistent with above financial plan. This generally results in a positive economic real rate of return (ERRR).	As determined by IPART As determined by IPART
TABLE 1	<b>(02b) PRICING &amp; DEVELOPER CHARGES:</b> Complying water supply tariff	Appropriate water usage charge/kL based on long-run marginal cost. Access charge relative to a customer's capacity requirements No land value based charges (i.e. rates) No "free" or "pre-paid" water allowance Any large increases in non-residential customer bills phased in over 5 years To encourage water conservation, high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold. This threshold should not exceed 450 kL/a per household, except for LWUs outside the DWE Coastal and Tablelands Zone with a high incidence of evaporative air coolers, where a threshold of up to 600kL/a per household may be used. LWUs with 4,000 or more connected properties to have at least 75% of residential revenue generated through usage charges by June 2008 (at least 50% required by June 2006 and at least 60% required by June 2007) LWUs with under 4000 connected properties to have at least 50% of residential water revenue generated through usage charges. "LWUs may demonstrate compliance with this requirement on the basis of either (i) or (ii) below: (i) their projected total residential revenue for the next financial years, or (ii) their projected total residential bill (on the basis of their average annual residential consumption per connected property) for the next financial year.	As determined by IPART As determined by IPART As determined by IPART As determined by IPART Yes Yes As determined by IPART As determined by IPART Not applicable
TABLE 1	<b>(02c) PRICING &amp; DEVELOPER CHARGES:</b> Complying sewerage tariff	Appropriate residential tariff No land value based charges (i.e. rates) Non-residential - Two-part tariff Non-residential - Appropriate sewer usage charge/kL Non-residential - Access charge that is reflective of the cost of providing these sewerage services Any large increases in non-res. customer bills phased in over 5 years Annual trade waste fee for all liquid trade waste dischargers Trade waste usage charge for dischargers with prescribed pre-treatment Excess mass charges for large dischargers and industrial waste Development Servicing Plan in accordance with Ref.6, with commercial developer charges Liquid Trade Waste approvals issued in accordance with Ref.5 Liquid Trade Waste Policy adopted and implemented in accordance with Ref.5	Yes. As determined by IPART Yes Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART As determined by IPART Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART Yes Yes. Council's Liquid Trade Waste Policy needs to be cross referenced in the appropriate section of the SBP. Yes If applicable, Council may like to consider presenting potable and non-potable components of water supply revenues separately in future revenue statements.
TABLE 1	<b>(02g) PRICING &amp; DEVELOPER CHARGES:</b> Liquid trade waste approval issued to each trade waste discharger <b>(02g) PRICING &amp; DEVELOPER CHARGES:</b> Complying tariffs for dual water supplies	The potable water supply tariff in dual water supplies to comply with 2(b) above, except that step pricing is not a requirement For the non-potable component of dual water supplies: - Water meter for each customer served where practical - Appropriate non-potable water usage charge/kL based on long-run marginal cost - Access charge related to customer's capacity requirements - No land value based charges (i.e. rates) and no "free" or "pre-paid" non-potable water allowance - At least 50% of residential revenue generated through usage charges Refer to the footnote to element 2 (b) above Sound water conservation and demand management implemented Identification of most cost-effective demand management initiatives Subsidisation and promotion of at least two of the identified demand management initiatives	Yes Yes. Plan updated in 2007. Yes. Supplemented by IWCM Yes. Rainwater tank rebate and water efficient appliances retrofit and rebate programs. Yes Yes. Plan updated in 2007.
TABLE 1	<b>(03) WATER CONSERVATION:</b> Sound water conservation and demand management in place	Include demand monitoring, leakage reduction and community education Compile data on existing system, your LWUs drought management planning, including adoption of a schedule of trigger points for timely implementation of appropriate water restrictions Sound drought management implemented in accordance with the LWUs adopted schedule Reporting forms provided to DWE by 15 September each year Draft of special Schedules 3 to 6 and Notes 2 and 3 of the LWUs Special Purpose Financial Reports provided to DWE by the 15 September each year LWUs with over 10,000 connected properties to arrange auditing of their core performance indicators in accordance with the auditing requirements of the National Performance framework Action Plan provided to Council following review of your LWUs 2 page performance report (water, sewerage) Statement of Compliance to be submitted to DWE prior to payment of dividend from surplus (including Dividend Payment Form, Statement of Financial Performance of Business Activities, a Compliance Audit Report and an unqualified independent Financial Audit)	Yes Council completed and lodged the performance reporting forms in early November 2008 with the approval of DWE. Documentary evidence sighted. Council reported that final special schedules and special purpose financial reports provided to DWE through DLG Yes. Documentary evidence sighted. Yes. Also included in the SBP. No dividend paid for financial year 2007/08
TABLE 1	<b>(05) PERFORMANCE REPORTING:</b> Completed performance reporting forms to DWE Review 2-page LWU Performance Report, prepare Action Plan	Completion of Integrated Water Cycle Management Evaluation by June 2007 Completion and implementation of Integrated Water Cycle Management by June 2008 Implementation of Integrated Water Cycle Management in accordance with the strategy by June 2008	Yes. Yes. Yes.
TABLE 1	<b>(06) INTEGRATED WATER CYCLE MANAGEMENT:</b> Sound IWCM implemented		

## **6.6 Minutes of the Wyong Shire Senior Citizens Council Meeting of 26 February 2009**

TRIM REFERENCE: D01878443

AUTHOR: AE

### **SUMMARY**

Report on the Minutes of Senior Citizens' Council meeting held 26 February 2009.

### **RECOMMENDATION**

***That Council receive the report on Minutes of the Wyong Shire Senior Citizens Council Meeting of 26 February 2009.***

### **BACKGROUND**

At its meeting held on 14 March 2009:

*"RESOLVED unanimously on the motion of Councillor Stevens and seconded by Councillor Rose:*

- 1 That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.*
- 2 That staff prepare a charter of committee for the Senior Citizens Council that includes:*
  - a Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm*
  - b That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.*
  - c That the minutes of the Senior Citizens Council be reported to Council.*
  - d The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire."*

At a further meeting held on 13 February 2008:

*"RESOLVED unanimously on the motion of Councillor Pavier and seconded by Councillor Stevens:*

- 1 That Council rescind item 2a of resolution 113 of 14 March 2007 forming the Wyong Shire Senior Citizens' Council:*
  - a meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm.*



- 2 *That Council confirm its decision to adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens' Council and that Wednesday is the preferred day for meetings. The interval between meetings should be no more than fortnightly and will not exceed three months."*

**ATTACHMENTS**

- 1 Wyong Shire Senior Citizens Council - Minutes of 26 February 2009

## WYONG SHIRE COUNCIL

### MINUTES OF THE WYONG SHIRE SENIOR CITIZENS COUNCIL MEETING

<b>Location:</b>	Wyong Shire Council Civic Centre – Committee Room	<b>Date:</b>	26 February 2009
<b>Chair:</b>	Annette Evans	<b>Time:</b>	1.00pm – 4.00 pm
<b>Present:</b>	Alan Booth, Dawn Thompson, Bruce Pyke, Bruce Kirkness, Don Flint, John Cochrane, June Goss, Luigi Bruni, Juliet Axford		
<b>Apologies:</b>	Dorothy Brown, Patricia Parperis, Councillor Doug Eaton, Councillor Greg Best		
<b>Acknowledgement</b>	Acknowledge the Traditional Custodians of the land and pay our respects to the Elders both past and present		
<b>Declaration of Pecuniary Interest</b>	No significant conflict of interest issues noted by any members		
<b>Minute Secretary:</b>	Kay Segal / Annette Evans	<b>Folder:</b>	F2008/00407

Item Description		Responsibility
1.	<b>ADOPTION OF PREVIOUS MINUTES</b>	
1.1	That the minutes of the meeting of 29 January 2009 be adopted as a true record with the exception of grammatical errors.  <b>Moved: Dawn Thompson                      Seconded: Bruce Pyke</b>	<b>AE</b>
2.	<b>BUSINESS ARISING FROM PREVIOUS MINUTES</b>	
2.1	<b>2009 Meetings-</b> Discussed dates, venues and setting agenda for subsequent 2009 meetings unanimously agreed to.  <b>MOTION: As presented* (dates attached)</b> <b>Moved: Bruce Kirkness                      Seconded: Juliet Axford</b>	<b>AE</b>
2.2	<b>Launch of Seniors Week-13<sup>th</sup> March</b> Attending on the day will be Mayor Bob Graham, Potory Minbee Aboriginal Elders, Mr Roy Ah See (NSW Aboriginal Land Council), The Budgewoi Ladies Choir and Wyong High Dance Troupe.  Artists to be invited for active demonstrations and displays on the day: Wyong Woodturners, Toukley & Long Jetty Seniors HandiCraft Groups, Clock Repair-Keith Fletcher, Central Coast Wrap with Love, Aquatic Exercise-Juliet Axford.  A display of individual photos and a group photo of the SCC  Members available for launch day; Bruce Kirkness, Luigi Bruni, Dawn Thompson, Bruce Pyke, Juliet Axford, Don Flint and June Goss.  Template of launch flyer/poster will be forwarded to copy shop for fine-tuning. Copies to be sent to libraries, pools, community centres etc. Also given to SCC to take to venues they attend.  Bruce Pyke volunteered to assist Annette Evans with MC duties for the	<b>AE</b>

Item Description	Responsibility
<p>day.</p> <p><b>26<sup>th</sup> March Special Race Day Update - Alan Booth</b></p> <p>Alan Booth corroborated from 29 January 2009 meeting:</p> <p>There will be a staffed Flight Centre stand and they have donated a \$500.00 travel voucher as a lucky prize for a Seniors Card holder.</p> <p>Neil Smith &amp; Associates have donated \$500.00</p> <p>Glengarra Village has donated \$500.00 worth of promotional material including flyers and a banner inscribed with “‘Live Life’ Seniors Week WSCSCC” to be used at Race Day and future SCC events. They will also be bringing a helium tank for inflating balloons to be supplied by WSC.</p> <p>There will be a barrel draw with 4 vouchers for Seniors Card holders.</p> <p>Wyong Race Club has arranged free entry to Wyong Race Club valued at \$15.00 to all Seniors Card holders.</p> <p>Fancy Hat Prize of \$100.00 to be chosen by Dawn Thompson and presented by Deputy Mayor John McNamara.</p> <p>Fire Brigade will be bringing a truck and some seniors’ information.</p> <p>Wyong RSL will be attending with 2 Mariners players. They will also bring plans of the new stadium and other give aways.</p>	<p><b>AB</b></p>
<p><b>26<sup>th</sup> March Special Race Day Update - Annette Evans</b></p> <p>Deputy Mayor John McNamara will be arriving at 3pm to assist with activities and presentations on the day.</p> <p>The Red Cross will have a stall with information about Aged Care services and may collect donations.</p> <p>Wyong Race Club will provide and set up the tables on the day.</p> <p>Annette will organise display boards through the Environmental Education team at Council.</p> <p>Alan has negotiated a free ½ page advertisement in the Central Coast Express for Race Day. The newspaper will also produce a special section covering all Seniors Week activities as presented in the Calendar of Events.</p> <p>SCC members attending on Race Day: Dawn Thompson, Alan Booth and June Goss.</p> <p>Certificates of thanks to be presented to groups who made donations and set up displays by Deputy Mayor John McNamara.</p> <p>Annette reiterated the appreciation of the group to Alan Booth for all the time and hard work he has invested in this event.</p> <p><b>Seniors Week Survey</b></p> <p>It was decided that the second page of the survey is unnecessary. Bruce Pyke, Dawn Thompson, June Goss and Bruce Kirkness will discuss changes with Annette Evans to reduce the number of issues included in the survey.</p> <p>A decision to change the theme of the survey from ‘positive old age’ to ‘positive aging’.</p>	<p><b>AE</b></p> <p><b>AE</b></p>

	Item Description	Responsibility
	<p>Surveys will ready by 13 March 2009.</p> <p>Surveys to be taken to events during Seniors Week:</p> <p>Luigi Bruni-Italian Group</p> <p>June Goss-Lake Munnmorah Senior Citizens Centre</p> <p>Bruce Pyke-Long Jetty Senior Citizens Centre</p> <p>Annette Evans-Wyong Senior Citizens Centre and other organisations</p> <p>Dawn Thompson-Seniors Race Day</p>	
	<p><b>Seniors Week Media Update</b></p> <p>The Shirewide page in the Central Coast Express will be used exclusively for Seniors' stories in the week prior to Seniors Week. Stories to be included will be Seniors Council, Launch, Seniors Race Day, Positive Aging Survey, Design of Outdoor Seating.</p> <p>Annette Evans spoke with Annette Young (Communications Officer) and AY is looking forward to working with AE on media issues relating to the SCC. Annette Young will be included as a guest speaker who can brief SCC as to what support she can offer the SCC.</p>	AE
2.3	<p><b>Transport Update</b></p> <p>Bruce Pyke met with Bob Burch 23 February 2009. One main item that arose was that Sydney is holding an enquiry into smaller buses and when the report is complete later in the year WSC will look at the results and make a submission. SCC will provide a report as an addendum to WSC's submission. Bruce Pyke will finish his report and send to Annette Evans. Bob Burch will be invited to be a guest speaker later in the year for the whole SCC.</p> <p>Also suggest that Joanne Boccalatte report on results of the Mannering Park bus service pilot project.</p> <p>It was decided this item will be deferred until later in the year when there is more information to consider.</p>	BP
2.4	<p><b>Transport Working Group</b></p> <p>Alan Booth attended the Transport Working Group. There was concern expressed about Busways not meeting railway times. Bob Thomas also informed Alan that 30 new buses have been ordered and things seem to be getting organized with buses and railways. Busways and railway are going to offer a combined 7 day travel pass for the cost of 5 days. Northlakes School has a number of students with a disability and Busways service was reported as "not being up to standards".</p>	AB
3.	<b>GENERAL BUSINESS</b>	
3.1	<p><b>Review of SCC Responsibilities:</b></p> <p>The SCC aims to have an annual review of it's guidelines and protocols and the resolutions made over the year. Reviews will be conducted in association with Seniors Week each April.</p> <p>Annette will investigate the process required so that Council is able to review the recommendations made by the SCC. The SCC will make recommendations of what changes, if any, they would like to see for the</p>	AE

	Item Description	Responsibility
	<p>terms of reference. They will also make recommendations for the orientation of new and current members of the SCC and especially in regard to understanding what committees they can refer issues to.</p> <p>Request clarification of SCC relationship to rest of Council.</p>	
3.2	<p><b>Speakers for 2009:</b></p> <p>Council staff roles were identified as potential guest speakers for future meetings;</p> <p>Road Safety Officer-motorized wheelchairs, pedestrian and road safety</p> <p>Social Planner Future Planning-Belinda McRobie re: Community Plan</p> <p>Manager Estuary Management- waterways, what is useful to seniors, can SCC have an impact?</p> <p>Senior Transport Engineer-Bob Burch</p> <p>Communications Officer-Annette Young-managing media issues</p>	AE
3.3	<p><b>Modified Seating:</b></p> <p>Gorokan High School head of design informed Bruce Kirkness their program for 11&amp;12 was already in place for 2009 and therefore involvement in the design project may not be viable.</p> <p>Northlakes High School Industrial Design dept is still very interested in the idea. They are encouraging students to attend Canton Beach for the consultation on Saturday 28 February 2009.</p>	BK & AE
4.	<b>CORRESPONDENCE</b>	
4.1	<p><b>Correspondence – Out</b></p> <p><b>Race Day letters to Tony Drew:Wyong Race Club; Glengara: Flight Centre: Ben Paterson; Wyong RSL; Wendy Wand; Ken Dring: CC Bowls News</b></p> <p><b>NSCCAHS Community Participation Committee</b></p> <p><b>Chris Botherson-Thank you</b></p> <p><b>Seniors Week Launch-Wyong High School; Jack Smith; Roy Ah See; Budgewoi Ladies Choir (phone call); Wyong Wood Turners (email)</b></p> <p><b>Moved: Bruce Kirkness                      Seconded: Bruce Pyke</b></p>	AE
4.2	<p><b>Correspondence – In</b></p> <p><b>Dorothy Brown</b> resignation (verbal and was invited to Seniors Week Launch Day)</p> <p><b>COTA re: Seniors Survey</b></p> <p><b>Maryanne Housham</b> re: interest in membership of Seniors Council</p> <p><b>Moved: Bruce Pyke                      Seconded: Bruce Kirkness</b></p>	AE
5.	<b>NEXT MEETING</b>	
5.1	<b>Thursday 2<sup>nd</sup> April 2009 (due to Race Day on previous Thursday)</b>	

<b>Item Description</b>		<b>Responsibility</b>
	<b>1:00pm – 4:00pm Refreshments provided</b>	
	<b>Wyong Shire Council Civic Centre IT Room (downstairs)</b>	

WYONG SHIRE COUNCIL

**Dates for Wyong Shire  
Senior Citizens' Council-2009**

<b>Thurs February 26<sup>th</sup></b>	<b>Committee Room WSC</b>
<b>Fri March 13<sup>th</sup></b>	<b>Function Room WSC - Seniors Week Launch</b>
<b>March 15<sup>th</sup>-22<sup>nd</sup></b>	<b>Seniors Week</b>
<b>Thurs March 26<sup>th</sup></b>	<b>Wyong Race Club - Race Day</b>
<b>Thurs April 2<sup>nd</sup></b>	<b>IT Room WSC</b>
<b>Thurs April 30<sup>th</sup></b>	<b>Function Room WSC - (Draft Management Plan – Community Consult)</b>
<b>Thurs May 28<sup>th</sup></b>	<b>Function Room WSC - changed to IT room</b>
<b>Thurs June 25<sup>th</sup></b>	<b>Function Room WSC</b>

## **6.7 Finalisation of Contracts**

TRIM REFERENCE: D01868533

AUTHOR: GP

### **SUMMARY**

Reporting on details of contracts in excess of \$150,000 (ex GST) that have been completed and finalised during the period January to March 2009.

### **RECOMMENDATION**

*That Council receive the report on Finalisation of Contracts.*

### **BACKGROUND**

Section 55 of the Local Government Act 1993 defines the circumstances under which a council must invite tenders before entering into a contract. Part 7 of the Local Government (General) Regulation 2005 prescribes the procedural process to be adopted for the invitation, submission, opening, consideration and acceptance of tenders.

Whilst the circumstances covered by Section 55 of the Act are numerous and varied, the requirement most generally applicable to the majority of works or services undertaken by Wyong Council is that tenders must be invited for any works or services involving an estimated expenditure of \$150,000 (ex GST) or more. Council is at liberty, but is not obliged under the Act, to invite publicly tenders for any works and services involving an estimated expenditure of less than \$150,000.

All Council contracts involving estimated expenditure of \$150,000 (ex GST) or more, are tendered in accordance with the Regulations and submitted to Council for determination.

WSC contracts work generally in four major categories:-

- Construction Contracts - those contracts usually associated with the construction of new or replacement civil or community infrastructure.
- Consultancy Contracts – contracts employing the services of professional experts to complement Council's resources usually involving the investigation or design of new or replacement civil or community infrastructure.
- Service Contracts – those contracts usually involving the provision of a community service over an extended time period.
- Supply Contracts – those contracts relating to the supply of an asset such as an item of plant, a consumable such as goods and materials, or a combination of the two such as the supply and laying of turf.



Contracts are priced using a Schedule of Rates, by Lump Sum or a combination of both. Pricing methodology reflects the nature of risk being managed.

- Schedule of Rates contracts - are where a contractor agrees a set of values per item requested and based on an estimate of Council's purchase levels.

To determine the value of a contract under a Schedule of Rates arrangement, it is necessary to extrapolate the estimated quantity of work performed for each item of work by the tendered rate for that item.

Typically, Service and Supply contracts are solely based on Schedule of Rates arrangements. It is also common for Construction contracts to use a Schedule of Rates method, either in entirety or in combination with a Lump Sum where portions of the work dictate this approach.

- Lump Sum contracts - are priced on a single total tendered amount to carry out the work under the contract or, in the case of Construction contracts, those parts of the contract which may have tendered under a Lump Sum arrangement.
- Consultancy contracts are commonly Lump Sum based requiring a specific set of outputs.
- Performance Contracts – this type of contract is typically a maintenance service contract. It is a lump sum contract where the contractor guarantees to ensure that Council's asset is kept at a given standard as opposed to performing prescribed work. Inherently slightly more expensive, it does however significantly lower Council's risk and is more economical over time.

### **CURRENT STATUS**

Attached are details of all contracts determined by Council for acceptance that have been finalised in the period January to March 2009. The report does not include employment based contracts.

Of the seven contracts reported for the period,

- three were of a service nature,
- three for Construction works and
- one Supply contract.

No consultancy contracts were finalised in the reporting period.

A contingency allowance to cover potential variations to contracts is included in the original approvals sought from Council and is incorporated in the budget figures detailed in the Attachment 1 table. Further approved variations requested of Council are also included in the final "budget estimate" figure.

**CONCLUSION**

Contract finalised show significant increased costs over original estimates due to changes in work programs and increased grants revenue that resulted in significantly more work of a type likely to employ services covered by contracts. It is to be expected that the variations would occur.

In two project contracts finalised, late changes to work specifications resulted in urgent variations acted on by staff to complete works on time.

**ATTACHMENTS**

- 1 Finalisation of Contracts - January to March 2009

### Significant Contracts Finalised In The Period January to March 2009

Contract No	Date Awarded	Contract Name	Contract Price Type	Approved Budget / Estimate (incl. contingency) ex GST \$	Final Contract Amount ex GST \$	Comments
98753	13/12/2006	Hire of Tipping Trucks	Schedule of Rates	1,800,000.00 (Reported estimate)	2,701,189.79	Contract budget estimates for Truck, Plant/Machinery and Minor Plant contracts were based on historical usage multiplied by the tendered Schedule of Rates. Actual usage during the contract term determines the final cost.
102576	13/12/2006	Hire of Plant & Machinery	Schedule of Rates	2,400,000.00 (Reported estimate)	2,839,775.23	It is not unusual to find significant variations resulting from a different capital works profile being undertaken with the consequence that usage varies accordingly.  During the contract period significant extra works resulting from \$8.0m Auslink grants impacted usage of plant hire.
102577	13/12/2006	Hire of Minor Plant & Equipment	Schedule of Rates	600,000.00 (Reported estimate)	1,080,880.28	Contract rates were also adjusted upwards at the completion of the first year period in accordance with rise & fall provisions.  Final total variation of -\$1.7m reflects the combined impact.  New contracts are now in place at new tendered rates. Estimates based on forecast works programmes and capital projects average \$4.3m pa compared with the current rate of \$3.4m pa
137955	26/03/2008	Minnesota and Warnervale Road Intersection Upgrade	Lump Sum	1,156,520.00  (includes two additional contingency amounts approved by Council)	1,413,966.52	This contract has been previously reported to Council via the monthly Contracts Variation report to January 28 <sup>th</sup> 2009 Ordinary meeting where all variations were fully detailed.  Additional contingency funds were approved for expected variations lifting the contract amount to \$1,156,520.

Contract No	Date Awarded	Contract Name	Contract Price Type	Approved Budget / Estimate (incl. contingency) ex GST \$	Final Contract Amount ex GST \$	Comments
94296	14/12/2005	Supply of Tools, Hardware and Fasteners	Schedule of Rates	791,553.00 (Reported estimate)	1,009,644.00	Contract budget were based on historical usage multiplied by the tendered Schedule of Rates. Actual usage during the contract term determines the final cost. It is not unusual to find significant variations resulting from a different works profile being undertaken with the consequence that usage varies accordingly.  During the period significant externally funded (grants) work has been undertaken in addition to changes in the configuration of the works programme.
122601	23/05/2007	Lower Wyong River to Mardi Upgrade Pump Station No 1 – Construction of High Voltage Power Supply	Lump Sum	185,121.00  (includes one additional contingency amount approved by Council)	265,438.00	A contract variation has previously been approved by Council. The main variation relates to the deletion of a plinth to support transformer and switch-gear from the associated civil contract and its inclusion in this electrical works contract.

## 6.8 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: D01874858

AUTHOR: SG

### 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 former Cr 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.
Q068 - Education Program into Toddler Drowning Cr Best	Shire Planning	26 November 2008	This report will be provided to Council concurrently with the report resulting from the briefing on Notice of Motion 541 – Extending Safety at Surf Patrol Beaches.
Q008 - Draft Community Facilities Strategy Cr Matthews	Shire Planning	25 February 2009	A Councillor Briefing is being proposed for May 2009 which will provide details of recommendations and actions arising from Stage 1 of the Strategy.
Q014 – Costs Incurred for Performing Arts Centre Cr McBride	Shire Planning	25 February 2009	A report on the proposed Performing Arts Centre will be forwarded to Council in May this year. The report will include the total costs incurred by Council on investigation, planning and reports for the proposed centre.
Q018 – Amalgamation of Central Coast Area Consultative Committee (CCACC) and Business Central Coast (BCC) Cr Eaton	General Manager's Unit	25 March 2009	A response will be submitted to Council's meeting on 10 June 2009.

Question Asked / Councillor	Department	Meeting Asked	Status
Q019 - Lease Negotiations and Activities at the Oasis Youth Centre Cr Graham	Shire Services	8 April 2009	A response will be submitted to Council's meeting of 27 May 2009.
Q020 – Sister City Agreements Cr Eaton	Corporate Services	8 April 2009	A response will be submitted to Council's meeting of 13 May 2009.
Q021 – Development at Corner Coral Street and The Entrance Road, The Entrance Cr McBride	Shire Planning	8 April 2009	A response will be submitted to Council's meeting of 27 May 2009.
Q022 – The Entrance Town Centre Cr McBride	Shire Planning	8 April 2009	A response will be submitted to Council's meeting of 27 May 2009.
Q023 – Hall on Council Land at Lot 82 DP 221815 Acacia Avenue, Lake Munmorah Cr Wynn	Shire Services	8 April 2009	A response will be submitted to Council's meeting of 27 May 2009.

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 Cr Eaton / Cr 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.
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 former Cr Stewart / Cr Graham	A report will be subject to future briefing session for Council. The report will provide an outline of possible ward boundaries.
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 former Cr Pavier / Cr Graham	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to Council.

Notice of Motion	Department	Meeting Resolved	Status
<p>298 – Long Jetty Café</p> <p><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></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<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 Cr Best / former Cr 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 former Cr Pavier / Cr 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 Cr Eaton / Cr Graham	A report will be submitted to Council's meeting on 27 May 2009.
<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 Cr Eaton / Cr Best	A report will be submitted to Council upon response from State Government Agencies.

Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – NSW State Body Board Championships</p> <p>1 That Council allocate \$10,000 from the 2008-09 budget for Community Support and Development to secure major sponsorship of the NSW State Body Board Championships and Australasian Pro Tour to be held on 2, 3, 4 and 5 April 2009 at Soldiers Beach.</p> <p>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.</p> <p>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.</p> <p>4 That a report on attendance, economic benefits etc of the event be presented to Council at the completion of the championships.</p>	Shire Services	11 February 2009 Cr McNamara / Cr Best	A report will be submitted to Council’s meeting on 27 May 2009.
<p>9.4 – Precinct Support Program</p> <p>1 That Council reaffirm its support and commitment to its Precinct Committee network while recognising their valuable contribution to the community.</p> <p>2 That Council, in partnership with our local Precinct Committees, review its current level of assistance with a view to growing and supporting this important community network and its membership.</p> <p>3 That staff report to Council, after the Precinct Committee Forum to be held on Wednesday 1 April 2009, on past, current and future recommendations regarding levels of support required to achieve 2 above.</p>	Corporate Services	11 February 2009 Cr Best / Cr McNamara	A report on the forum will be submitted to Council’s meeting on 13 May 2009.
<p>9.5 – Closed Circuit TV Toukley</p> <p>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.</p> <p>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.</p>	Shire Services	11 February 2009 Cr Best / Cr Wynn	A report will be submitted to Council’s meeting on 27 May 2009.



Notice of Motion	Department	Meeting Resolved	Status
<p>9.1 – Motor Sports Facility</p> <p>1 <i>That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.</i></p> <p>2 <i>That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.</i></p> <p>3 <i>That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.</i></p> <p>4 <i>That Council investigates possible locations for a motor sport and driver education facility based on user group requirements.</i></p> <p>5 <i>That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.</i></p>	Shire Planning	25 February 2009 Cr McNamara / Cr Vincent	Councillors will be updated as information is obtained.
<p>9.2 – The Entrance Channel WebCam</p> <p>1 <i>That Council investigate the possible benefits of utilising the growing web technology known as “webcam” in The Entrance Channel to assist various organisations, departments and the general public to gain important information vital to improved channel management.</i></p> <p>2 <i>That Council also investigate the possibility of sponsorship financing the channel webcams, instead of Council funding.</i></p>	Shire Services	25 February 2009 Cr Best / Cr Webster	A report on this matter will be submitted to Council's meeting of 27 May 2009.

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	Shire Planning	25 February 2009 Cr Best / Cr Matthews	A report will be submitted to Council following completion of the RSPCA Strategic Review.
<p>9.5 – Extending the Lapsing Period of a Consent</p> <p>1 <i>That Council, in determining applications for employment generating development extend the lapsing period of a Consent under Section 95 of the Environmental Planning and Assessment Act 1979 to three years for the purpose of assisting local employment during the current economic downturn.</i></p> <p>2 <i>That the fees for extending a consent for a further one year period be reviewed in conjunction with the next Management Plan.</i></p>	Corporate Services	25 February 2009 Cr Eaton / Cr Graham	Fees for extension of consent to be reviewed in conjunction with the Management Plan 2009-10. Report to be provided in conjunction with the Draft Management Plan to 10 June 2009 Council meeting.

Notice of Motion	Department	Meeting Resolved	Status
8.1 – Community Recycling Initiative “freecycle.com” <i>That Council investigate the benefits to our community of Council supporting and promoting the Free Cycle recycling initiative.</i>	Shire Services	11 March 2009 Cr Best / Cr Graham	A report on this matter will be submitted to Council’s meeting of 13 May 2009.
10.2 – Council Facility Fees 1 <i>That Council staff investigate and report on the fees, including bonds levied on community groups, NGO’s and sporting associations for the use of Council facilities including open space.</i> 2 <i>That staff conduct a comprehensive audit of the fee structure with a view to minimising the financial impact on community groups working within the Wyong Shire to achieve social engagement.</i>	Shire Services	8 April 2009 Cr Matthews / Cr McBride	A report on this matter will be submitted to Council’s meeting of 27 May 2009.

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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
Q016 – Community Reserve near Applegum Place, Woongarra Cr Vincent	11 March 2009	Response included in this business paper
Q017 – Submission on Variation of the \$20,000 Section 94 Cap Cr Eaton	25 March 2009	Response included in this business paper
10.1 – Safety Fencing at The Entrance Bridge 1 <i>That Council support the North Entrance Progress Association in pursuing the need for safety fencing on The Entrance bridge between the footpaths and the travelling lanes.</i> 2 <i>That Council make representation to the Minister for Roads and the State Member for The Entrance in support of the Progress Association.</i> Cr Webster / Cr McBride	8 April 2009	Letters issued to Minister for Roads and State Member for The Entrance.
10.4 – Speaker Protocols <i>That Council advise invited speakers that they can expect to be asked fair and reasonable questions at the end of their address, however if they feel that a response is not required they are not obliged to do so.</i> Cr Wynn / Cr Vincent	8 April 2009	Changes implemented for next Council meeting.

### ATTACHMENTS

Nil.

## **7.1 Answers to Question Without Notice**

---

TRIM REFERENCE: D01870204

### **7.1 Q016 - Community Reserve Near Applegum Place, Woongarra**

The following question was asked by Councillor Vincent at the Ordinary Meeting on 11 March 2009:

*"Would Council staff please provide an update on the naming / signage of the community reserve near Applegum Place, Woongarra?"*

Representations were received from the community and from Member for Wyong, David Harris MP in respect to the naming of Lot 2 DP10093996, Mataram Road, Woongarra. To meet community expectations, Council installed a sign on 18 March 2009 identifying the reserve as "Applegum Park".

### **ATTACHMENTS**

*Nil.*

## **7.2           Answers to Question Without Notice**

---

TRIM REFERENCE: D01875091

### **7.2           Q017 - Submission on Variation of the \$20,000 Section 94 Cap**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 25 March 2009:

*“Could staff provide to Councillors copies of the Council submission to the Department of Planning seeking a variation of the \$20,000 Section 94 cap?”*

A copy of Council's submission to the Department of Planning seeking approval to levy Section 94 contributions above the proposed cap of \$20,000 per lot or dwelling has now been forwarded to all Councillors.

### **ATTACHMENTS**

*Nil.*

## **8.1 Notice of Motion - Pile Creek Culvert Fatalities**

---

TRIM REFERENCE: F2004/06475 - D01879608

AUTHOR: SW

Councillor Best has given notice that at the 22 April 2009 Ordinary Meeting to be held on he will move the following Motion:

- "1 That further to the devastating loss of life resulting from the failure of Pile Creek Culvert, Council take a proactive approach to the findings and recommendation of the Ministers investigation into this event as tabled by Mr Dick Persson and Mr Alan Griffin appointed to investigate.*
  
- 2 That Council's "proactive approach" should include but not be limited to firstly a brief report/overview of strategies and initiatives currently in place to minimise similar such asset risks. Also the report should review the Pile Creek Culvert reports findings with a view to considering recommendations for inclusion in Wyong Shire Council's risk management strategies."*

### **GENERAL MANAGER'S NOTE**

Immediately following release of the report "Review of Gosford City Council's Asset Management and Record Management Systems" in March 2009 by the Department of Local Government, the General Manager ordered a review of this report and a comparison with Wyong Council's existing systems. This review is currently in progress.

## **8.2 Notice of Motion - Webcasting Council Meetings**

---

TRIM REFERENCE: F2004/00210 - D01884429

AUTHOR: SW

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 22 April 2009 he will move the following Motion:

*“That Council prepare a report on the cost and feasibility of webcasting Council meetings.”*

### **8.3 Notice of Motion - Wyong Performing Arts Centre Working Party**

---

TRIM REFERENCE: F2007/00013 - D01884471

AUTHOR: ED

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 22 April 2009 he will move the following Motion:

*“That a working party consisting of the Mayor, interested Councillors, staff and user group representatives be formed to monitor and progress the Wyong Performing Arts Centre.”*