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## WYONG SHIRE COUNCIL

### REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 22 OCTOBER 2008,  
COMMENCING AT 5.00 PM

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## ORDINARY MEETING OF COUNCIL

22 October 2008

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**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

General Manager's Report

**435 Disclosures of Interest**

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F2008/01064 MW: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 interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.***

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

General Manager's Report

### 436 Proposed Inspections

F2008/00003 MW:SW

#### SUMMARY

Inspections conducted on Wednesday, 15 October 2008 are listed as follows:

Date of Inspection	Location	Requested By
15 October 2008	Dog Kennels – Kangy Angy	Director Shire Planning
15 October 2008	Estuary Management Works – Bundilla Parade	Director Shire Services
15 October 2008	Estuary Management Works – Saltwater Creek Long Jetty	Director Shire Services
15 October 2008	No 22 Albert Warner Drive, Warnervale – Section 82A application – DA/1791/2007	Director Shire Planning
15 October 2008	Woongarra Sportsfields	Director Shire Planning and Director Shire Services

#### RECOMMENDATION

***That the report on inspections conducted on Wednesday, 15 October 2008 be received and the information noted.***

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

General Manager's Report

### 437 Proposed Briefings

F2008/00003 MW:SW

#### SUMMARY

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

Date	Briefing	Description	Time	Presented by
22 October 2008	SOS	State of the Shire	10.00 am – 11.00 pm	Manager, Community Strategic Vision
22 October 2008	Wyong By-pass	RTA Wyong By-pass	11.00 am – 12.30 pm	Senior Transportation Engineer
22 October 2008	Code of Conduct and Code of Meeting Practice	Code of Conduct and Code of Meeting Practice	12.30 pm – 3.30 pm	Consultant
5 November 2008	Water Authority	Joint Water Authority and Proposed Water Corporation	12.30 pm – 2.00 pm	General Manager and Manager, Headworks
5 November 2008	Surf Clubs	Surf Club and playgrounds	2.00 pm – 4.00 pm	Director Shire Services and Project Executive
5 November 2008	Management Plan	Management Plan	4.00 pm – 5.00 pm	Manager Economic /Corporate Planning
5 November 2008	Quarterly Budget	Quarterly Budget Review	5.00 pm – 6.00 pm	Manager Financial Services

#### RECOMMENDATION

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

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

General Manager's Report

**438 Address by Invited Speakers**

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F2008/00003 MW:SW

**SUMMARY**

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

**RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

General Manager's Report

**439 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 27 August 2008 and the Extraordinary Meetings of Council held on 5 September 2008 and 1 October 2008.

**RECOMMENDATION**

*That the minutes of the previous Ordinary Meeting of Council held on 27 August 2008 and the Extraordinary Meetings of Council held on 5 September 2008 and 1 October 2008 be received and confirmed.*

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## WYONG SHIRE COUNCIL

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 27 AUGUST 2008, COMMENCING AT 5.19 PM

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#### PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER (ARRIVED AT 5.59 PM), R L GRAHAM, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

#### IN ATTENDANCE

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

SOCIAL PLANNER FUTURE PLANNING (LEFT AFTER ITEM 393), PROJECT DIRECTOR MARDI - MANGROVE LINK PROJECT (LEFT AFTER ITEM 396) AND ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES.

#### THE MAYOR REPORTED THAT:

- \* IT IS WITH REGRET THAT I ADVISE THAT ON SATURDAY 23 AUGUST 2008 COUNCIL EMPLOYEE, LEON HAYDON SUFFERED A MAJOR HEART ATTACK AND DIED WHILST WORKING ON A COUNCIL WORK SITE IN POLLOCK AVENUE. GANG MEMBERS TRIED FOR SOME TIME TO REVIVE HIM AT THE WORKSITE AND THE PARAMEDICS WHO ATTENDED SAID THAT THEY HAD DONE EVERYTHING POSSIBLE.

LEON WHO WAS 53 YEARS OLD HAS BEEN EMPLOYED WITH COUNCIL SINCE 1987.

OUR CONDOLENCES ARE EXTENDED TO HIS WIFE ROXANE AND FAMILY.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF LEON HAYDON.

- \* THE BID DOCUMENT FOR THE 2010, 2011 AND 2012 AUSTRALIAN SURF LIFE SAVING TITLES WAS SUBMITTED TODAY AND INCLUDES A COMMITMENT BY 'EVENTS NEW SOUTH WALES' TO SIGNIFICANTLY FINANCIALLY SUPPORT THE BID SUBJECT TO CERTAIN CRITERIA BEING MET BY THE SURF LIFE SAVING ASSOCIATION.

- \* ITS BEEN AN HONOUR TO SERVE AS MAYOR FOR THE PAST TERM AND COUNCIL HAS MADE A LOT OF PROGRESS IN THE PAST YEAR THANKS TO THE EFFORTS OF ALL COUNCILLORS AND STAFF AND I PARTICULARLY WANT TO THANK THE FOLLOWING COUNCILLORS WHO ARE NOT SEEKING RE-ELECTION:

- COUNCILLOR NEIL ROSE (1999 – 2008)
- COUNCILLOR KATH FORSTER (1999 – 2008)
- COUNCILLOR CARL VEUGEN (2004 – 2008)
- COUNCILLOR ROBYN STEWART (1991 – 2008)



## **Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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- \* I WOULD ALSO LIKE ACKNOWLEDGE COUNCILLOR PAVIER AND COUNCILLOR GRAHAM AS BOTH FORMER MAYORS DURING THIS TERM OF COUNCIL AND ESPECIALLY COUNCILLOR GRAHAM FOR HIS TWO YEARS AS FORMER MAYOR AS HE HAS SEEN THIS COUNCIL THROUGH QUITE A DIFFICULT PERIOD INCLUDING THE NATURAL DISASTER.
- \* TO THE REMAINING COUNCILLORS WHO HAVE INDICATED THAT THEY WILL RECONTEST THE UPCOMING ELECTION I WOULD LIKE TO WISH YOU ALL THE BEST OF LUCK.
- \* THANK YOU TO ALL THE COUNCIL STAFF FOR THEIR EFFORTS IN SUPPORTING US IN ACHIEVING THE GOALS OF THIS TERM OF COUNCIL AND MAKING IT A SUCCESSFUL FOUR AND HALF YEARS.

COUNCILLOR STEVENS ADVISED HE HAD ATTENDED A BENEFIT NIGHT FOR MR TONY GLASHOFF HELD AT MAGENTA SHORES TO HELP RAISE MONEY TO SUPPORT HIS RECOVERY AND HE WOULD LIKE TO ESPECIALLY THANK COUNCIL FOR THEIR SUPPORT IN THE PURCHASE OF A WHEELCHAIR.

COUNCILLOR STEWART WISHED TO THANK HER FELLOW COUNCILLORS AND FOR THOSE COUNCILLORS THAT ARE SEEKING RE-ELECTION THE BEST OF LUCK. SHE RECALLED THE REASON FOR HER COMING INTO COUNCIL WAS TO MAKE A DIFFERENCE AND SHE HOPED THAT SHE HAD ACHIEVED THIS. COUNCILLOR STEWART THANKED THE STAFF FOR THEIR ASSISTANCE AND PARTICULARLY THE GENERAL MANAGER, MR KERRY YATES WHO HAS NOT ONLY BEEN A GOOD MENTOR BUT A GREAT FRIEND. A SPECIAL MENTION OF APPRECIATION AND THANKS WAS GIVEN TO HER FAMILY FOR THEIR SUPPORT DURING HER YEARS AS A COUNCILLOR.

COUNCILLOR ROSE ADVISED THAT IT HAS BEEN AN HONOUR TO SERVE THE COMMUNITY AND HE HAS ENJOYED HIS TIME AS COUNCILLOR. HE THANKED THE STAFF FOR THEIR ASSISTANCE OVER THE YEARS AND HIS FAMILY FOR THEIR SUPPORT.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.19 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR BRUCE HUNTER DELIVERED THE OPENING PRAYER.

### **APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR PAVIER DUE TO WORK COMMITMENTS.

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

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

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**387 Disclosures of Interest**

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F2008/01064 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

**396 CONTRACT NO CPA 130386 – PROVISION OF PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR THE MARDI TO MANGROVE LINK PROJECT GHD PTY LIMITED – BUDGET ALLOCATION**  
COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE GOVERNMENT WAS BEING LINKED TO THE REPORT, LEFT THE CHAMBER AT 6.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.20 PM.

**404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2 OF THE MINUTES) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

**404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008**

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A LIFE MEMBER OF THE ENTRANCE PRESCHOOL WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 3 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

**404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4 OF THE MINUTES), HAS APPLIED FOR FUNDING AND MY FATHER IS AN EXECUTIVE MEMBER OF THAT ORGANISATION, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

**404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008**

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A MEMBER OF THE WYONG FAMILY HISTORY GROUP WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 4 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

**415 NOTICE OF MOTION – PRIVATE MEMBERS BILL TO STOP THE COAL MINE**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

**417 NOTICE OF MOTION – GP SUPER CLINICS**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.24 PM.

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**418 NOTICE OF MOTION – SO CALLED SCIENTIFIC WHALING**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE DISCUSSION INDICATED COMMENTS MADE BY THE MEMBER FOR DOBELL THAT MAY PUT ME IN A POSITION OF CONFLICT, LEFT THE CHAMBER AT 7.38 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.48 PM.

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

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

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**388 Proposed Inspections**

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F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That the report on inspections to be conducted on Wednesday, 27 August 2008 be received and the information noted.***

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**389 Proposed Briefings**

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F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**390 Address by Invited Speakers**

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F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

**391 Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 ED:MR

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

***W022 – Proposed Acquisition of Land at Bateau Bay***

***W023 – General Manager's Performance Review***

- 2 ***That the reason for dealing with the Report No W022 confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3 ***That the reason for dealing with Report No W023 confidentially is that it contains personnel matters concerning particular individuals.***
- 4 ***That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**392 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That the minutes of the previous Ordinary Meeting of Council held on 13 August 2008 be received and confirmed.***

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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**393 Wyong Shire Community Plan 2008 - 2013**

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F2007/00323 BEM

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.34 PM AND RETURNED TO THE CHAMBER AT 5.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That the draft Wyong Shire Community Plan 2008 - 2013 be adopted.***
- 2 That those who made written submissions be advised of the decision.***
- 3 That a copy of the Wyong Shire Community Plan 2008 - 2013 Summary and Main Reports be forwarded to the Department of Local Government.***
- 4 That congratulations be extended to the staff involved in the production of the Wyong Shire Community Plan.***
- 5 That the Plan be endorsed with a comment to the effect that the Plan contains a large number of unfunded proposals which Council has no prospect of currently funding.***

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**394 Rezoning Delegations from Director General of the Department of Planning**

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F2006/01627 SJD

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.34 PM AND RETURNED TO THE CHAMBER AT 5.36 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That in accordance with the provisions of Section 381(3) of the Local Government Act 1993, Council agrees to sub-delegate its powers under Sections 65 and 69 of the Environmental Planning and Assessment Act, to the General Manager.**
- 2 That Delegation be given to the General Manager to sub-delegate to appropriate staff.**
- 3 That all previous approvals for the delegation of these authorities be withdrawn as from the date the new authorities become effective.**
- 4 That the Department of Planning be advised of Council's decision.**

**395 Contract No CPA 139771 - Provision of Cleaning Services to Various Council Facilities**

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CPA 139771 LP:JP

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept tender No 11 from SKG Pty Ltd for an initial period of one year with an option to extend for a further one year at an estimated annual cost of \$202,525 including GST (\$184,113 excluding GST). Actual expenditure may vary slightly if number of facilities to be cleaned changes.**
- 2 That a further report be brought back to Council at the completion of the one year period with a recommendation to either take up the one year extension or re-tender the contract depending upon performance of the contractor.**
- 3 That Council approve an annual contingency amount of \$30,382 including GST (\$27,620, excluding GST), representing approximately 15% of the contract value for one year, to provide for any unforeseen additional works that may become necessary during the course of the project.**

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**396 Contract No CPA 130386 – Provision of Professional Engineering Consulting Services for the Mardi to Mangrove Link Project GHD Pty Limited – Budget Allocation**

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CPA 130386 BP:KB

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE GOVERNMENT WAS BEING LINKED TO THE REPORT, LEFT THE CHAMBER AT 6.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.20 PM.

COUNCILLOR FORSTER ARRIVED AT 5.59 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council notes the information and 'forecast-costs-on-completion' provided in this report (All costs quoted are excluding GST).**
- 2 That Council notes the 'forecast-cost-on-completion' of \$7.724 million for the provision of GHD's professional services (including investigations, design and documentation) for the pre-construction phase of the Mardi – Mangrove Link Project, arising predominantly from the additional work carried out by GHD and the additional time of eight months invested in the pipeline route selection process and the land entry process to date.**
- 3 That Council approves a Contract Variation to increase the budget allocation to the professional services contract with GHD Pty Limited, for the pre-construction phase of the Mardi to Mangrove Project, by \$1.902 million, from \$5.822 million to \$7.724 million.**
- 4 That Council authorises the proposed increase in the budget allocation of \$1.902 million to be drawn-down against the overall Project Contingency Sum of \$10 million, being the contingency component within the current project cost estimate of \$110 million.**
- 5 That Council notes the total 'forecast-cost-on-completion' of \$3.757 million for the provision of GHD's professional construction management services for the future construction and commissioning phase of the Mardi – Mangrove Link Project, forecast to take place over the 20 month period from July 2009 to March 2011.**

FOR: COUNCILLOR EATON, FORSTER, GRAHAM, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR BEST.

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**


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**397 Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce**


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CPA 94424 LM

COUNCILLOR BEST LEFT THE CHAMBER AT 6.21 PM AND RETURNED TO THE CHAMBER AT 6.27 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That the information in the report be received and noted.*
- 2 *That Council endorse the Director's decisions with respect to the variations approved to date to Contract CPA 94424.*
- 3 *That Council approve additional funding to increase the contract amount from \$7,060,777 (including contingency amount but excluding GST) to \$13,994,198.18 (including contingency amount but excluding GST).*

**398 Contract No CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry**


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CPA 138816 JR

*It was MOVED by Councillor ROSE and SECONDED by Councillor STEVENS:*

- 1 *That Council accept tender No 3 from KPMG Corporate Finance (Aust) Pty Ltd in the lump sum amount of \$201,179, including GST (\$182,890, excluding GST).*
- 2 *That Council approve a contingency amount of \$60,000 including GST (\$54,545, excluding GST), representing approximately 30% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.*

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

FOR: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM AND VEUGEN.



**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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

- 1 That Council decline to accept any tender and postpone the proposal for the contract.**
- 2 That Council staff produce a scoping paper as to possible site uses and commercialisation which should include criteria for measuring outcomes.**

**399 Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 to 2012-13**

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F2004/06782 IJ:DP

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

**That Council adopt, for recommendation to IPaRT, the schedule of proposed Water Supply, Sewerage and Drainage Charges for the period 2009-10 to 2012-13 as detailed in Attachment 1.**

**400 Proposed Acquisition of Part Lot 170 DP 755263 for Road Widening at Passage Road, Bateau Bay**

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F2008/00726 SB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acquire part of Lot 170 DP 755263 Passage Road, Bateau Bay as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land 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 land in Item 1 in the event that negotiations with the property owner cannot be satisfactorily resolved.**

## **Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.*

### **401 Naming of Creek**

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F2006/00812 ED

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1** *That Gosford City Council be advised that Council supports the proposed naming of the unnamed creek running through Somersby and Ourimbah as Platypus Creek.*
- 2** *That should the naming proceed, that all affected residents within the Wyong Shire Council Local Government Area be notified by Council of the proposed creek naming.*

### **402 2007-08 Management Plan – June 2008 Quarter Review**

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F2004/07006 BR

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1** *That Council receive and note the report and endorse budget carryovers proposed in this report.*
- 2** *That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.*

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**


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**403 Business Central Coast Request for Project Funding**


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F2004/07942 GSM:LS

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04M AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That subject to approval by Gosford City Council, Wyong Council enter into a legal agreement with Central Coast Economic Development Board Inc to transfer all assets and liabilities relating to Business Central Coast Inc to Central Coast Economic Development Board Inc.***
- 2 That Council allocate \$12,500 to the Central Coast Economic Development Board Inc from the project budget in 2008-09 Management Plan towards the Board's partnership with the Central Coast Mariners.***

**404 Minutes of the Community Benefit Grants Panel –  
7 August 2008**


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F2004/06570 JV

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That report CBG06 recommendations 2, 3 and 4 be dealt with as a separate item.***

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2 OF THE MINUTES) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A LIFE MEMBER OF THE ENTRANCE PRESCHOOL WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 3 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4 OF THE MINUTES), HAS APPLIED FOR FUNDING AND MY FATHER IS AN EXECUTIVE MEMBER OF THAT ORGANISATION, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A MEMBER OF THE WYONG FAMILY HISTORY GROUP WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 4 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR WELHAM VACATED THE CHAIR AND COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

***That item CBG06 recommendations 2, 3 and 4 of the minutes of the Community Benefit Grants Panel meeting held on 7 August 2008 be received and the recommendation contained therein, adopted***

COUNCILLOR WELHAM RESUMED THE CHAIR.

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

***That the remaining reports and recommendations of the Community Benefit Grants Panel meeting held on 7 August 2008 be received and the recommendations contained therein, adopted.***

**405                      Minutes of the Wyong Shire Governance Committee Meeting –  
13 August 2008**

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F2004/07245 MW:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM DURING CONSIDERATION OF THIS ITEM.

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

***That the minutes of the Wyong Shire Governance Committee meeting held on 13 August 2008 be received and the recommendations contained therein, adopted.***

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**406 Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 20 August 2008**

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F2004/06390 ED

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

***That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 August 2008 be received and the recommendations contained therein, adopted.***

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**Information Reports**

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

***That with the exception of report number 409 the information reports be received and the recommendations adopted.***

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**407 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 JS

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

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

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**408 Activities of the Development Assessment Unit**

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F2004/07830 JD

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

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

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**409 New Warnervale Railway Station**

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DA/261/2005 SG

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

- 1 *That the report be received and the information noted.*
- 2 *That Council write to the Minister for Transport and Rail and the Local Member for Wyong advising them to consider the application for the North Warnervale Railway Station under the new infrastructure SEPP.*

**410 Traffic Counts Conducted on Woodbury Park Drive, Mardi**

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C2008/05520 KG/ABP

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

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

**411 Wyong Library Statistics**

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F2004/11651 JM

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

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

**412 Works in Progress Report – Water and Sewerage**

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F2004/07830 KRG:DP

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

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

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**413 General Works in Progress Report**

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F2004/07830 JEM

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

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

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

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F2008/00003 SW

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

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

**415 Notice of Motion – Private Members Bill to Stop the Coal Mine**

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F2006/01080 DJE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

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**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**416 Notice of Motion – Tip Rehabilitation Budgetary Provisions**

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F2007/00889 DJE

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.23 PM DURING CONSIDERATION OF THIS ITEM.

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

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

**417 Notice of Motion – GP Super Clinics**

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F2004/11290 GPB:DJE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.24 PM.

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

- 1 That staff report to date on the Federal Government's progressive initiative to establish much needed medical services to our coast through the establishment of GP Super Clinics.***
- 2 That the report should outline planning issues, zoning compatibilities and opportunities council may consider to assist our Federal counterparts in delivering this vital health initiative.***

**418 Notice of Motion – So Called Scientific Whaling**

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F2004/10946 GPB

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE DISCUSSION INDICATED COMMENTS MADE BY THE MEMBER FOR DOBELL THAT MAY PUT ME IN A POSITION OF CONFLICT, LEFT THE CHAMBER AT 7.38 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.48 PM.

MS COLETTE BARON, REPRESENTING THE WHALE DREAMERS FESTIVAL, ADDRESSED THE MEETING AT 7.24 PM, ANSWERED QUESTIONS AND RETIRED AT 7.34 PM.



## **Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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

- 1 *That Council note the major east coast whale population including new calves, are now commencing their southern migration back to Antarctic Waters where they will be met by the Japanese Whaling Fleet.*
- 2 *That Council again re-iterate its total opposition to this so-called scientific whaling carried out by Japan.*
- 3 *That Council establish a shire wide petition to provide residents and ratepayers with an avenue to voice their opposition.*
- 4 *That Council also seek to conduct the petition in consultation with our State and Federal counterparts, thereby forming a unique multi-level Government partnership in responding to this vital environmental issue.*

**The MOTION was put to the vote and declared LOST on the CASTING VOTE OF THE MAYOR.**

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, STEVENS AND WELHAM.

### **419 Notice of Motion – Dog Pound Upgrade**

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F2004/06957 GPB

MR WAYNE ASPLET, REPRESENTING ST GEORGE ANIMAL RESCUE PTY LTD, ADDRESSED THE MEETING AT 7.48 PM, ANSWERED QUESTIONS AND RETIRED AT 8.15 PM.

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

- 1 *That staff provide an updated report on key operational issues surrounding the Charmhaven Dog Pound including issues such as surrender rate trends, kill rates, success rate of relocations and general compliance issues.*
- 2 *That Council through its Internal Auditor facilitate an independent review into Council's pound compliance through suitably qualified industry experts and in partnership with the Department of Local Government.*
- 3 *That Council cease pound euthanasiation by staff and engage suitably qualified veterinary services for all such actions.*

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

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**420 Notice of Motion – Lake Island Collapse**

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F2007/01516 CWV

MR PHIL POTTER, RESIDENT, ADDRESSED THE MEETING AT 9.03 PM, ANSWERED QUESTIONS AND RETIRED AT 9.10 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.04 PM AND RETURNED TO THE CHAMBER AT 9.09 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM VACATED THE CHAIR AND LEFT THE CHAMBER AT 9.06 PM AND COUNCILLOR STEVENS ASSUMED THE CHAIR DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM RETURNED TO THE CHAMBER AND RESUMED THE CHAIR AT 9.09 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.14 PM AND RETURNED TO THE CHAMBER AT 9.16 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That staff urgently report to Council on the apparent escalation of major erosion of the small island adjacent to the Entrance Bridge, opposite the fishing platform, since the reactivation of the Entrance Channel dredging program.***

**QUESTIONS WITHOUT NOTICE ASKED****Q054 – Liberty Playground – staff congratulations****Councillor Stewart**

F2006/02238

*“Could the General Manager please pass on in writing to Council’s staff Rod Wallis, Rachael Williams, Boyd McMillan, Katherine Simmons, Mike Long, Sara Micallef, Mary Dallow and the Council Rangers congratulations for the excellent works which were undertaken in the establishment and opening of the “Liberty Playground” project?”*

**Q055 – Liberty Playground – organisation congratulations****Councillor Stewart**

F2006/02238

*“Could the General Manager write to the Pop4Kids President and Committee and the Benevolent Society’s Sue Ellis and Paula Jarman congratulating them on the establishment and opening of the “Liberty Playground”?”*

**Q056 – Online Options to Interface With Community****Councillor Welham**

F2004/00309

*“Could staff advise on options available to better interface with our community online such as facebook, myspace etc?”*

**Q057 – Child Abuse Prevention Service****Councillor Eaton**

F2004/06155

*“Could the General Manager have staff contact the Child Abuse Prevention Service to advise what assistance can be offered regarding outstanding rates?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 9.19 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)**

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**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 9.20 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W022 Proposed Acquisition of Land at Bateau Bay**

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F2007/00647 MJ:KD

- 1 *That the report be received and the information noted.*
- 2 *That Council immediately engage suitable consultants to provide detailed designs for options (b), (c) and (e) in order to determine precisely the land area required.*
- 3 *That Council seek independent valuations of the land area required under each option.*
- 4 *That should option (b) or alternatively option (e) be identified as the most financially viable option, Council commence negotiations with Mr Smith for the purchase of the necessary land.*

**W023 Performance Review**

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*That the report be received and information noted.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.21 PM.

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CHAIRPERSON

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## WYONG SHIRE COUNCIL

### MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 5 SEPTEMBER 2008, COMMENCING AT 5.05 PM

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#### PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

#### IN ATTENDANCE

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

SENIOR TRANSPORTATION ENGINEER.

THE MAYOR ACKNOWLEDGED LISA MCDERMOTT, COUNCIL'S COMMUNICATION MANAGER WHO WAS PRESENT IN THE PUBLIC GALLERY, AND NOTED THAT IT WAS HER LAST ATTENDANCE AT A COUNCIL MEETING BEFORE LEAVING COUNCIL. THE MAYOR THANKED LISA FOR ALL HER WORK AT COUNCIL AND WISHED HER WELL IN HER NEW VENTURE.

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

#### APOLOGY

AN APOLOGY FOR HIS INABILITY TO ATTEND THE MEETING, DUE TO WORK COMMITMENTS, WAS RECEIVED ON BEHALF OF COUNCILLOR B J PAVIER.

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

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

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**Minutes of the Extraordinary Meeting of Council held on 5 September 2008 (contd)**

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**421 Disclosures of Interest**

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F2006/02282 ED:MR

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

***That the report and the fact that no disclosure was made be noted.***

\*PLEASE NOTE: A LATE DISCLOSURE WAS SUBMITTED BY COUNCILLOR ROSE UNDER ITEM 422.

**421A Address by Invited Speakers**

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F2008/00003 ED:MR

THE MAYOR ADVISED THAT MR JOHN MILLARD HAD SUBMITTED HIS APOLOGIES AND WOULD NOT BE AVAILABLE TO SPEAK AT THIS MEETING.

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

***That the amended report on Invited Speakers be received and the information noted.***

**422 Notice of Motion – Opposition to RTA Preferred Route for Pacific Highway through Wyong**

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F2004/07589 DJE/GPB

MR KEVIN GREGORY, REPRESENTING WYONG CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 5.07 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS A MEMBER OF WYONG CHAMBER OF COMMERCE AND THEY HAVE TAKEN A POSITION REGARDING THE PACIFIC HIGHWAY ROUTE THROUGH WYONG, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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."*

## Minutes of the Extraordinary Meeting of Council held on 5 September 2008 (contd)

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

*That Council make a detailed submission to the RTA generally opposing the preferred RTA route for the Pacific Highway through Wyong township and supporting the tunnel option and in particular highlighting Council's opposition to the following elements of the current RTA proposal:*

- a U-turn bay on the Pacific Highway for northbound traffic to access the station,*
- b Restriction of Rose Street to only left in - left out, further cutting off East Wyong from the main township,*
- c Effective restriction of access to the station indicating a future downgrading or closure of the station which is at odds with Council and State Government policies to encourage development around rail stations.*

*An AMENDMENT was MOVED by Councillor ROSE and SECONDED by Councillor GRAHAM:*

- 1 Council at its meeting of 13 August 2008 resolved the following:*

*"That Council make a request to the RTA for an extension of time to 31 October 2008 as a closing date for submission in respect to the proposed Pacific Highway upgrade."*

*We now note that the RTA has already agreed to extend the exhibition until 28 November 2008 following this Council request.*

- 2 That further, we note that a briefing of Councillors and the RTA was held on 27 August 2008 where a number of concerns were raised, including:*

- \* Intersection treatments.*
- \* "U" turn facility on the Pacific Highway.*
- \* Possible closure of Alison Road.*
- \* Railway station access.*
- \* Commuter car parking – access and connectivity.*
- \* Adequacy of future development yields used by RTA.*
- \* Possible pedestrian bridge over the Highway.*
- \* Relocation of Railcorp work yard.*
- \* Adequacy of preferred option as the ultimate solution – can it be embellished in the future?*
- \* Timing of works.*
- \* Heritage buildings.*
- \* Access from Alison Road to F3 Freeway.*

- 3 That given the above, consideration of this matter be deferred for a detailed report from staff to enable the new Council to make an informed submission.*

**Minutes of the Extraordinary Meeting of Council held on 5 September 2008 (contd)**

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

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

AGAINST: COUNCILLORS BEST AND EATON.

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

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

***1 Council at its meeting of 13 August 2008 resolved the following:***

***“That Council make a request to the RTA for an extension of time to 31 October 2008 as a closing date for submission in respect to the proposed Pacific Highway upgrade.”***

***We now note that the RTA has already agreed to extend the exhibition until 28 November 2008 following this Council request.***

***2 That further, we note that a briefing of Councillors and the RTA was held on 27 August 2008 where a number of concerns were raised, including:***

- \* Intersection treatments.***
- \* “U” turn facility on the Pacific Highway.***
- \* Possible closure of Alison Road.***
- \* Railway station access.***
- \* Commuter car parking – access and connectivity.***
- \* Adequacy of future development yields used by RTA.***
- \* Possible pedestrian bridge over the Highway.***
- \* Relocation of Railcorp work yard.***
- \* Adequacy of preferred option as the ultimate solution – can it be embellished in the future?***
- \* Timing of works.***
- \* Heritage buildings.***
- \* Access from Alison Road to F3 Freeway.***

***3 That given the above, consideration of this matter be deferred for a detailed report from staff to enable the new Council to make an informed submission.***

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

AGAINST: COUNCILLORS BEST AND EATON.



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**Minutes of the Extraordinary Meeting of Council held on 5 September 2008 (contd)**

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**423 Notice of Motion – Opposition to Additional Housing Units in Bateau Bay**

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F2004/09609 DJE/GPB

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.26 PM AND RETURNED TO THE CHAMBER AT 6.27 PM DURING DISCUSSION OF THIS ITEM.

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

*That Council note with concern the plans for Housing NSW to build an additional 500 units in Bateau Bay within six storey high rise tower blocks and place the plans on public exhibition at all Council libraries and offices and on Council's website and invite the public to comment both to Council, Housing NSW and the Local State Member.*

*An amendment was MOVED by Councillor GRAHAM and seconded by Councillor FORSTER:*

*That in confirmation of the agreed outcome at the Councillor Briefing held with the Department of Housing representatives on 13 August 2008, staff proceed to work collaboratively with the Department of Housing to achieve an appropriate long term vision for the Department's land holdings at Bateau Bay, Killarney Vale and Tumbi Umbi taking into account the aspirations of both residents and the wider community.*

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

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

AGAINST: COUNCILLORS BEST AND EATON.

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

**Minutes of the Extraordinary Meeting of Council held on 5 September 2008 (contd)**

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

***That in confirmation of the agreed outcome at the Councillor Briefing held with the Department of Housing representatives on 13 August 2008, staff proceed to work collaboratively with the Department of Housing to achieve an appropriate long term vision for the Department's land holdings at Bateau Bay, Killarney Vale and Tumbi Umbi taking into account the aspirations of both residents and the wider community.***

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

AGAINST: COUNCILLORS BEST AND EATON.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.01 PM.

.....  
CHAIRPERSON

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**WYONG SHIRE COUNCIL****MINUTES OF THE  
EXTRAORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 1 OCTOBER 2008,  
COMMENCING AT 5.00 PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

MANAGER, BUSINESS IMPROVEMENT AND TECHNOLOGY AND ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.00 PM AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

**APOLOGIES**

THERE WERE NO APOLOGIES.

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**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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**424 Disclosures of Interest**

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F2008/01064 SG

**430 – ELECTION OF DELEGATES AND REPRESENTATIVES ON VARIOUS EXTERNAL COMMITTEES AND ASSOCIATIONS**

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF CENTRAL COAST GROUP TRAINING, A MEMBER OF WYCRA BOARD AND MEMBER / MENTOR OF CENTRAL COAST BUSINESS MENTOR SERVICES AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

*“I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE REPORT CONCERNS APPOINTMENT OF COUNCIL DELEGATES AND HAS NO EFFECT ON THE ORGANISATIONS.”*

**430 – ELECTION OF DELEGATES AND REPRESENTATIVES ON VARIOUS EXTERNAL COMMITTEES AND ASSOCIATIONS**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR CENTRAL COAST GROUP TRAINING AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

*“I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE REPORT CONCERNS APPOINTMENT OF COUNCIL DELEGATES AND HAS NO EFFECT ON THE ORGANISATION.”*

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

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

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**425 Mayoral Report for Past Term**

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

***That the report by the Mayor for the past term, September 2007 to October 2008 be received.***

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**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**


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**426 Election of Mayor and Voting Procedure**


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F2004/06511 ED:SG

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

- 1 That in accordance with the provisions of Section 290(a) of the Local Government Act 2003, Council hold an election for the Office of Mayor by all councillors.**
- 2 That the election for the Office of Mayor be determined by the method of open voting.**
- 3 That the election of Mayor be for the term October 2008 to September 2009.**

IN ACCORDANCE WITH SCHEDULE 7 OF THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005, THE GENERAL MANAGER ASSUMED THE ROLE OF RETURNING OFFICER FOR ELECTION OF THE MAYOR AND DEPUTY MAYOR.

THE GENERAL MANAGER ADVISED THAT THREE NOMINATIONS HAD BEEN RECEIVED FOR THE POSITION OF MAYOR. COUNCILLOR GRAHAM RECEIVED TWO NOMINATIONS AND COUNCILLOR WYNN ONE NOMINATION. COUNCILLORS GRAHAM AND WYNN ACCEPTED THEIR RESPECTIVE NOMINATIONS.

THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR GRAHAM TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR GRAHAM WERE COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

THE GENERAL MANAGER DECLARED COUNCILLOR GRAHAM ELECTED AS MAYOR FOR THE TERM OCTOBER 2008 TO SEPTEMBER 2009.

THE MAYOR, COUNCILLOR GRAHAM THEN ASSUMED THE CHAIR.

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**427 Election of Deputy Mayor**


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F2004/06511 ED:SG

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

**That the election of Deputy Mayor be conducted in the same manner as the election of Mayor for the term October 2008 to September 2009.**

THE GENERAL MANAGER ADVISED THAT THREE NOMINATIONS HAD BEEN RECEIVED FOR THE POSITION OF DEPUTY MAYOR. COUNCILLOR MCNAMARA RECEIVED TWO NOMINATIONS AND COUNCILLOR WYNN ONE NOMINATION. COUNCILLORS MCNAMARA AND WYNN ACCEPTED THEIR RESPECTIVE NOMINATIONS.

## **Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR MCNAMARA TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR MCNAMARA WERE COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

THE GENERAL MANAGER DECLARED COUNCILLOR MCNAMARA ELECTED AS DEPUTY MAYOR FOR THE TERM OCTOBER 2008 TO SEPTEMBER 2009.

MAYOR GRAHAM THANKED FORMER COUNCILLOR WELHAM FOR HIS CONTRIBUTION OVER THE PAST FOUR YEARS OF COUNCIL INCLUDING HIS TERM AS MAYOR. HE ACKNOWLEDGED THOSE PEOPLE WHO SUPPORTED HIS RE-ELECTION CAMPAIGN AND HAD MENTORED HIM OVER MANY YEARS AND HE THANKED HIS WIFE LORRAINE AND HIS FAMILY FOR THEIR SUPPORT. HE EXTENDED CONGRATULATIONS TO ALL COUNCILLORS ON THEIR ELECTION.

COUNCILLOR EATON REFLECTED ON 17 YEARS AS A COUNCILLOR AND THE CHALLENGING ECONOMIC TIMES AHEAD. HE OFFERED ASSISTANCE AND ADVICE TO THE NEWLY ELECTED COUNCILLORS.

COUNCILLOR BEST ALSO OFFERED TO HELP AND SUPPORT THE NEWLY ELECTED COUNCILLORS AND WAS LOOKING FORWARD TO WORKING WITH THEM. HE THANKED THOSE WHO HAD SUPPORTED HIM DURING HIS TIME AS A COUNCILLOR.

COUNCILLOR WYNN INDICATED HER PRIDE IN HER ELECTION AND HOPED THAT ALL COUNCILLORS WOULD WORK TOGETHER FOR THE BENEFIT OF THE COMMUNITY.

COUNCILLOR SYMINGTON EXPRESSED HIS DISAPPOINTMENT THAT FORMER COUNCILLOR WELHAM WAS NOT RE-ELECTED AND ACKNOWLEDGED THE SUPPORT AND MENTORING PROVIDED TO HIM BY MEMBERS OF THE COMMUNITY OVER THE YEARS.

COUNCILLOR MCBRIDE ACKNOWLEDGED THE LEADERSHIP, PASSION AND CARE FOR THE COMMUNITY OF FORMER MAYOR WELHAM AND EXTENDED HER BEST WISHES FOR HIS FUTURE ENDEAVOURS. SHE CONGRATULATED MAYOR GRAHAM AND DEPUTY MAYOR MCNAMARA AND OTHER COUNCILLORS ON THEIR ELECTION. SHE THANKED HER FAMILY FOR THEIR SUPPORT AND ENCOURAGEMENT.

COUNCILLOR MCNAMARA THANKED HIS FAMILY, THE LIBERAL PARTY AND HIS TEAM FOR THEIR COMMITMENT AND FAITH IN HIM AND LOOKED FORWARD TO WORKING TOGETHER WITH COUNCILLORS.

### **428 Appointment of Committees**

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F2004/06395 SG

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

- 1 That the Charter of the Wyong Shire Beach Liaison Committee be amended to provide for three Councillor delegates to the Committee.***

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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- 2 That Council appoint the following committees and elect representatives, for the term of Council, in accordance with the Charter of the following Committees:**
- |          |  |   |
|----------|--|---|
| <b>a</b> | <b>General Manager – Performance Review Panel</b>                          | <b>Mayor, Deputy Mayor and one Councillor</b>   |
| <b>b</b> | <b>Wyong Shire Consultative Committee</b>                                  | <b>Two Councillors</b>  |
| <b>c</b> | <b>Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee</b> | <b>Three Councillors</b>  |
| <b>d</b> | <b>Wyong Shire Beach Liaison Committee</b>                                 | <b>Three Councillors</b>  |
| <b>e</b> | <b>Wyong Shire Council Sports Committee</b>                                | <b>Three Councillors</b>  |
| <b>f</b> | <b>Wyong Shire Governance Committee</b>                                    | <b>Three Councillors and independent members, Mr David Holmes and Mr Bruce Turner</b> |
| <b>g</b> | <b>Wyong Shire Sister City Committee</b>                                   | <b>Two Councillors</b>  |
| <b>h</b> | <b>Wyong Shire Senior Citizens Council</b>                                 | <b>One Councillor and an alternate Councillor</b>                                     |
- 3 That previous community representatives as at September 2008 be reappointed as members of Council's committees in accordance with the various Community Committee charters.**
- 4 That a further report be brought back to the Council meeting in November 2008 on the proposed charter of the Wyong Shire Grants Committee including membership on the Committee.**
- 4 That each Committee elect a Deputy Chairperson annually to conduct Committee business in the absence of or at the request of the Mayor.**
- 5 That all business of the Committees be conducted in accordance with Council's adopted Code of Meeting Practice.**

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

**That Councillor Matthews be appointed as a delegate to the General Manager – Performance Review Panel.**

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

**That Councillor Matthews and Councillor Symington be appointed as delegates to the Wyong Shire Consultative Committee.**

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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

***That appointment of delegates to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee be held over until the Council meeting to be held on 22 October 2008 with a view to increasing the number of Councillors on the committee to four.***

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

***That Councillor Graham, Councillor Matthews and Councillor McNamara be appointed as delegates to the Wyong Shire Beach Liaison Committee.***

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

***That Councillor McBride, Councillor McNamara and Councillor Symington be appointed as delegates to the Wyong Shire Council Sports Committee.***

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

***That Councillor Symington, Councillor Vincent and Councillor Wynn be appointed as delegates to the Wyong Shire Governance Committee.***

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

***That Councillor Matthews and Councillor Webster be appointed delegates to the Wyong Shire Sister City Committee.***

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

***That Councillor Best be appointed as delegate and Councillor Eaton as alternate delegate to the Wyong Shire Senior Citizens Council.***



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**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**


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**429            Review of Inactive Committees**


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F2004/06395 SG

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

**1     That Council not elect representation on the following Committees:**

- a     Disability Access Committee**
- b     Farmland Rating Review Committee**
- c     Tree Management Committee**

**2     That should the above Committees become active again, a report be submitted to Council calling for representation by Councillors.**

**430            Election of Delegates and Representatives on Various External Committees and Associations**


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F2004/06395 SG

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS CHAIR OF CENTRAL COAST GROUP TRAINING, A MEMBER OF WYCRA BOARD AND MEMBER / MENTOR OF CENTRAL COAST BUSINESS MENTOR SERVICES AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE REPORT CONCERNS APPOINTMENT OF COUNCIL DELEGATES AND HAS NO EFFECT ON THE ORGANISATIONS."*

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR CENTRAL COAST GROUP TRAINING AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE REPORT CONCERNS APPOINTMENT OF COUNCIL DELEGATES AND HAS NO EFFECT ON THE ORGANISATION."*

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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

- 1 That Council elect delegates and representatives as required for the bodies listed in the report with the amendment of:**

***Australian Sister Cities Associations – two Councillors and one alternate***

***Wyong Regional Chamber of Commerce – one Councillor and one alternate.***

- 2 That the delegates and representatives elected hold the positions for the term of the Council.**

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

***That Councillor Matthews and Councillor Webster be appointed as delegates to the Australian Sister Cities Association.***

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

***That the Manager, Open Space and Recreation, be appointed as delegate to the Australian Springtime Flora Festival.***

Two nominations were received for the position of delegate to the Bushfire Management Committee, one for Councillor Vincent and one for Councillor Wynn, necessitating a ballot. Following the ballot, Councillor Vincent was declared the successful delegate to the Bushfire Management Committee.

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

***That Councillor Vincent be appointed as delegate to the Bushfire Management Committee.***

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

AGAINST: COUNCILLORS BEST, EATON AND WYNN.

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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

**That Councillor Matthews be appointed as delegate and Councillor Webster as alternate delegate to the Central Coast Area Assistance Scheme Regional Advisory Committee.**

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

**That Councillor Matthews and Councillor Webster be appointed as delegates to the Central Coast Area Assistance Scheme Local Ranking Committee.**

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

**That Councillor Best be appointed as delegate and the General Manager or his nominee as alternate delegate to the Central Coast Business Mentor Services Board.**

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

**That the Mayor be appointed as delegate to attend the Central Coast Group Training annual general meeting.**

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

**That no delegate be appointed to the Central Coast Community Chest.**

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

**That the Mayor, Councillor McNamara and Councillor Webster be appointed as delegates to the Central Coast Regional Organisation of Councils.**

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

**That Councillor Vincent and Councillor Wynn be appointed as delegates to the Fire Control District Liaison Committee.**

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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

***That the Mayor, Deputy Mayor and Councillor Symington be appointed as delegates and Councillor Vincent be appointed as alternate delegate to the Gosford Wyong Councils' Water Authority Board.***

Two nominations were received for the position of delegate to Greater Toukley Vision Inc, one for Councillor McNamara and one for Councillor Wynn, necessitating a ballot. Following the ballot, Councillor McNamara was declared the successful delegate to Greater Toukley Vision Inc.

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

***That Councillor McNamara be appointed as delegate to Greater Toukley Vision Inc.***

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

AGAINST: COUNCILLOR WYNN.

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

***That Councillor Vincent be appointed as alternate delegate to Greater Toukley Vision Inc.***

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

***That Councillor Webster be appointed as delegate to the Hand Brake Turn – Central Coast Advisory Group.***

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

***That Councillor McBride be appointed as delegate to Public Libraries NSW - Country.***

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

***That Councillor Wynn be appointed as delegate to the Regional Environmental Management Strategy Information Committee.***

**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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

***That Councillor Webster be appointed as delegate to The Entrance Town Centre Management Board.***

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

***That Councillor Symington be appointed as delegate to the Wyong Community Liaison Committee.***

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

***That Councillor Eaton, former Councillor Stewart and the General Manager or his nominee be appointed as appointees to the Wyong Community Recreation Association.***

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

***That Councillor McBride be appointed as delegate and Councillor Eaton as alternate delegate to the Wyong Regional Chamber of Commerce.***

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

***That Councillor Matthews be appointed as delegate and Councillor Webster be appointed as alternate delegate to the Wyong Shire Traffic Committee.***

**431 Delegates on Various External Committees or Boards by Appointment**

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F2004/06395 SG

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

***That the General Manager or his nominee be appointed representative of Council on the Norah Head Lighthouse Reserve Trust.***

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**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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**432 Nominations Sought for Representation on Executive Committee of the Local Government Association of NSW**

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F2007/01531 SG

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

***That any interested Councillors lodge their intention to nominate to the 2008 election of the Executive Committee of the Local Government Association of NSW.***

**433 Times and Dates of Meetings, Councillor Induction Training and Site Visits**

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F2004/06502 SG

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

- 1 That Clause 6 of the Adopted Code of Meeting Practice in relation to the holding of Ordinary Meetings of Council and meetings of Committees which all Councillors are members be adopted.***
- 2 That the Schedule of Inductions, Briefings and Site Visits for the remainder of 2008 be endorsed and the Mayor be empowered to make any changes as become necessary.***
- 3 That Council due to the general election of Councillors in September, vary its Code of Meeting Practice and not hold the Ordinary Meeting scheduled for 8 October 2008.***
- 4 That, in accordance with Council's Code of Meeting Practice, Council give public notice of that it will not hold an Ordinary Meeting on Wednesday 8 October 2008.***

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**Minutes of the Extraordinary Meeting of Council held on 1 October 2008 (contd)**

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**434 Facilities and Expenses Policy for Councillors**

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F2004/06497 ED

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

- 1 That Council adopt the current Facilities and Expenses Policy for the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging the functions of civic office subject to a review of the clause covering payment of spousal attendance at the Local Government Association conference as outlined in the Department of Local Government Circular No 06/57.***
- 2 That Council provide the Department of Local Government with a copy of the adopted policy.***

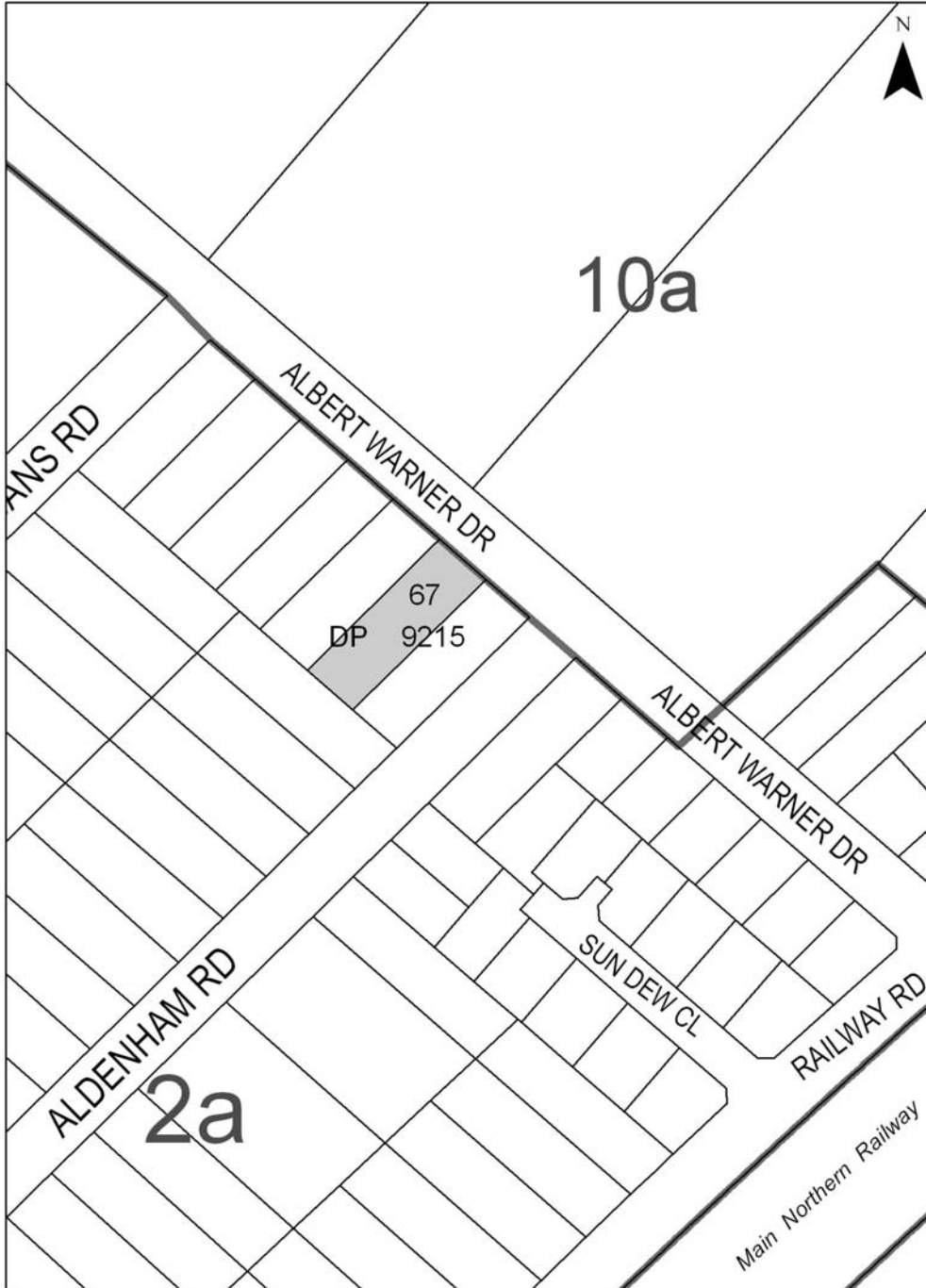
THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.14 PM.

.....  
CHAIRPERSON

**440 Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (Attachment 1)**

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Locality Plan





## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **440                      Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale**

DA/1791/2007 JW

#### **SUMMARY**

An application has been received under Section 82A of the Environmental Planning and Assessment Act 1979 (EP&A Act). This section of the EPA & Act allows an applicant to request a review of Council's decision on an application, in this case Council's decision to refuse DA/1791/2007. This application sought approval for the construction of a detached garage/workshop and carport and a dwelling extension for the purpose of a single garage at No 22 Albert Warner Drive, Warnervale. In determining the original application, Council's reasons for refusal related to the detached garage/workshop and carport only and the applicant has responded to each of the reasons for refusal as part of this Section 82A application.

The Section 82A application has been examined having regard to the matters detailed in Section 79C of the EP&A Act 1979 and other statutory requirements with the issues requiring attention and consideration being addressed in the report. The conclusion of the assessment is that the additional information submitted with this application has failed to adequately address the reasons for refusal and accordingly adherence to the previous determination is recommended.

<b>Applicant</b>	Mr J A Brown
<b>Owner</b>	Miss M K Higgins and Mr J A Brown
<b>Application No</b>	DA/1791/2007
<b>Description of Land</b>	Lot 67 DP 9215 22 Albert Warner Drive Warnervale
<b>Proposed Development</b>	Garage/ Workshop, Carport and Attached Garage to the Dwelling
<b>Site Area</b>	1,027 m <sup>2</sup>
<b>Zoning</b>	2(a) Residential Zone
<b>Existing Use</b>	Dwelling House
<b>Estimated Value</b>	\$47,000

#### **RECOMMENDATION**

- 1     *That the application under Section 82A not be supported and Council adhere to the previous decision to refuse the application.***
- 2     *That those who made written submissions be advised of Council's decision.***

**Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

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**PRÉCIS**

- This application is made under Section 82A of the Environmental Planning and Assessment Act, 1979 and seeks to review Council's previous decision to refuse a development application for a detached garage/workshop and carport and a dwelling extension for the purpose of an attached garage.
- The proposed structure measures 16.4 metres x 7.5 metres with a height to the ridge line of 4 metres.
- The proposal complies with the numerical standards contained within Development Control Plan (DCP) 2005 Chapters 100 – Quality Housing and Chapter 99 – Building Lines. However, issues resulting from the bulk and scale of the structure, its impact due to its proximity to the neighbouring property and the size and location of the structure, have not been adequately addressed. The application does not demonstrate that stormwater can be suitably managed without impacting on adjoining properties.
- One submission was received in opposition to the development.
- It is recommended that the previous decision to refuse the application be adhered to.

**INTRODUCTION**

An application has been received under Section 82A of the Environmental Planning and Assessment Act 1979 for reconsideration of Council's refusal of development application 1791/2007 for the erection of a detached garage/workshop and carport and a single garage attached to the existing dwelling. The development application was refused under delegation on 18 March 2008 for the following reasons:

- 1 *Pursuant to the provisions of Section 79C(1)(b) - (Context and Setting) of the Environmental Planning and Assessment Act 1979, the proposed metal garage is excessive in bulk and size and will impact detrimentally upon the amenity of the adjoining properties. The structure is not compatible with the adjacent land uses and will overshadow the adjoining property.*
- 2 *Pursuant to the provisions of Section 79C(1)(b) – (Water) of the Environmental Planning and Assessment Act 1979, the applicant has failed to demonstrate that the roofwater of the garage will not result in an impact upon the downstream properties.*
- 3 *Pursuant to the provisions of Section 79C(1)(d) – (Public Submissions) of the Environmental Planning and Assessment Act 1979, a submission has been received that raises valid concerns about potential overshadowing and stormwater impacts.*

## **Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

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The applicant "*considers that an unnecessarily harsh stance has been taken against his application*" and requests the review on this basis.

### **HISTORY**

The original application, which was received in December 2007, sought approval for the construction of a garage/ workshop at the rear of the site and a single garage attached to the existing dwelling. The application was advertised in accordance with Council's DCP 2005, Chapter 70 and as a result Council received 1 submission objecting to the proposal.

The initial assessment of the proposal in conjunction with the submission raised a number of issues with the detached garage/workshop which following a meeting with Council Staff, the applicant attempted to address through modification of the design. The redesign included converting part of the shed to a carport and incorporating two rainwater tanks. However the redesign did not overcome the issues that had been identified, namely height, size and bulk, overshadowing, disposal of roof water and accordingly, the application was refused on 18 March 2008.

On 18 June 2008 Council received the subject application to review the determination.

### **Wyong Local Environmental Plan 1991**

The property is zoned 2(a) Residential zone and the construction of an outbuilding in conjunction with a dwelling on properties within this zone is permissible with development consent. The objectives of this zone are;

- (a) *to provide land primarily for detached housing generally not exceeding a height of 2 storeys and with private gardens in an environment free from commercial and other incompatible activities and buildings, and*
- (b) *to provide for other uses, but only where they:*
  - (i) *are compatible with the residential environment and afford services to residents at a local level, and*
  - (ii) *are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing, and*

**Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

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- (c) *to provide for home-based employment where such will not:*
- (i) *involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods, or*
  - (ii) *have a material adverse impact on residents.*

The proposed garage measures 16.4 metres by 7.5 metres, has a ceiling height of 3 metres and is designed to allow for the undercover parking of 5 vehicles. A standard double garage would normally measure approximately 6 metres by 6 metres and have a ceiling height of 2.4 metres. A garage of this size does not meet objective (a) of the zone as it is of a size that is more suited to a large rural holding or an industrial location and it is generally not necessary to have undercover parking for 5 vehicles in a residential environment. Under these circumstances it is incompatible with the residential environment in this locality.

The proposed development also does not meet the objectives (b) (i) and (ii) as the structure impacts upon the amenity of the residential environment due to its excessive bulk and size. The proposed development clearly impacts directly upon the amenity of the adjoining property due to overshadowing and stormwater impacts. Although the properties in this area are larger than normal residential holdings, a structure of this size is clearly not compatible with the residential environment.

Under these circumstances the proposal does not meet the objectives for development in a 2(a) residential zone and is not supported.

**ASSESSMENT**

Within the S82A review application a number of reasons are given by the applicant why Council should change its determination and approve DA/1791/2007. The reasons given for refusal, review and comment are as follows:

- 1 Pursuant to the provisions of Section 79C(1)(b) - (*Context and Setting*) of the Environmental Planning and Assessment Act 1979, the proposed metal garage is excessive in bulk and size and will impact detrimentally upon the amenity of the adjoining properties. The structure is not compatible with the adjacent land uses and will overshadow the adjoining property.

## **Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

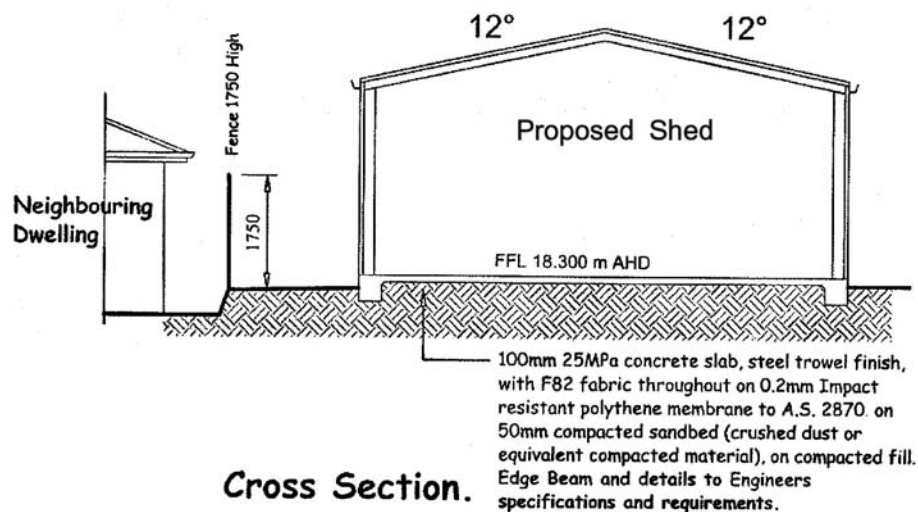
### **Submission by the Applicant**

*The applicant maintains that the garage is located 2 metres from the rear boundary. Given that the rooms within the adjoining dwelling, being bedrooms and a laundry, do not rely on views, any detrimental impact on the adjoining properties is reduced.*

The applicant also argues for Council's approval on the basis that there are other similar structures in the locality.

### **Comment**

The 2 metre setback from the rear boundary does provide some amelioration of the impacts on the adjoining property (land owned by neighbouring property). However, the proposed shed is approximately 0.6 metres higher than the land level of the objector's property, and this together with the proposed 3 metre height of the external wall, results in the eave line of the proposed garage/workshop and carport being at a considerable height compared to the adjoining dwelling as shown below. This impact is also compounded as a result of the length of the garage, being 16.4 metres and also its location directly adjacent to the neighbouring dwelling as shown on the site analysis plan. Due to its location and size the proposed shed will block sunlight access to the adjoining property. Overshadowing diagrams that have been prepared by Council to demonstrate this impact are enclosed.



**Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

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The reasons submitted by the applicant have failed to demonstrate that the proposal would not detrimentally impact upon the amenity of the adjoining property and are not grounds to remove Council's reason for refusal.

- 2 Pursuant to the provisions of Section 79C (1) (b) – (*Water*) of the Environmental Planning and Assessment Act 1979, the applicant has failed to demonstrate that the roofwater of the garage will not result in an impact upon the downstream properties.

**Submission by Applicant**

The applicant has proposed to install 2 X 3,200 litre water tanks to take any roof water from the building. The overflow from these tanks is proposed to discharge to "rubble pits" in the rear yard and disperse into the subsurface soil.

**Comment**

In these situations to ensure that there is not an impact on downstream properties, it is likely that the area of roof proposed would generate 2500 litres of water in 1 hour during a moderate storm event. Rainwater tanks often have limited capacity due to the water already stored and regular rain events inundate large absorption trenches in a relatively short period of time resulting in resurfacing stormwater and overland flow onto adjoining properties. As a result, during a prolonged storm event the proposed system would have no additional capacity to absorb additional water that continued to collect from the roof. Given the change in level between the properties, it is likely this water would therefore impact on the neighbouring property. Council has consistently refused development applications where access/fall cannot be provided for stormwater lines to the street.

Whilst it is commendable that the applicant is installing rain water tanks to capture water, the use of rainwater tanks alone would not prevent the likely impacts of stormwater on the downstream properties. Under the circumstances, the application has failed to demonstrate that the roofwater would not impact upon the downstream properties and accordingly, the reasons submitted by the applicant are not grounds to remove Council's reason for refusal.

- 3 Pursuant to the provisions of Section 79C (1) (d) – (*Public Submissions*) of the Environmental Planning and Assessment Act 1979, a submission has been received that raises valid concerns about potential overshadowing and stormwater impacts.

## **Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale (contd)**

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### **Submission by Applicant**

In response to the above, the applicant has indicated that:

- a) The front of the structure faces north east and receives the rising sun. Accordingly a minimal shadow will be cast before noon and no shadow in the afternoon.
- b) Effects of stormwater have been addressed by item 2 of this report.

### **Comment**

The applicant has not demonstrated by any diagram or plan whether the building will cast a shadow that does or does not detrimentally impact on the objector's land. Shadow Diagrams prepared by Council are enclosed. Therefore, it is considered that the reasons submitted by the applicant are not sufficient to warrant removal of the reason for refusal. The impacts of stormwater have been addressed previously in the report.

### **Notification**

Pursuant to the provisions of Council's DCP 2005, Chapter 70, all persons notified of the development application in 2007 were again given the opportunity to comment. Letters were sent on 19 June 2008 and one (1) submission was received.

The areas of concern to the objector are:

- 4 The size, height, bulk and scale of the building and in turn the loss of amenity caused by its erection.
- 5 The impacts of the rainwater collected in conjunction with the previous flooding problem encountered.

These issues have been addressed in items 1, 2 and 3 above and are considered valid issues that warrant refusal of the application.

**Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage  
at Warnervale (contd)**

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**Conclusion**

The applicant has asked Council to reconsider the refusal of Development Application DA/1791/2007. During the assessment of the original application the applicant was informed of Council's concerns and given an opportunity to address these concerns by amendment to the application. These significant issues of the bulk of the shed, overshadowing and inadequate treatment of stormwater still remain. The submission received with this application does not demonstrate that the effects of the proposal have been mitigated. The refusal of the Section 82A application is therefore recommended.

***Attachment 1***                      ***Locality Plan***

***Enclosures***                      ***Development Plans and Overshadowing Plan***



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**441 Part 5 Application – Proposed Sports Fields at Woongarrah (Attachment 1)**

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**Locality Plan**



## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **441                      Part 5 Application – Proposed Sports Fields at Woongarra**

LA/62/2008 JW:KMW

#### **SUMMARY**

This report deals with the environmental assessment of Council's proposed sports fields at Woongarra. The application has been received and assessed under Part 5 of the Environmental Planning and Assessment (EP&A) Act, 1979 with the relevant issues being addressed within the report. Approval of the application is recommended.

Proponent	Wyong Shire Council
Owner	Wyong Shire Council (Classified as Operational Land)
Application No	LA/62/2008
Description of Land	Lot 85A and 86A DP 22837, No 57-69 Hakone Road, Woongarra
Proposed Development	Sports and recreation facility including associated carpark and amenities building
Site Area	58,280 m <sup>2</sup>
Zoning	10(a) Investigation Precinct Zone
Existing Use	Vacant

#### **RECOMMENDATION**

- 1     *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 228 of the Environmental Planning and Assessment Regulation and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.***
  
- 2     *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***

#### **INTRODUCTION**

Council is seeking approval for the construction of a new sport and recreation facility at Hakone Road, Woongarra, including:

- Playing fields to accommodate two rugby fields, one cricket oval (including turf cricket wicket), and four practice nets;
- Two paved multi-purpose courts (also provides overflow parking for up to 40 car spaces);

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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- Single-storey amenities building;
- Associated landscaping works;
- Paved car park area to accommodate 117 car spaces;
- Provision of overflow car parking (grassed area) for approximately 38 spaces;
- Associated lighting to sports fields and site; and
- Construction of vehicle access/interim intersection works to Hakone Road (including provision for left-turns and bus facilities).
- The development is targeted to open in mid 2010.

The site is located on the northern side of Hakone Road, approximately 350 metres west of the intersection of Hakone Road and Arizona Road and directly opposite the intersection of Hakone Road and Waterside Drive. It is bound to the north, east and west by rural residential properties zoned 10(a) Investigation Precinct Zone while the southern side of Hakone Road is zoned 2(a) and comprises a new residential subdivision consisting of over 250 lots.

Both Council's Development Control Plan 2005 (DCP) Chapter 49 – Warnervale East and Wadalba North West and Section 94 Contributions Plan 7A, identify the site for the purpose of sporting fields and courts and the land has subsequently been acquired by Council in accordance with the strategic planning for the area. The site covers an area of approximately 58,280m<sup>2</sup> and the land falls to the north and north-east at approximately one to two degrees.

The site contains scattered trees and is highly degraded with evidence of past clearing, under scrubbing and filling. Lot 85A contains an approved soil stockpile, while Lot 86A contains a farm dam. Topographical records identify a depression flowing from the dam to the north, although this is no longer evident on the site.

The Review of Environmental Factors (REF), has been assessed and it is considered that the proposal will have minimal environmental impact. Approval of the application is therefore supported.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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### **HISTORY**

A development application was lodged for the proposed works in November 2007 under Part 4 of the EP&A Act due to the works requiring development consent. However, in January 2008, following the lodgement of the development application and during the initial assessment period, SEPP (Infrastructure) 2007 was introduced. SEPP (Infrastructure) is a state level policy administered by the Department of Planning and is aimed at providing a streamlined approach for providing the infrastructure and services necessary to maintain the wellbeing of the State's economy and communities. The SEPP enables the proposed works to be undertaken without the need to obtain development consent and therefore the development application was withdrawn. The current application has been made under Part 5 of the EP&A Act, which provides for the environmental assessment of activities which are permissible without consent. This generally relates to activities undertaken by public authorities.

### **PERMISSIBILITY AND STATUTORY PROVISIONS**

#### **Wyong Local Environmental Plan 1991**

The site is zoned 10(a) Investigation Precinct Zone under Wyong Local Environmental Plan (WLEP) 1991. The proposed use, defined as a recreation area is permissible with consent in the zone. However, as discussed in further detail below, the proposal has been lodged under the provisions of SEPP (Infrastructure) 2007 rather than the provisions of the LEP. The objectives of 10(a) (Investigation Precinct Zone) are:

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

**Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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

The proposed works are consistent with the strategic planning for the locality and the design has incorporated appropriate environmental safeguards in terms of ecological processes, traffic generation and environmental amenity.

**State Environmental Planning Policy (Infrastructure) 2007**

Division 12 of the SEPP refers to "Parks and Other Reserves". Clause 65(3) states:

*Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:*

- (a) *roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,*
- (b) *outdoor recreational facilities, including playing fields, but not including grandstands,*
- (c) *information facilities such as visitors' centres and information boards,*
- (d) *lighting, if light spill and artificial sky glow is minimised in accordance with Australian Standard/New Zealand Standard (AS/NZS) 1158: 2007, Lighting for Roads and Public Spaces,*
- (e) *landscaping, including irrigation schemes (whether they use recycled or other water),*
- (f) *amenity facilities,*
- (g) *maintenance depots,*
- (h) *environmental management works.*

As such, development consent is not required and instead, the works are assessed under Part 5 of the EP&A Act, 1979.

**Part 5 Assessment - Environmental Planning and Assessment Act, 1979**

Part 5 of the EP&A Act provides for the environmental assessment of activities by public authorities which do not require development consent. Assessment of the proposal has determined that there is unlikely to be a significant impact on the environment although it is still necessary to consider to the fullest extent possible, the environmental impacts of the proposal. Section 228 of the EP&A Regulation 2000 requires the following factors to be taken into account:

- (a) *Any environmental impact on a community,*

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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- (b) *Any transformation of a locality,*
- (c) *Any environmental impact on the ecosystems of the locality,*
- (d) *Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,*
- (e) *Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,*
- (f) *Any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife (NPWS) Act 1974),*
- (g) *Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,*
- (h) *Any long-term effects on the environment,*
- (i) *Any degradation of the quality of the environment,*
- (j) *Any risk to the safety of the environment,*
- (k) *Any reduction in the range of beneficial uses of the environment,*
- (l) *Any pollution of the environment,*
- (m) *Any environmental problems associated with the disposal of waste,*
- (n) *Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,*
- (o) *Any cumulative environmental effect with other existing or likely future activities.*

In support of the application, a detailed REF was prepared by Council's Contract and Special Projects unit and lodged with the Development Assessment Unit for determination. An assessment of the proposal has been undertaken having regard to each of the issues listed above with specific issues being discussed further in the report.

### **Water Management Act 2000**

The Department of Water and Energy (DWE) is responsible for issuing controlled activity approvals under the Water Management Act for certain activities carried out in, on or under waterfront land. By definition, this includes works within 40 metres of a watercourse and applies to the stream identified on the topographical map for the site.

However, Clause 39A(1) Water Management (General) Regulation 2004 provides for all public authorities (other than Landcom) to be exempt from the need to hold a controlled activity approval. Regardless, it is necessary for the Council to liaise with DWE prior to the commencement of works.

Water and sewer connections are also dealt within under the Water Management Act and are to be designed in accordance with Council's Development Control 2005 Chapter Plan 67 – Engineering Requirements for Development. The design should be approved by Council's Water and Waste section prior to commencement of works.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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### **Native Vegetation Act 2003**

Section 25 (h) of the Native Vegetation Act exempts requirements for clearing where clearing is part of an activity carried out in accordance with an approval under Part 5 of the EP&A Act, 1979.

### **Mine Subsidence Compensation Act, 1961**

The site is located within a Mine Subsidence District. The REF does not identify that any discussions have been held with the Mine Subsidence Board. Approval will be subject to a recommendation that approval from the Mine Subsidence Board is granted.

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control, including the provisions of water sensitive urban design and water reuse. Vegetation is to be retained where possible and the activity is unlikely to result in the disturbance of any endangered flora or fauna habitats. The completed sports fields will provide an important community asset, providing social and recreational opportunities for residents.

### **ASSESSMENT**

Having regard to the matters included in Section 228 of the EP&A Regulation, the following matters are considered in further detail:

#### **Traffic and Access**

A Traffic Report was prepared by a qualified traffic consultant to review the existing traffic conditions near the site and to determine the long term traffic generation and associated impacts resulting from the construction and use of the sports fields as well as the expanding residential development in the immediate area. Overall, the report concludes that the potential traffic impacts are satisfactory.



## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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The intersection of Hakone Road and Waterside Drive is identified within DCP 2005 Chapter 49 – Warnervale East and Wadalba North West and the Section 94 Contributions Plan 7A as being a four way signalised intersection with two lanes for each direction along Hakone Road. These works are not proposed as part of this application, although recommendations by Council's Senior Transportation Engineer in relation to the timing of the road works have been incorporated into Appendix D of the REF. These include:

- "Bus Stops" need to be identified and agreed to by the local bus company (Busways) and the Local Traffic Committee.
- The traffic signals need to be installed and operating when the traffic volume on Hakone Road exceeds 5000 vehicles per day (two-way) or problems (accidents) occur at the intersection.
- The additional lanes on Hakone Road are to be constructed when the Level of Service falls to Level E (measured) at the intersection. These levels of service are based on items such as queuing lengths and time taken to clear the intersection.

Subject to the above, there are not expected to be any significant traffic impacts as a result of the operation and use of the sports facilities.

During construction, there will be short term disruption to traffic using Hakone Road. The REF identifies that a Traffic Management Plan will be provided by the construction contractor prior to the commencement of works and this is considered adequate to manage these short term impacts.

### **Noise**

A Noise Emission Assessment has been undertaken by an Acoustic Consultant to determine the potential noise impacts on nearby residents. Typical noises generated during sporting events are noise from participants in the sporting activity and crowd noise (including arrival and departure noise). The report utilises the Environment Protection Authority (EPA) guidelines to assess the likely noise associated with the carpark and traffic generation, the use of the various sports fields and noise associated with the amenities building. The following recommendations have been made to ensure the development does not unreasonably impact the nearby properties:

- Typical use of the sports fields is not expected to produce noise levels exceeding background noise levels by more than 5dB(A) and therefore use of the fields for training/informal games should be acceptable up until 10pm. (Note: The decibel (dB) is used to measure sound level. The term dB(A) indicates that a weighting filter has been used to approximate the human ear's response to sound. 5dB (A) is a level at which the increase in noise is considered acceptable as set by the Environmental Protection Authority Noise Manual).

**Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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- During larger sporting events, noise from the use of the playing fields is predicted to exceed background noise levels by more than 5dB(A). Therefore the following restrictions in use of the fields for larger events are recommended. Restricted operating time as recommended in the EPA Noise Control Manual are as follows:
  - 7am to 6pm weekdays.
  - 6pm to 10pm two nights per week (excluding weekends and Public Holidays)
  - 8am to 6pm Saturdays and Sundays.
- Similarly the use of a public address system should be restricted to the times set out above. In addition, noise mitigation methods recommended in the Noise Control Manual should be adopted. These recommendations include:
  - Speakers to be used only to control events, not for giving commentaries.
  - Speakers to be installed in control areas (e.g. marshalling areas) only. Speaker should be directed towards the marshalling area, inclining downwards.
  - When addressing large areas, larger numbers of small speakers (operating at lower volume) are recommended rather than using a smaller number of large speakers at higher volume.

Additionally, it is recommended that permits are required for the use of loud speakers.

- Field lights are to be turned off by 10pm

Subject to the above recommendations being implemented, the proposed facility is not expected to unreasonably impact on surrounding properties.

**Air Quality**

Without the proposed mitigation measure during the construction phase there are potential short term air quality impacts. The earthworks construction period is likely to occur over approximately 9 months. Likely causes of air quality impacts include:

- Vegetation clearing exposing soils to wind
- Earthworks
- Vehicle and plant movement creating dust plumes on unsealed access tracks
- Stockpiling construction fill material
- Exhaust emissions from work site vehicles and plant

During the operational phase, it is not expected that there would be a substantial change in the existing air quality surrounding the proposal.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

The following mitigation measures are proposed to be implemented and are considered appropriate for reducing any potential air quality impacts arising from the construction of the proposal:

- Vegetation to be cleared immediately prior to commencement of earthworks
- Areas of exposed earth are watered (in accordance with current water restrictions) and maintained to minimise dust plumes
- Unsealed access tracks are to be sprayed with bore water (in accordance with current water restrictions)
- Minimise vehicle movements across exposed soils
- If excessive dust plumes are being generated by works in windy conditions, works are to cease, other than water spray vehicles.
- During transport to and from the around site, spoil loads are to be covered.
- Vehicles and construction plant are to be maintained in accordance with manufacturer's standards.
- Vehicles and construction plant are to be switched off instead of being left idling to reduce exhaust emissions.

### **Flora and Fauna**

A flora and fauna survey has been undertaken by a qualified consultant. The report has identified that remnant coastal plains scribbly gum woodland is present, although this does not qualify as any Endangered Ecological Community or Endangered Population under the Threatened Species Conservation (TSC) Act, 1995. (The TSC Act defines 'endangered' as a species, population or ecological community that is likely to become extinct or is in immediate danger of extinction). There were no sightings of the threatened daisy, *Rutidosus heterogama* (Health Wrinklewort), which has been identified in other areas in the Warnervale and Woongarra areas, including the proposed railway station for the Warnervale Town Centre.

The bat fauna was found to be relatively rich and those species recorded were mainly Gould's Wattled Bat and a Free-tail Bat. Marginal habitat for threatened species of bats was also identified, although given the nature and quality of the vegetation, the type of habitat and the number of trees proposed to be removed there is likely to be an insignificant impact on threatened species. The study also identified that no Squirrel Gliders are resident and the habitat on the site is less than optimal for Squirrel Gliders to survive.

The following recommendations have been made:

- Part of the woodland at the rear of the properties be retained.
- Low downward lighting is to be used due to the presence of small bat species.
- A wildlife handler is to be employed during tree felling.

**Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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It is noted that that the Overall Grading Plan No 05727 C5.01 Revision B, identifies trees to be retained in the north western and south eastern corners of the site. Subject to the implementation of the recommendations above and the retention of the trees as identified on the referenced plan, the proposed works will not have a significant impact on the flora and fauna of the area and the removal of vegetation is considered acceptable.

**Soils and Topography***Cut and Fill*

The site generally slopes toward the north east and substantial earthworks will be required in order to construct the playing fields and associated parking and amenities. A plan of the necessary cut and fill has been provided together with typical cross sections across the site boundaries. Cut batters will be required along the western side of the property with fill batters along the eastern side although the field has been designed to ensure that natural ground level is achieved at the property boundaries in order to reduce the impact on adjoining properties.

Earthworks levels for formation of the field and associated facilities have been designed to balance cut and fill on-site and negligible material is expected to be disposed off-site. This includes site top-soil, which is expected to be re-used for landscaping and to supplement top-soil for the playing field platforms. The existing stockpile, which has been certified as being suitable for use on the site will also be utilised and it is not expected that any soil will need to be disposed of offsite.

*Soil Contamination and Acid Sulphate Soils*

A preliminary site assessment report has been undertaken to determine the likelihood of contamination of the subsurface soils. Historical information and inspection of the site did not indicate any obvious on-site or nearby activities that could be expected to generate significant soil or groundwater contamination.

Similarly, no acid sulphate soils have been indentified, or are expected to occur within the area of the works.

During the construction phase, soil contamination could result from the inappropriate storage of chemicals and fuel and the refuelling of plant. In order to mitigate these potential impacts, it is proposed to establish bunded storage and refuelling areas.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

### *Erosion and Sediment Control*

The construction process and vegetation removal will expose soils and generate large stockpiles of soil. A soil and erosion plan has been prepared for the site and the following is also proposed:

- Installation of appropriate and effective erosion and sediment control measures
- Diversion of surface waters away from exposed soils and stockpiles of fill materials
- Installation of sedimentation ponds for worksite surface water flows
- Re-vegetation of batter slopes with appropriate native vegetation

### **Stormwater and Water Reuse**

Water Sensitive Urban Design initiatives are proposed to be incorporated into the development, which will encourage water conservation and reduce impact on the environment. These measures include:

- Minimising impervious areas on the proposed site scheme – resulting in less site stormwater runoff (e.g. permeable pavers, soft landscaping, etc).
- Encouraging ground infiltration across the site to reduce the nutrient load at one specific location. This lessens the impact of nutrients of downstream environments
- Incorporating rainwater harvesting / re-use facilities to encourage water conservation and reduce the load on ground infiltration systems.
- Recycled rainwater is proposed to be used for non-potable purposes (i.e. irrigation).
- Providing systems to control stormwater pollution. This includes bio-retention swales /gardens to integrate with landscaping and proprietary gross pollutant trap facilities. Bio-retention basins are vegetated depressions utilised to encourage the removal of nutrients. They also slow water movement within the site to lessen the impact of increased runoff from hard surfaces that otherwise may impact downstream environments. Gross pollutant traps remove plastics and other pollutants from stormwater lines.

### *Open Areas*

To improve water quality downstream stormwater, runoff from car parks, playing fields, courts and open spaces is proposed to be drained into vegetated swales for treatment prior to entering the stormwater system. The stormwater system will include in-pit litter control devices in all stormwater drainage pits to trap debris prior to stormwater discharging into the main rainwater reuse tank. A series of sub-surface drainage networks are to be located beneath the playing fields to capture stormwater infiltration into the main rainwater reuse tank.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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### *Amenities Building*

Roofwater collected from the amenities building roof will be piped to an adjacent rainwater reuse tank for irrigation purposes. Overflow from the tank will be discharged to the stormwater system before entering the main rainwater reuse tank for the playing field.

### *Integrated Irrigation and Surface Runoff System*

Water will be pumped from a rainwater collection tank for irrigation of the playing fields and surrounding landscaping. During periods of rainfall shortage, water tankers will top-up irrigation water supply by discharging water into stormwater pits that connect to the main rainwater reuse tank. These tankers will use treated effluent from Council's treatment plant or other non-potable water supplies. Excess irrigated water will enter the stormwater system through infiltration into the sub-surface drainage system and through surface runoff to the vegetated swales prior to entering the piped stormwater system back to the main rainwater reuse tank.

Overall, the proposed rainwater and re-use facility forms part of a holistic approach to managing site runoff and will result in environmental benefits by way of reduced demand on the use of potable water supply infrastructure.

### **Water and Sewer**

The site can be serviced for water from an existing 150 mm water main that is located on the northern alignment of Hakone Road. However, the site is not currently serviced for sewer.

A sewer pump station and associated rising main will be required to service the amenities building. Design plans have been prepared in accordance with DCP 2005 Chapter 67 – Engineering Requirements for Development with the final design being approved by Council's Water and Waste section prior to commencement of works.

### **Indigenous Heritage**

An archaeological investigation of the site has been undertaken to determine the indigenous cultural significance of the site. The investigation was undertaken with the assistance of the Darkinjung Local Aboriginal Land Council and no European or Aboriginal artefacts, potential archaeological deposits or places of Aboriginal cultural significance were recorded. A search of the Aboriginal Heritage Information Management System by the Department of Environment and Climate Change also indicated that no items of significance have previously been identified on the site.

In the absence of any known finds or places of indigenous cultural significance within the survey area, it is concluded that there are no archaeological or cultural constraints to the proposed development. If any artefacts are discovered during construction, work would be required to cease under the National Parks and Wildlife Services Act.

## **Part 5 Application – Proposed Sports Fields at Woongarra (contd)**

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### **Safety and Security**

The proposal was referred to the Tuggerah Lakes Local Area Command of the NSW Police for assessment against the principles of Crime Prevention through Environmental Design (CPTED). Comments were provided in relation to the location of the amenities building, the use of appropriate materials to deter graffiti and vandalism, providing an alarm system to the amenities building, providing speed humps within the carpark and ensuring landscaping and lighting is conducive to natural surveillance.

Although the advice in terms of the location of the amenities building has not been incorporated, a crime prevention statement has been included in the REF which adequately deals with design elements aimed at reducing crime. An alarm system will also be included in Council's security contract as recommended by the NSW Police, Tuggerah Lakes Local Area Command.

### **Waste Management**

During construction, waste management will be enforced on site through a Waste Management Plan that the construction contractor will be required to have completed prior to construction commencing. The Waste Management Plan will include the following information:

- Expected type and volume of waste that will be generated on site
- Material reuse on site
- Recycling measures that will be utilised to reduce waste going to landfill.
- How waste and recyclable materials will be stored on the site.
- How disposal of waste materials is expected to take place

For the ongoing use of the facilities, provision has been made in the design for up to eight (8) 'wheelie' bins to be stored in the amenities building. General purpose bins can also be provided as required by Council's park management staff.

### **Public Interest**

Although applications under Part 5 of the EP&A Act, 1979 are not required to be advertised, the proposal was advertised for a period of two weeks and nearby residents were notified of the proposal. No submissions were received.

The proposed development is considered to be in the public interest and will provide a recreational space for the local community and the residents of Wyong Shire.





## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **442                      Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval**

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CPA 114612 RW

#### **SUMMARY**

Evaluation and selection of lump sum tenders for Contract CPA 114612 - Proposed Floodlighting Upgrade at Don Small Oval, Tacoma.

#### **RECOMMENDATION**

- 1     *That Council accept Tender No 4 from Musco Lighting Australia Pty Ltd in the lump sum amount of \$157,000.00 (excl GST).***
  
- 2     *That Council approve a contract budget of \$172,700.00 (excl GST) that provides for a contingency amount of \$15,700.00 (excl GST) representing 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.***

#### **BACKGROUND**

In 2000 Council initiated a capital works program to improve the standard of floodlights on its sportsgrounds. A review identified that none of the floodlights located on Council sportsgrounds met the lighting levels recommended by Standards Australia for training or competition. Inadequate lighting levels potentially expose athletes to injury whilst using the facilities, and Council to possible ensuing legal action.

The objective of this capital works program is to improve floodlighting to levels that meets Australian Standards on all Council-owned sportsgrounds, netball courts and tennis facilities within the Shire.

The Open Space and Recreation Unit is responsible for implementing the floodlight improvement program. A prioritised upgrading works program for ovals has been developed and is contained within the Open Space and Recreation Annual Rolling Works Program.

Don Small Oval was identified for work in 2008-09.

The Wyong Lakes Australian Rules Football Club has received a grant of \$12,000.00 from the NSW Department of Sport and Recreation to contribute towards this project. A grant of \$22,000.00 has also been received from the Federal Government's Regional Partnerships Program. The estimated total project budget is \$197,000.00 meaning that Council will fund the remaining \$163,000.00.

**Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

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

**Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 29 July 2008 and the Central Coast Express Advocate on 30 July 2008 and 1 August 2008. The advertised closing date was 21 August 2008.

The invitation documents called for lump sum tenders based on a detailed specification.

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

Addendum 1 Complete Technical Specification was issued on 13 August 2008. Omitted in error from original documents.

Addendum 2 Extension of the closing time by one week to 28 August 2008. This was considered appropriate following requests from several tenderers for additional time to further consider the requirements of the Technical Specification.

Tenders closed at Council Chambers at 2.00 pm on 28 August 2008.

**EVALUATION OF TENDERS**

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

**Threshold Criteria**

- \* Compliance with Tender documents, including lodgement of tender by specified time
- \* Ability to manage financial, environmental, operational and safety risk

**Weighted Criteria**

- \* Conformance with the requirements of the tender documents
- \* Ability to manage environmental and safety risks
- \* Price
- \* Experience

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

### **Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

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

The evaluation was conducted according to the following process.

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

#### **Assessment of Receipt**

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

<b>Tender No</b>	<b>Tender</b>	<b>Tendered Lump Sum (Excl GST)</b>	<b>Status</b>
1	Col Breese and Sons Pty Ltd	\$188,036.00	Submitted on time
2	Glenryan Constructions Pty Ltd	\$201,454.55	Submitted on time
3	Kealec Pty Ltd t/a Sportz Lighting	\$161,220.00	Submitted on time
4	Musco Lighting Australia Pty Ltd	\$157,000.00	Submitted on time
5	Nilsen NSW Pty Ltd	\$242,857.05	Submitted on time
6	N S Mackenzie Electrical Pty Ltd	\$149,728.00	Submitted on time
7	Smada Electrical Services Pty Ltd	\$152,900.00	Submitted on time

#### **Assessment of Conformance**

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

#### **Shortlisting**

The tenders from Tender No 1 (Col Breese and Sons Pty Ltd), Tender No 2 (Glenryan Constructions Pty Ltd) and Tender No 5 (Nilsen NSW Pty Ltd) were excluded because of their high tendered prices. Regardless of how they rated on non-price criteria the substantial price difference would make it highly unlikely for these tenders to rate as the preferred option after a full weighted evaluation. These tenders will only be considered further if the remaining tenders score very poorly in the non-price criteria.

**Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

The remaining tenders from Tender No 3 (Kealec Pty Ltd t/a Sportz Lighting), Tender No 4 (Musco Lighting Australia Pty Ltd), Tender No 6 (N S Mackenzie Electrical Pty Ltd) and Tender No 7 (Smada Electrical Services Pty Ltd) were shortlisted and progressed to a full weighted evaluation.

**Weighted Evaluation**

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

<b>Tender No</b>	<b>Tender</b>	<b>Lump Sum (Excl GST)</b>	<b>Weighted Evaluation Score</b>
4	Musco Lighting Australia Pty Ltd	\$157,000.00	79
7	Smada Electrical Services Pty Ltd	\$152,900.00	78
6	N S Mackenzie Electrical Pty Ltd	\$148,728.00	76
3	Kealec Pty Ltd t/a Sportz Lighting	\$161,220.00	76

Tenderer No 4 (Musco Lighting Australia Pty Ltd), in addition to being the highest scoring tender, submitted an alternative lighting design in accordance with Clause E4.2.1 of the Technical Specification. This clause allowed tenderers to submit alternatives to Council's standard indicative lighting design providing full details were provided to demonstrate that any alternative lighting design would meet or exceed Council's design in all respects.

The proposed alternative design from Tender No 4 uses 16 x 1.5 KW light fittings instead of the 20 x 2.0 KW fittings shown in Council's indicative design. This represents a 40% reduction in power requirements to provide the equivalent level of lighting. The alternative design also requires only four light towers in lieu of the six shown in Council's design.

The improvements proposed in the alternative design are made possible by the technology used in the proposed light fittings manufactured exclusively for Musco Lighting Australia Pty Ltd. This lamp technology is being gradually included in many new sports fields in Australia including Leichhardt Oval in Sydney, Blacktown Olympic Park (baseball and softball venue) and North Dalton Park AFL Field (Wollongong City Council). These lights have been operating at these venues for up to 5 years. Discussions with staff at each Council confirmed that in every case the floodlights were performing fully as specified. Comments were also received attesting to the high standard of post-installation supported provided by the company.

The alternative design will result in a significant decrease in energy usage with resulting improvements in sustainability and associated savings in energy cost. The lighting levels comply with required Australian Standards for sports lighting.

## **Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

Musco Lighting Australia Pty Ltd also offered at no additional cost a 10 year maintenance program for all new lights, together with free replacement of all lamps at the end of the 10 year period. The company has advised that replacement of globes will be negligible over that period, compared to conventional light globes that may require replacement of one or two globes each year for this type of installation.

An analysis was undertaken of maintenance costs of the alternative lighting design for the first ten year period after installation to compare with costs for the more standard lighting design submitted by the other tenderers. Included in the analysis were costs for power, labour, replacement light fittings and scissor-lift plant hire. Over the first ten year period after the lights were installed it was calculated that the alternative lighting would save Council in excess of \$16,000.00 in power and maintenance costs compared to the more traditional lighting design. The most significant savings were in power usage and replacement of light bulbs.

Based on the above, tender number 4 (from Musco Lighting Australia Pty Ltd) was considered to offer better value for Council than any of the other tenders remaining under consideration. This tender also scored satisfactorily in the non-price criteria therefore there was no reason to re-consider those tenders eliminated on the basis of price. This tender was progressed to the due diligence stage of the evaluation.

### **Due Diligence**

Tender Number 4 (Musco Lighting Australia Pty Ltd) was subjected to a safety/environment system assessment and referee checks. On the basis of the information provided by the tenderer and independent referees, it is considered that Musco Lighting Australia Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Musco Lighting Australia Pty Ltd is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works. Due to the value and nature of the works an independent financial assessment was not undertaken. However, information provided by the tenderer has shown that in the last five years the company has undertaken over thirty floodlighting projects in Australia and overseas at a total value in excess of \$50M. These have included \$7.9M for broadcast lighting in Athens, Greece and \$16.5M for a MotorGP race circuit lighting in Qatar. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems. The amount tendered by Musco Lighting Australia Pty Ltd is less than Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

### **Process Review**

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

**Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)****RISK ASSESSMENT****General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

**Contract Risks**

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

**Generic Risks**

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

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

**Specific Risks Leading to Contract Variations**

These are risks that the contract sum will be exceeded for this lump sum contract and therefore require a contingency amount to be approved. The major specific risks and mitigation measures for this contract include:

- changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.

## **Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

- changed site conditions due to unforeseen subsurface effects or other conditions lead to direction for additional work to be undertaken by the contractor beyond that reasonably identified in the contract documents. Mitigated through pre-tender geotechnical investigations to reasonable standard.

### **Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$15,700.00 representing approximately 10% of the contract sum be approved. Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$172,700.00, which incorporates the contingency allowance, will not be exceeded.

### **BUDGET**

This project is being funded under Council's annual floodlight upgrading program. This is line item 1.7.4 of Council's Management Plan.

Sources of funds include a \$12,000.00 grant to the Wyong Lakes Australian Rules Football Club from the NSW Department of Sport and Recreation; a grant of \$22,000.00 from the Federal Government's Regional Partnerships Program; and \$163,000.00 from Council.

The recommended tender price is 74% of Council's pre-tender estimate of \$213,000.00, and is considered to be a very competitive price. Council's estimate was based on recent projects using more conventional lighting technology.

### **TIME-FRAME**

This project is programmed to be completed by March 2009 to enable use of the floodlights at the start of the 2009 football season.

### **LOCAL CONTENT**

The tenderer is Sydney based and will carry out the work using the company's own specialised work force.

**Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval (contd)**

**CONCLUSION**

Tender No 4 from Musco Lighting Australia Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender is considered to represent the best value-for-money for Council. It is recommended that the tender be accepted.



## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**443                    Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339,  
CPA 144340 – Construction of Stormwater Treatment Works -  
Saltwater Creek**

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CPA 144336, CPA 144337, CPA 144338, CPA 144339 & CPA 144340 JR

### SUMMARY

Evaluation and selection of lump sum tenders for Contract No's CPA 144136, CPA 144137, CPA 144138, CPA 144139, CPA 144140 – Construction of Stormwater Treatment Works in the Tuggerah Lakes Estuary Catchment being five reaches of Saltwater Creek.

### RECOMMENDATION

- 1     CPA 144336 - Reach 1B; That Council accept Tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$125,284.00 (excl GST)**
- 2     CPA 144337 - Reach 4; That Council accept Tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$176,360.00 (excl GST).**
- 3     CPA 144338 - Reach 9; That Council accept tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$126,670.00 (excl GST).**
- 4     CPA 144339 - Reach 10; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$387,108.00 (excl GST).**
- 5     CPA 144340 - Reach 11; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$310,066.00 (excl GST).**
- 6     That Council approve a contract budget of \$1,238,000.00 (excl GST) that provides for a contingency amount of \$112,550.00 (excl GST) representing 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.**

### BACKGROUND

The Tuggerah Lakes Estuary Management Plan (EMP) was gazetted in December 2007, making it the first such plan in NSW to achieve this status and giving the actions and recommendations within the Plan statutory force.

The Plan provides for a range of projects over the next five years within the catchment of the Tuggerah Lakes to enable water quality and foreshore ecology improvements to be achieved.

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

In addition to works that are being continued from the 2007-08 financial year, a further \$6.7 million in works are planned for completion in the current financial year. The further works are funded through \$4 million from Federal funds (which forms part of the overall funding of \$20 million from the Federal Government), \$1.7 million from Council's Stormwater Levy, and \$997,000 from Holiday Park cluster plan funds.

The contracts outlined in this report are for the construction of stormwater treatment measures, which will be funded entirely by Council's Stormwater Levy.

As part of the EMP, Stormwater Treatment Works were identified as being required in Saltwater Creek at a number of locations or "reaches" along the creek. These reaches are shown on the aerial photograph in Enclosure 1. The scope of works identified for these reaches includes reshaping of drain batters, rock lining, remediation and bush regeneration works.

Five reaches of Saltwater Creek were identified for rehabilitation in 2008-09 as shown below. Each reach was allocated a separate contract number as shown.

- \* Management Reach 1B – CPA 144336
- \* Management Reach 4 – CPA 144337
- \* Management Reach 9 – CPA 144338
- \* Management Reach 10 – CPA 144339
- \* Management Reach 11 – CPA 144340

Designs were developed for each reach taking into account Council's Draft '*Water Sensitive Urban Design (WSUD) Management Guidelines*'.

The principal objectives of works that will be undertaken under these five contracts are:

- 1 Protect the environment throughout the life of the project.
- 2 Construct the works in a way that ensures that the desired outcomes are achievable without causing damage to the environment.
- 3 Control the amount, quality and speed of stormwater that is reaching and eroding stream banks.
- 4 Improve the quality of stormwater entering the Tuggerah Lakes Estuary.
- 5 Improve the water quality of the Tuggerah Lakes.
- 6 Improve the riparian zone ecology.

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

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

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**Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 1 July 2008 and the Central Coast Express Advocate on 2 July 2008. The advertised closing date was 31 July 2008.

The invitation documents called for lump sum tenders based on a detailed specification. However, to allow Council to consider cost savings to be considered if several contracts were awarded to one Tenderer, a discount percentage was requested if several contracts were combined.

Six addenda's were issued to prospective tenderers during the invitation period:

<b>Addenda</b>	<b>Reason</b>	<b>Date issued</b>
1	Tender clarification on bush regeneration requirements	1 July 2008
2	Provided copy of planning approval conditions	1 July 2008
3	Response to Request for Tender and Tender Schedules	3 July 2008
4	Response to Request for Survey Drawings	4 July 2008
5	Correction of e-Tender document configuration	31 July 2008
6	Extension of Closing Time to 7 August 2008 to overcome e-Tender system failure	31 July 2008

Tenders closed at Council Chambers at 2:00 pm Thursday 7 August 2008.

During the course of this Tender several operational problems were experienced with the externally provided E-Tender System. The most significant was the temporary failure of the system on 31 July 2008 being the original closing date.

When Council became aware of the problem it took action to extend the Tender period by one week. As addenda notification also occurs via the e-Tender system the notices issued were not received by Tenderers until several hours after the original closing time of 2:00 pm on Thursday 31 July 2008.

Legal advice was subsequently sought from Council's legal advisors that confirmed: "Council has complied with Clause 172 of the Local Govt (General) Regulation, in that, at the time of extending the deadline, it has taken all reasonable practical steps to inform persons of the later deadline" and "no Tender has been disadvantaged". The Tenders were subsequently received and processed on 15 August 2008.

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

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## **EVALUATION OF TENDERS**

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

### **Threshold Criteria**

- \* Compliance with Tender documents, including lodgement of tender by specified time.
- \* Ability to manage financial, environmental, operational and safety risk.
- \* A suitable Environment Management System.

### **Weighted Criteria**

- \* Conformity with Brief / Specification.
- \* Proposed methodology / construction program / environmental management.
- \* The tendered price and structure; as well as any other potential costs to Council that may be identified.
- \* Experience in the specific field.

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders
- 2 Assessment of conformance of tenders
- 3 Detailed weighted evaluation of shortlisted tenders
- 4 Due diligence checks on preferred tenderers

### **Assessment of Receipt**

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

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

Tenderer	Tendered Lump Sum (Excl GST) All Reaches.	Status
1 Bolte Civil Pty Ltd	\$2,181,517.00	Submitted on time.
2 Environmental Land Clearing Pty Ltd	\$1,421,312.69	Submitted on time.
3 Kingston Civil Construction	\$1,167,204.55	Submitted on time.
4 P & H Constructions	\$1,660,810.91	Submitted on time.
5 Scape Constructions Pty Ltd	\$1,884,104.00	Submitted Late.
6 Total Earth Care Pty Ltd	\$ 800,860.00 [Three Reaches only]	Submitted on time.

**Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements. Tender No 1 (Bolte Civil Pty Ltd), Tender No 2 (Environmental Land Clearing Pty Ltd) and Tender No 6 (Total Earth Care Pty Ltd) conformed to all requirements of the tender documents and were progressed to the next stage of evaluation.

Tender No 3 (Kingston Civil Construction) and Tender No 4 (P & H Constructions) were excluding as nonconforming with the Threshold Criteria regarding Environmental Management Systems as they were assessed as not sufficiently developed and appropriate for this project.

Tender No 5 (Scape Constructions Pty Ltd) was received one minute late and excluded in accordance with legal advice.

**Weighted Evaluation**

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

**CPA 144336 - Reach 1B**

Tender No	Tender	Lump Sum (Excl GST) Reach 1B	Weighted Evaluation Score
2	Environmental Land Clearing Pty Ltd	\$125,283.90	<b>82</b>
1	Bolte Civil Pty Ltd.	\$176,215.00	<b>64</b>
6	Total Earth Care Pty Ltd.	Not Tendered	<b>NIL</b>

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)****CPA 144337 - Reach 4**

<b>Tender No</b>	<b>Tender</b>	<b>Lump Sum (Excl GST) Reach 4</b>	<b>Weighted Evaluation Score</b>
6	Total Earth Care Pty Ltd.	\$176,360.00	<b>79</b>
2	Environmental Land Clearing Pty Ltd	\$328,466.25	<b>48</b>
1	Bolte Civil Pty Ltd.	\$538,734.00	<b>-3*</b>

**CPA 144338 - Reach 9**

<b>Tender No</b>	<b>Tender</b>	<b>Lump Sum (Excl GST) Reach 9</b>	<b>Weighted Evaluation Score</b>
6	Total Earth Care Pty Ltd.	\$126,670.00	<b>79</b>
2	Environmental Land Clearing Pty Ltd	\$157,648.05	<b>72</b>
1	Bolte Civil Pty Ltd.	\$512,844.00	<b>-43*</b>

**CPA 144339 - Reach 10**

<b>Tender No</b>	<b>Tender</b>	<b>Lump Sum (Excl GST) Reach 10</b>	<b>Weighted Evaluation Score</b>
2	Environmental Land Clearing Pty Ltd	\$387,108.75	<b>82</b>
1	Bolte Civil Pty Ltd.	\$461,476.00	<b>71</b>
6	Total Earth Care Pty Ltd.	\$497,830.00	<b>68</b>

**CPA 144340 - Reach 11**

<b>Tender No</b>	<b>Tender</b>	<b>Lump Sum (Excl GST) Reach 11</b>	<b>Weighted Evaluation Score</b>
2	Environmental Land Clearing Pty Ltd	\$310,066.34	<b>82</b>
1	Bolte Civil Pty Ltd.	\$344,054.00	<b>75</b>
6	Total Earth Care Pty Ltd.	Not Tendered	<b>NIL</b>

\* Negative scores were incurred because the price tendered significantly exceeded the median of tendered prices.

Tender No 2 (Environmental Land Clearing Pty Ltd), and Tender No 6 (Total Earth Care Pty Ltd) being the highest scoring tenders for each of the five reaches, were progressed to the due diligence stage of the evaluation.

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

Only Tender No 2 (Environmental Land Clearing Pty Ltd) offered a 6% discount should it be awarded all five reaches of the works which equates to a saving of \$88,050.00. This saving does not offset the cost of not awarding each individual reach to the respective highest scoring tenders and as such is not recommended for acceptance.

**Due Diligence**

Tender No 2 (Environmental Land Clearing Pty Ltd) and Tender No 6 (Total Earth Care Pty Ltd) were subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Tender No 2 (Environmental Land Clearing Pty Ltd) is an Ourimbah based civil/landscape contractor with a history of successfully completing contracts similar in nature and scope to the current works. The company has in place fully documented independently certified, Occupational Health Safety Management (AS/NZS 4801:2001), Quality Management (ISO 9001:2000) and Environmental Management (ISO 14001:2004) systems.

The amounts tendered by Environmental Land Clearing Pty Ltd for Reaches 1B, 10 and 11 are below the next Tender and considered to represent a reasonable commercial price for the contract works.

Tender No 6 (Total Earth Care Pty Ltd) is a Sydney based bush regeneration/civil contractor with a history of successfully completing contracts similar in nature and scope to the current works. The company has in place fully documented and independently certified, Occupational Health Safety Management (AS/NZS 4801:2001), Management systems (ISO 9001:2000), and is currently implementing an Environmental Management (ISO 14001:2004) system.

Total Earth Care Pty Ltd is trustee for The Irrawong Trust. Council normally takes a cautious approach to engaging a Trust to undertake work and has acted on advice from its independent financial assessor to provide satisfactory financial undertakings. As part of the due diligence process the following issues have been considered when recommending two of the five reaches of Saltwater Creek be awarded to total Earth Care Pty Ltd.

- Total Earth Care Pty Ltd has demonstrated prior capacity to complete projects of this type and magnitude over an extended period.
- The value of the work proposed to be awarded is relatively low being approximately 25% of the total.
- The financial risk arising from Total Earth Care Pty Ltd defaulting under the contract is considered to be low as the contractor undertaking work on adjacent reaches could be called in to complete the works if required.
- The cost penalty in not accepting Total Earth Care Pty Ltd is \$150,000.00 compared to the next ranked Tender.

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

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- The Irrawong Trust Beneficiaries has loans to Total Earth Care Pty Ltd in the sum of \$342,301.00 to provide it with necessary working capital in its day-to-day operations. Council has sought and received written undertakings, in the form of a Deed, from the beneficiaries that they will maintain the loans at their current level during this financial year if Total Earth Care Pty Ltd is awarded this work.

The amounts tendered by Total Earth Care Pty Ltd for Reaches 4 and 9 are very competitive and are considered to represent a reasonable commercial price for the contract works.

On the basis of the information provided by the Tenderers, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that Tender No 2 (Environmental Land Clearing Pty Ltd) and Tender No 6 (Total Earth Care Pty Ltd) possess all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

**Process Review**

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

**RISK ASSESSMENT****General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

**Contract Risks**

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



**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

**Generic Risks**

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

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

**Specific Risks Leading to Contract Variations**

These are risks that the contract sum will be exceeded for this lump sum contract and therefore require a contingency amount to be approved. The major risks and mitigation measures for this contract include:

- Delays caused by unavailability of type and quantity of native plant species required by the contract. Mitigated by specifying readily available species and assessing sources of supply prior to contract award.
- Changed site conditions due to unforeseen geotechnical issues or other latent conditions lead to direction for additional work to be undertaken by the contractor beyond that reasonably identified in the contract documents. Mitigated through pre-tender geotechnical investigations to reasonable standard.

It is noted that the risk of flooding within the creek during construction lies with the contractor and is not be seen as an area of cost variation to the contract.

**Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$112,550.00 (excl GST) representing 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$1,238,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

**BUDGET**

Funding will be provided from Council's Stormwater Levy under the Tuggerah Lake's Estuary Management Plan. There are no Federal funds allocated to these works.

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

The total of all pre-tender estimates for these five reaches was \$630,000.00 (excl GST) and was based upon estimates provided by the design consultant. Of the five reaches, the estimates for three were within an acceptable range of the prices received. The pre-tender estimates for Reaches 10 and 11 were, however, significantly less than the tender prices received. A review of the tenders found them to be reasonable and in line with market prices. The market place perceived Reaches 10 and 11 as technically more difficult than other reaches as highlighted by the increased disparity with the consultant's pre-tender estimates.

Additional funding required over the pre-tender estimate is able to be met from within the 2008/09 budget for the Estuary Management Plan (EMP). This has been framed to accommodate the current cost outcome for this project by reallocating projects. Some of these projects include works planned for Bundilla Parade and Loxley Close, Berkeley Vale, and Jetty Avenue and Parkside Drive at Charmhaven.

The EMP is a five year project that currently has two years of programmed works identified. Future works yet to be listed and prioritised will be managed within the budgets available each year of the project, and will accommodate the reduction in funding required to accommodate these high priority works at Saltwater Creek. It is also noted that a number of other EMP projects have already been rescheduled due to delays in the provision of Federal funding.

**TIME-FRAME**

Works are expected to be completed within six months of commencement depending upon plant stock propagation time frames. Environmental Land Clearing Pty Ltd and Total Earth Care Pty Ltd have advised they can mobilise within three weeks of contract award.

**LOCAL CONTENT**

Tender No 2 is located at Ourimbah and all labour resources to be employed on the project will be sourced from the Central Coast. Tender No 6 is located on Sydney's North Shore and will provide its own labour force.

**CONCLUSION**

Tender No 2 from Environmental Land Clearing Pty Ltd is the highest scoring tender for the scope of works as tendered for Reaches 1B, 10, and 11 and is considered to represent the best value for money for Council for these contracts.

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 –  
Construction of Stormwater Treatment Works - Saltwater Creek (contd)**

Tender No 6 from Total Earth Care Pty Ltd is the highest scoring tender for the scope of works as tendered for Reaches 4 and 9 and is considered to represent the best value for money for Council for these contracts.

***Enclosure***

***Construction of Stormwater Treatment Works – Saltwater  
Creek Reaches – Aerial Photograph***

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**444 Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP)**

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CPA 145814 LM/LM

### SUMMARY

The evaluation and selection of lump sum tenders for Contract No CPA 145814 for Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP).

### RECOMMENDATION

- 1 That Council accept Tender No 2 from Cardno QLD Pty Ltd in the lump sum amount of \$144,755.00 (excl GST).***
- 2 That Council approve a contract budget of \$159,230.00 (excl GST) that provides for a contingency amount of \$14,475.00 (excl GST) representing approximately 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.***

### BACKGROUND

Charmhaven Sewage Treatment Plant (STP) is located off Hiawatha Road, Charmhaven. The existing plant, constructed by the Public Works Department in 1989, comprises inlet works, two 20,000 Equivalent Population (EP) intermittently decanted extended aeration (IDEA) tanks, a balance pond, dry weather pond and sludge lagoons.

To meet increasing demand the STP is to be upgraded with a third 20,000 EP capacity IDEA tank. This will bring the total capacity of the Plant to 60,000 EP to address forecast demands to 2031.

The design of the proposed third tank was undertaken in 2005/06 with the tank to be located to the west of the existing two tanks. The proposed location of the new tank required extensive clearing of native vegetation. Since the time the original concept in 2004, planning requirements have become increasingly stringent in relation to the removal of native vegetation containing protected species and the maintenance of the wildlife corridor that was found to exist in this area. There was also habitat discovered for the endangered Pygmy Possum. Initial efforts to obtain development approval were unsuccessful for the site proposed for this tank. The proposed tank was therefore relocated to a cleared area south of the existing tanks. The original tank location and new tank location are shown on the aerial photograph in Enclosure 1.

Design and documentation for the proposed tank is now required to be undertaken for the new location south of the existing tanks. The design will be similar to the two existing tanks.

## **Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

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

### **Tender Process**

Tenders were invited by way of public invitation. The tender was published on Council's e-tender web site on 8 July 2008. Advertisements were placed in the Central Coast Express Advocate on 9 July 2008, and the Sydney and Newcastle Morning Herald's on 12 July 2008.

The advertised closing date was 31 July 2008. The Request for Tender documents called for lump sum tenders, based on a detailed brief.

The following addenda were issued to all prospective tenderers during the tender period.

- 1 Instruction for receiving a CD of relevant information: Issued 8 July 2008 as the size of drawings containing information about the existing STP were too large to be published on the e-tender web site.
- 2 Correction to the Brief: Provided clarification regarding odour control, sub-consultants, and acceptance of AutoCAD drawings issued 23 July 2008 in response to questions raised by a tenderer.
- 3 Extension of the closing time: The closing date for the tender period was extended by two weeks to 14 August 2008 to allow tenderers sufficient time to assess the extensive information provided.
- 4 Additional information regarding the evaluation process. Issued 8 August 2008 to highlight the evaluation requirements of the Local Government Regulations.

Tenders closed at Council Chambers at 2 pm on 14 August 2008.

### **EVALUATION OF TENDERS**

The NSW Department of Commerce (DOC) was involved in the evaluation of tenders as part of providing project management services to Council under Contract CPA 94424. Tenders were evaluated by a panel of three, comprising two Wyong Shire Council staff members and a DOC staff member from Wyong Special Projects Office, using the threshold and weighted criteria listed below.

#### **Threshold Criteria**

- Conformance with the requirements of the tender documents
- Financial capacity

**Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)****Weighted Criteria**

- Price
- Experience in the specific field
- Performance
- Referee checks
- Sufficiency of resources offered
- Ability to manage environmental, quality and safety risks
- Proposed methodology and understanding of the work

To assess tenders against the evaluation criteria, the panel used information obtained from the tendered documents and related correspondence, referees, and external advisors.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders
- Assessment of conformance of tenders
- Short listing of tenders
- Detailed weighted evaluation of short listed tenders
- Due diligence checks on preferred tenderer
- Independent review of the tender selection process

**Assessment of Receipt**

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

Tender	Tendered Lump Sum (Excl GST)	Status
1 Bonacci Group Pty Ltd	\$285,000.00	Submitted on time
2 Cardno QLD Pty Ltd	\$144,755.00	Submitted on time
3 GHD Pty Ltd	\$201,833.55	Submitted on time
4 MWH	\$62,000.00	Submitted on time
5 URS Australia Pty Ltd	\$408,483.00	Submitted on time

All five tenders received were progressed to an assessment of conformance.

**Assessment of Conformance**

Tenders were assessed for conformance with the threshold criteria requirements of the tender documents, including the Brief. Four of the five tenders received were found by the Tender Review Panel to be non-conforming, while only Tender No 2 fully conformed as outlined below.

### **Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

Tender No 1 (from Bonacci Pty Ltd) did not conform to the threshold criteria of the tender documents, which requested details of the company's OHS and environmental systems. The tender also departed from the Brief as it did not include for design and full documentation, and instead offered a reduced scope of work in the form of a Design and Construct document. The Panel eliminated Tender No 1 from further consideration as the tender was assessed as non-conforming.

Tender No 2 (from Cardno QLD Pty Ltd) indicated that the requirement for the design of an end wall decanter would be met by the selection and specification of a proprietary end wall decanter system. This alternative was allowable under the tender conditions. The Panel sought clarification from Cardno who advised that a number of suitable proprietary systems were available and outlined their methodology for the selection and specification of a suitable system. The Panel accepted this methodology and use of a proprietary decanter system. Tender No 2 was progressed to the next stage of the evaluation.

Tender No 3 (from GHD Pty Ltd) contained a significant number of qualifications and departures that would result in increased cost and risk to Council. This tender did not meet the threshold criteria for conformance with the tender documents as detailed design of aerators, decanters and pumps as required by the Brief were not included. The tender was considered by the Panel to be non-conforming in terms of the scope of work offered. The Panel eliminated Tender No 3 from further consideration.

Tender No 4 (from MWH Pty Ltd) offered to use the existing proposed tank design (previously prepared by Cardno in 2005/06) and not the existing IDEA tank design as required by the Brief for the new southern location. This scope of work was significantly less than that required to meet the design parameters set out in the Brief. Tender No 4 also contained departures from the specified General Conditions of Contract. Since the tender appeared substantially non-conforming, the panel queried the scope of work offered. MWH reviewed its submission and subsequently withdrew its Tender. The withdrawal of the Tender was accepted by the Panel and Tender No 4 was not considered further.

Tender No 5 (from URS) did not meet the threshold criteria as eight of the required ten returnable schedules were not submitted. Consequently, key information regarding receipt of addenda, hazard control measures, consultancy program and a break up of hours and resources was not provided. The Panel eliminated Tender No 3 from further consideration.

#### **Weighted Evaluation**

Tender No 2 was scored against each of the weighted evaluation criteria (including price and non-price elements). The result is shown in the following table.

	<b>Tender</b>	<b>Lump Sum (Excl GST)</b>	<b>Weighted Evaluation Score</b>
2	Cardno QLD Pty Ltd	\$144,755.00	89

## **Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

Tender No 2 (from Cardno QLD Pty Ltd) scored highly for the price and non-price criteria. It was evident that Cardno's past experience on numerous STP projects and their experience and familiarity with the Charmhaven STP enabled them to provide a complete tender submission. This was reflected in a comprehensive and systematic methodology that listed specific tasks and deliverables.

The weighted evaluation demonstrated that Tender No 2 (from Cardno QLD Pty Ltd), represents good value for money. This Tender was progressed to the due diligence stage of the evaluation.

### **Due Diligence**

Tender No 2 (from Cardno QLD Pty Ltd), was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments assessed that the company's financial capacity would be satisfactory with the provision of a suitable bank guarantee. This option has been exercised on previous contracts to provide Council with additional surety that the company can manage the financial requirements of the contract. This was agreeable with the company. Independent referees also provided satisfactory reports on the company's performance and work standards.

The Panel considered that Cardno QLD Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the consultancy.

Cardno QLD Pty Ltd is a national company with head offices in Milton Queensland. It has a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Quality Management, Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Cardno QLD Pty Ltd is within 6% of Council's pre-tender estimate of \$137,000.00. It is considered to represent a reasonable price for the consultancy based on current market conditions.

### **Process Review**

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



## **Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

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### **RISK ASSESSMENT**

#### **General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

#### **Contract Risks**

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

#### **Generic Risks**

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.

**Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

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**Specific Risks Leading to Contract Variations**

These are risks that the contract sum will be exceeded for this lump sum contract and therefore require a contingency amount to be approved. The major risks and mitigation measures for this contract include:

- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.
- Brief does not adequately cover all required work and additional investigations are found to be necessary during the consultancy. Mitigated by preparation of comprehensive Brief and peer review of documentation prior to inviting tenders.

**Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$14,475.00 (excl GST) representing approximately 10% of the contract sum be approved. Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$159,230.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

**BUDGET**

This project has been included in the 2008/09 Management Plan under sewerage infrastructure. These works are to be fully funded by Wyong Council.

The estimated capital cost of the augmentation of \$14.0M has been included in the current Financial Model for water and sewerage services. All of the funding will come from loans.

**TIME-FRAME**

This consultant engagement is for a design and documentation period of 16 weeks concluding in March 2009. On completion of the documentation, tenders for construction of the third tank will be called and reported to Council. Construction is anticipated to run from July 2009 to August 2010.

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP) (contd)**

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**LOCAL CONTENT**

Whilst the key technical personnel to work on this consultancy are located in Cardno's Queensland office, Cardno has a Central Coast office at Gosford that will play a coordination and direct communication role for the consultancy. It is not expected that any local labour will be engaged on this project.

**CONCLUSION**

Tender No 2 from Cardno QLD Pty Ltd meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

**Enclosure**

***Aerial Photograph Showing Charmhaven STP Tank Location***

**445 Contract CPA 147662 – Asphaltic Concrete Works**CPA 147662 DM:JEM

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**SUMMARY**

Report on the evaluation and selection of schedule of rates tenders for Contract No CPA 147662 - Asphaltic Concrete Works.

**RECOMMENDATION**

***That Council accept tender (Schedule of Rates) No 3 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with an estimated expenditure against this contract of \$5,255,213.00 (excl GST).***

**BACKGROUND**

Council utilises a number of bitumen based products (sourced from crude oil) as part of its day to day operational activities. The principle uses are in the construction of wearing course for road pavement and car park maintenance and construction. The wearing course is the top layer which provides for a smooth running surface for traffic, provides skid resistance and acts as a weather proof layer to protect the foundations of the road.

The supply and handling of bitumen products is a specialist market. In terms of supply, the materials need to be sourced and mixed at the right proportions and temperatures which in turn requires for a high degree of commitment on the part of the supplier in terms of capital equipment, logistics and technical expertise. The transport and application of the products in turn requires purpose designed high capital cost equipment.

The products can be categorised into two types, asphaltic concrete and sprayed bitumen. The application methods, technical expertise and application equipment varies considerably between the types of bitumen and accordingly companies in the marketplace may specialise in only one material type. Council accordingly calls for tenders for the supply, delivery and application of both types of bitumen products independently so as to allow specialist companies to tender in the interests of obtaining the best value for money for Council.

Asphaltic concrete is a product comprising bitumen and aggregate particles commonly used to construct the surface wearing course on a road pavement. Asphaltic concrete is used predominantly on higher volume, structurally superior pavements such as main roads, bus routes, and reconstructed roads and car parks.

## **Contract CPA 147662 – Asphaltic Concrete Works (contd)**

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The asphaltic concrete contract covers the full range of services for the supply; delivery and laying of a variety of asphaltic concrete products. These services are utilised in the following areas:

- New road rehabilitation projects
- Upgrading existing pavements
- Minor maintenance such as edge repairs, pothole patching and profile correction
- Roads and Traffic Authority projects.

Consistent with previous contracts, the proposed contract is for a period of two years with the provision of a one year extension. This is proposed so as to offer the Contractor continuity of work for an extended period with the view to Council receiving more favourable tenders than might otherwise be the case. This structure has worked well in the past. Council will be required to consider this extension prior to expiry of the recommended two year contract.

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

### **Tender Process**

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

The invitation documents called for a Schedule of Rates tender, based on the various types of Asphaltic Concrete Works to be provided, in line with a detailed specification. The tender documents included a Rise and Fall Clause on the price of bitumen whereby Council assumes the risk for such fluctuations. This reduces the risk to tenderers, thereby providing for lower tendered prices.

A compulsory pre-tender meeting was held at Wyong Civic Centre on 6 August 2008 to allow tenderers to become familiar with the Tender conditions.

Tenders closed at Council's Chambers at 2.00 pm on 21 August 2008.

### **EVALUATION OF TENDERS**

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

**Contract CPA 147662 – Asphaltic Concrete Works (contd)****Weighted Criteria**

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

The evaluation criteria and their weightings were documented in the Contract Development Plan. The Contract Development Plan is available on file.

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

The evaluation was conducted according to the following process.

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

**Assessment of Receipt**

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

<b>Tender</b>	<b>Tendered Lump Sum (Excl GST)</b>	<b>Status</b>
1 Bitupave	\$5,931,021.00	Submitted on Time
2 Downer EDI Works	\$5,871,500.00	Submitted on Time
3 Pioneer Road Services	\$5,255,213.00	Submitted on Time
4 Roadworx Surfacing	\$7,779,192.00	Submitted on Time
5 Tropic Asphalts	\$5,309,009.00	Submitted on Time

## **Contract CPA 147662 – Asphaltic Concrete Works (contd)**

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### **Assessment of Conformance**

Tenders were assessed for conformance with the tender requirements. Tender number 1 (from Bitupave), Tender number 2 (from Downer EDI Works), Tender number 3 (from Pioneer Road Services), and Tender number 5 (from Tropic Asphalts) conformed to all requirements and were progressed to the next stage of evaluation.

Tender number 4 (from Roadworx Surfacing) did not supply costs in their schedule of rates for ex bin products as required. The tender from Roadworx Surfacing was deemed to be non-conforming and was eliminated from further evaluation.

### **Shortlisting**

Tenders were shortlisted against Criterion No 3 – Price. Tender number 1 (from Bitupave), Tender number 2 (from Downer EDI Works), Tender number 3 (from Pioneer Road Services) and Tender number 5 (from Tropic Asphalts), tendered competitive prices that were within 8% of Council's pre-tender estimate for this work. These four tenders were progressed to a full weighted evaluation.

### **Weighted Evaluation**

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

<b>Tender</b>	<b>Lump Sum (Excl GST)</b>	<b>Weighted Evaluation Score</b>
3 Pioneer Road Services	\$5,255,213.00	95
5 Tropic Asphalts	\$5,309,009.00	93
1 Bitupave	\$5,931,021.00	89
2 Downer EDI	\$5,871,500.00	86

Tender Number 3 (from Pioneer Road Services) and Tender Number 5 (from Tropic Asphalts), being the highest scoring tenders, progressed to the due diligence stage of the evaluation.

### **Due Diligence**

Tender Number 3 (from Pioneer Road Services) and Tender Number 5 (from Tropic Asphalts) were subjected to a financial assessment, and a safety/environment system assessment. Tropic Asphalts were assessed as not providing any additional benefits that would vary the weighted evaluation score and warrant paying the higher price.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that Tender Number 3 from Pioneer Road Services possesses the technical, financial and managerial resources necessary to satisfactorily complete the works.

**Contract CPA 147662 – Asphaltic Concrete Works (contd)**

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Pioneer Road Services is a National based contractor with a branch on the Central Coast and Hunter Valley Areas with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation system and Environmental Management systems.

The amount tendered is within 4% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

**Process Review**

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

**BUDGET**

Purchases under the contract will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. Funding is related to the composition and value of Council's annual roads and drainage Rolling Works Program and works undertaken by Council on State roads on behalf of the NSW RTA. Budget provisions have been made within the respective responsibility centres.

**TIME-FRAME**

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

**LOCAL CONTENT**

The tenderer recommended has been based on the Central Coast for many years using services from other local suppliers and employs local residents. The company's manufacturing plant is located at Doyalson.

**RISK ASSESSMENT****General**

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



## **Contract CPA 147662 – Asphaltic Concrete Works (contd)**

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

### **CONTRACT RISKS**

#### **General Risks**

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

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

#### **Specific Risks Leading to Contract Variations**

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

- The price of crude oil may increase significantly which will impact the Contractor's price to Council for the finished work. The contract allows for the rise and fall in the price of crude oil to be passed to Council.
- Works carried out on State roads on behalf of the RTA under the Road Maintenance Council Contract may vary significantly from the historical values which have been allowed for in the tendered rate. This additional work will not impact on Council's budget but will require additional short term cash flow management.

**Contract CPA 147662 – Asphaltic Concrete Works (contd)**

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**Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Council, by varying the extent of the work required, is able to manage its work to keep its expenditure within the contract budget. However, Council has no control over the work it may be required to do on behalf of the RTA. While this does not expose a financial risk to Council it does represent a procedural risk to the final contract sum. Should the value of the schedule of rates contract be required to be increased in excess of the approved value as a consequence of changes in the value and composition of Council's future works programs or increased RTA works, approval will be sought in a timely manner through the monthly contract variation report submitted to Council.

Consequently no contingency amount is recommended for this Contract.

**CONCLUSION**

Tender Number 3 from Pioneer Road Services is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this schedule of rates tender is considered to represent the best value-for-money for Council. It is recommended that the tender be accepted.

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**446                      Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works**

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CPA 147661 PM:JEM

**SUMMARY**

Evaluation and selection of schedule of rates tenders for Contract No CPA 147661 Asphaltic Concrete Heavy Patching Works

**RECOMMENDATION**

***That Council accept tender (Schedule of Rates) No 2 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$676,154.00 (excl GST).***

**BACKGROUND**

The contract contains a number of requirements to provide a full range of services for the heavy patching of asphaltic concrete surfaced roads. These services are utilised in the following areas:

- Selected Heavy patching of Pavements with Wyong Local Government Area
- Selected Pavements under the responsibility of the Roads and Traffic Authority

Asphaltic Concrete heavy patching works are carried out when existing asphalt surfaced roads require sections of remediation caused by localised failures in the pavement. The scope of works under the contract includes the removal of the localised section of pavement and its replacement with a patch comprising of a deep layer of asphalt. The contractor is required to supply the materials, labour and specialist machinery to complete these works. The work returns the pavement back to serviceability without the need to undertake complete road reconstruction works.

Consistent with previous contracts, the proposed contract is for a period of two years with the provision of a one year extension. This is proposed so as to offer the Contractor continuity of work for an extended period with the view to Council receiving more favourable tenders than might otherwise be the case. This structure has worked well in the past. Council will be required to consider this extension prior to expiry of the recommended two year contract

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

**Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)****Tender Process**

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

The invitation documents called for a Schedule of Rates tender, based on Asphaltic Concrete Heavy Patching works in line with a detailed specification. The tender documents included a Rise and Fall Clause on the price of bitumen whereby Council assumes the risk for such fluctuations. This reduces the risk to tenderers, thereby providing for lower tendered prices.

A compulsory pre-tender meeting was held at Wyong Civic Centre on 6 August 2008 to allow tenderers to become familiar with the Tender conditions.

Tenders closed at Council's Chambers at 2.00 pm on 21 August 2008.

**EVALUATION OF TENDERS**

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

**Weighted Criteria**

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

The evaluation criteria and their weightings were documented in the Contract Development Plan. The Contract Development Plan is available on file.

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

The evaluation was conducted according to the following process.

- Assessment of receipt of tender/s.
- Assessment of conformance of tenders based on price.
- Shortlisting of tender/s.

### **Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)**

- Detailed weighted evaluation of shortlisted tender/s.
- Due diligence checks on preferred tenderer/s.
- Independent review of the tender selection process.

#### **Assessment of Receipt**

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

<b>Tender</b>	<b>Tendered Lump Sum (Excl GST)</b>	<b>Status</b>
1 Bitupave	\$1,240,995.45	Submitted on Time
2 Pioneer Road Services	\$676,154.00	Submitted on Time
3 Roadworx Surfacing	\$777,818.19	Submitted on Time
4 The Asphalt Man	\$706,445.45	Submitted on Time
5 Tropic Asphalt	\$740,868.19	Submitted on Time

#### **Assessment of Conformance**

Tenders were assessed for conformance with the tender requirements. Tender number 1 (from Bitupave), Tender number 2 (from Pioneer Road Services), Tender number 3 (from Roadworx Surfacing), Tender number 4 (from The Asphalt Man) and Tender number 5 (from Tropic Asphalts), conformed to all requirements and were progressed to the next stage of evaluation.

#### **Shortlisting**

Tender Number 1 (from Bitupave) was eliminated from further assessment because their tendered rate was 83.5% higher than the lowest priced tender. The high tendered cost is indicative of the increased transport costs in supplying bitumen from premises outside of the Shire.

Tender Number 3 (from Roadworx Surfacing) and Tender Number 5 (from Tropic Asphalt) were also eliminated in the first instance as their tenders were 15% and 9.5% higher respectively than the lowest priced tender. These tenders would only be reconsidered if the lowest priced tenderers scored very poorly on the non-price criteria.

Both Tender No 2 (from Pioneer Road Services) and Tender Number 4 (from The Asphalt Man) progressed to a fully weighted evaluation on the bases of being the lowest prices tendered and Councils recent past experience with both tenderers.

**Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)****Weighted Evaluation**

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

<b>Tender</b>	<b>Lump Sum (Excl GST)</b>	<b>Weighted Evaluation Score</b>
2 Pioneer Road Services	\$676,154.00	95
4 The Asphalt Man	\$706,445.45	93

Tender Number 2 (from Pioneer Road Services) was the lowest priced and highest scoring tenderer, and as such was progressed to the due diligence stage of assessment.

**Due Diligence**

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that Tender Number 2 (from Pioneer Road Services) possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Pioneer Road Services is a National based contractor with branches on the Central Coast and Hunter Valley Areas with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place a fully documented Occupational Health Safety and Rehabilitation System and Environmental Management systems.

The amount tendered by Pioneer Road Services was the lowest amount tendered and is considered to be good value for the contract works.

**Process Review**

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

**BUDGET**

Purchases under the Contract will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. Funding is related to the composition and value of Council's annual roads and drainage Rolling Works Program and works undertaken by Council on State roads on behalf of the NSW RTA. Budget provisions have been made within the respective responsibility centres.

## **Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)**

### **TIME-FRAME**

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

### **LOCAL CONTENT**

The tenderer recommended has been based on the Central Coast for many years using services from other local suppliers and employs local resident. The company's manufacturing plant is located at Doyalson.

### **RISK ASSESSMENT**

#### **General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

**Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)****CONTRACT RISKS****General Risks**

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

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

**Specific Risks Leading to Contract Variations**

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

- The price of crude oil may increase significantly which will impact the Contractors price to Council for the finished work. The contract allows for the rise and fall in the price of crude oil to be passed on to Council.
- Works carried out on State roads on behalf of the RTA under the Road Maintenance Council Contract may vary significantly from the historical values which have been allowed for in the tendered rate. This additional work will not impact on Councils budget but will require additional short term cash flow management.

**Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Council, by varying the extent of the work required, is able to manage its work to keep its expenditure within the contract budget. However, Council has no control over the work it may be required to do on behalf of the RTA. While this does not expose a financial risk to Council it does represent a procedural risk to the final contract sum. Should the value of the schedule of rates contract be required to be increased in excess of the approved value as a consequence of changes in the value and composition of Council's future works programs or increased RTA works, approval will be sought in a timely manner through the monthly contract variation report submitted to Council.

Consequently no contingency amount is recommended for this Contract.



**Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works (contd)**

**CONCLUSION**

Tender Number 2 (from Pioneer Road Services) is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this schedule of rates tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**447 Contract CPA 147664 – Sprayed Bituminous Surfacing Works**

CPA 147664 PM:JEM

**SUMMARY**

Report on the evaluation and selection of schedule of rates tenders for Contract No CPA 147664 Sprayed Bituminous Surfacing Works.

**RECOMMENDATION**

***That Council accept tender (Schedule of Rates) No 1 from Gosford City Council for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$2,995,272.00 (excl GST).***

**BACKGROUND**

The contract contains a number of material types and services to be itemised and costed for the provision of a full range of services associated with sprayed bituminous surfaces.

These surface treatments are used in:-

- new road rehabilitation projects
- resurfacing of existing bitumen sealed pavements
- maintenance works
- upgrading and bitumen surfacing to rural gravel roads
- RTA re-sealing projects

Spray sealing of roads in comparison to Asphaltic Concrete is approximately 70% less costly and provides Council with a more economical solution to providing a wearing surface on roads that are not as structurally suitable or warrant the additional expenditure to that of Asphaltic Concrete. The majority of local roads that are within the councils boundaries are treated with a sprayed bituminous surface as covered under this contract.

Consistent with previous contracts, the proposed contract is for a period of two years with the provision of a one year extension. This is proposed so as to offer the Contractor continuity of work for an extended period with the view to Council receiving more favourable tenders than might otherwise be the case. This structure has worked well in the past. Council will be required to consider this extension prior to expiry of the recommended two year contract.

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

## **Contract CPA 147664 – Sprayed Bituminous Surfacing Works (contd)**

### **Tender Process**

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

The invitation documents called for a Schedule of Rates tender, based on the various types of Sprayed Bituminous Surfacing Works available, in line with a detailed specification. The tender documents included a Rise and Fall Clause on the price of bitumen whereby Council assumes the risk for such fluctuations. This reduces the risk to tenderers, thereby providing for lower tendered prices.

A compulsory pre-tender meeting was held at Wyong Civic Centre on August 6 2008 to allow tenderers to become familiar with Tender conditions.

Tenders closed at Council's Chambers at 2.00 pm on 21 August 2008.

### **EVALUATION OF TENDERS**

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

### **Weighted Criteria**

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

The evaluation criteria and their weightings were documented in the Contract Development Plan. The Contract Development Plan is available on file.

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

The evaluation was conducted according to the following process.

- Assessment of receipt of tender/s.
- Assessment of conformance of tender/s.
- Shortlisting of tenderers based on price.

**Contract CPA 147664 – Sprayed Bituminous Surfacing Works (contd)**

- Detailed weighted evaluation of shortlisted tender/s.
- Due diligence checks on preferred tenderer/s.
- Independent review of the tender selection process.

**Assessment of Receipt**

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

Tender	Tendered Lump Sum (Excl GST)	Status
1 Gosford City Council	\$3,294,800.00	Submitted on time
2 Pioneer Road Services	\$3,524,610.00	Submitted on time
3 SRS Roads	\$3,221,130.00	Submitted on time

**Assessment of Conformance**

Tenders were assessed for conformance with the tender requirements. Tender number 1 (from Gosford City Council), Tender number 2 (from Pioneer Road Services) and Tender number 3 (from SRS Roads) conformed to all requirements and were progressed to the next stage of evaluation.

**Weighted Evaluation**

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

Tender	Lump Sum (Excl GST)	Weighted Evaluation Score
1 Gosford City Council	\$3,294,800.00	94
2 Pioneer Road Services	\$3,524,610.00	92
3 SRS Roads	\$3,221,130.00	89

Tender number 1 (from Gosford City Council), Tender number 2 (from Pioneer Road Services) and Tender number 3 (from SRS Roads), were all progressed to the due diligence stage of the evaluation due to the closeness of their evaluation scores.

## **Contract CPA 147664 – Sprayed Bituminous Surfacing Works (contd)**

### **Due Diligence**

Tender number 1 (from Gosford City Council), Tender number 2 (Pioneer Road Services) and Tender number 3 (from SRS) were subjected to a financial assessment, an in-house safety/environment system assessment.

On the basis of the information provided by the tenderer and Council's independent financial assessor Kingsway Financial Assessments, it is considered that Pioneer Road Services, Gosford City Council and SRS Roads all possess the technical, financial and managerial resources necessary to satisfactorily complete the works.

Tender number 1 (Gosford City Council) is a Central Coast based contractor with a history of successfully completed contracts similar in nature and scope to the proposed works. Gosford City Council held this contract from 2004/2006 with Wyong Shire Council and completed the contract satisfactorily. The company has in place a fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

Tenderer number 2 (Pioneer Road Services) meets all of the criteria required under this Contract, however offers no benefit over Tenderer No 1 Gosford City Council that would justify paying the additional 9% contract price.

Tender number 3 (SRS) is the current Council Contractor and was the lowest priced Tender. SRS was subjected to a full analysis. The Tender of SRS meets all criteria required under this Contract, however SRS received a lower weighted evaluation score than Gosford City Council based on the overall weighted criteria.

As both SRS and Gosford City Council have undertaken sprayed bitumen surfacing contract works for Wyong Council over recent years, the assessment panel was well placed to compare the non-price criteria between these two tenderers. For the weighted criteria of 'Conformance to contract requirements and Performance' Gosford City Council received a higher score than SRS. This scoring was based on the history of Gosford City Councils responsiveness and quality of work in completing works and their history of addressing any instances of non conformance under the contract. While both contractors would be acceptable, the panel considered that the superior demonstrated performance of Gosford City Council warrants payment of the additional contract cost (approximately 2.3%) over the period of the contract.

### **Process Review**

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

**Contract CPA 147664 – Sprayed Bituminous Surfacing Works (contd)**

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**BUDGET**

Purchases under the Contract will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. Funding is related to the composition and value of Council's annual roads and drainage Rolling Works Program and works undertaken by Council on State roads on behalf of the NSW RTA. Budget provisions have been made within the respective responsibility centres.

**TIME-FRAME**

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

**LOCAL CONTENT**

The recommended Tenderer is a locally based local government entity that utilise local services and a significant employer of residents from the Central Coast.

**RISK ASSESSMENT****General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

## **Contract CPA 147664 – Sprayed Bituminous Surfacing Works (contd)**

### **CONTRACT RISKS**

#### **General Risks**

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

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

#### **Specific Risks Leading to Contract Variations**

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

- The price of crude oil may increase significantly which will impact the Contractors price to Council for the finished work. The contract allows for the rise and fall in the price of crude oil to be passed to Council.
- The occurrence of extended wet weather periods could severely damage bitumen sealed pavement necessitating additional resealing works.

#### **Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Council, by varying the extent of the work required, is able to manage its work to keep its expenditure within the contract budget. However, Council has no control over the work it may be required to do on behalf of the RTA. While this does not expose a financial risk to Council it does represent a procedural risk to the final contract sum. Should the value of the schedule of rates contract be required to be increased in excess of the approved value as a consequence of changes in the value and composition of Council's future works programs or increased RTA works, approval will be sought in a timely manner through the monthly contract variation report submitted to Council.

Consequently no contingency amount is recommended for this Contract.

### **CONCLUSION**

Tender Number 1 from Gosford City Council is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this schedule of rates tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**448 Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility**

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CPA 149276 MGL:EBL

## SUMMARY

Evaluation and selection of Schedule of Rates tenders for Contract No CPA 149276 Provision of Security and Gatekeeping Services at Buttonderry Waste Management Facility

## RECOMMENDATION

- 1 That Council accept Tender No 2 from Citiguard Protection Services Pty Ltd for a period of three years commencing on 1 December 2008 for a total estimated expenditure of \$643,710.00 (excl GST) and subject to a total estimated adjustment for Rise and Fall of \$60,000.00 (excl GST).***
- 2 That Council approve a contract budget of \$774,081.00 (excl GST) that provides for a contingency amount of \$70,371.00 (excl GST) representing approximately 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.***

## BACKGROUND

Since January 1999 Council has directly managed the operation of the Buttonderry Waste Management Facility using a combination of internal and external resources. The site is utilised not only as a landfill but also as a recycling facility for metals, concrete and general recyclables and accommodates an organics processing facility. The operation of the weighbridge and gatehouse is undertaken under a contractual arrangement.

Since December 2006 the gatehouse has been operated by Citiguard Protection Services Pty Ltd. The contract period is 104 weeks and expires on 30 November 2008. Fresh tenders have been called for a new contract with similar requirements and provisions with a term of three years based on performance.

The gatekeeping services are provided by a contractor to ensure separation of fee collection from the operational waste activities which are undertaken by Council. This separation is important to minimise fraud and to demonstrate independence particularly in relation to waste levy payments to the State Government. Also, contractors have specialist training and hold licences that permit guards to provide security services on site and protect staff in the event of threatening behaviour displayed by customers.

Tenderers were required to provide a weekly fee for the provision of two security personnel to operate the weighbridge and gatehouse, identify incoming waste, operate the computer based transaction system, reject unacceptable waste materials and secure and bank all cash and cheque receipts collected on Council's behalf.



## **Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttoderry Waste Management Facility (contd)**

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In addition tenderers were required to tender an hourly rate to be used for the valuation of any additional work required by Council outside the scope of the contract works. For example, upgrading the transaction database, software or calibration of the weighbridges would generally be undertaken after hours to minimise disruptions to the operations and would require the utilisation of the hourly rate.

The tender documents provided that the contractor take responsibility for all cash, cheque, eftpos and credit card receipts from the facility and to reimburse Council for such takings on a weekly basis. In order to secure the Contractor's performance and compliance with the Contract, the Contractor is required to submit a bank guarantee in the amount of \$200,000.00.

All tenderers are security companies with background in cash collection, static patrol, crowd control and providing general security services.

The main risks associated with operating the gatehouse are the receipt of unacceptable waste materials onto the site, failing to optimise revenue and potential fraud. Permitting unacceptable waste such as liquid waste and hazardous materials constitutes a breach of the licence conditions issued by the Department of Environment and Climate Change (DECC) and must therefore be avoided. Experience and consistency of weighbridge staff is highly important to minimise the receipt of unacceptable waste.

Experience is also highly critical to ensure revenue is optimised through the correct identification and charging of waste. The contract requires the provision of two gatehouse operators at all times to limit opportunities to commit fraud. In addition, the gatehouse is monitored by security cameras and site staff undertake regular audits to determine the accuracy of the weighbridge operator's classification of waste and application of associated charges.

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

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 29 July 2008 and the Central Coast Express Advocate on 30 July 2008. The advertised closing date was 21 August 2008.

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

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

- Details on the amount of cash and eftpos transactions at the facility (12 August 2008).

Tenders closed at Council Chambers at 2.00 pm on 21 August 2008.

## **Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

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### **EVALUATION OF TENDERS**

Tenders were evaluated by a panel of three staff members including one member not directly involved in the area of waste management. The following threshold and weighted criteria were used:

Threshold Criteria:

- Conformance with the requirements of the tender documents.
- Ability to manage financial, safety and other risks

Weighted Criteria:

- Tendered price and price structure and other potential cost to Council
- Skill, qualifications and experience of proposed personnel and capacity to perform
- Company experience and capacity to perform the services (experience, referee reports, performance history)

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence and referees.

The evaluation was conducted according to the following process:

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

**Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

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**Assessment of Receipt**

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

Tender	Contract cost for first year of contract (excl GST)	Status
1 ADF Group Properties Ltd	\$235,939.00	Submitted on time
2 Citiguard Protection Services Pty Ltd	\$214,570.00	Submitted on time
3 Egroup Pty Ltd	\$260,348.00	Submitted on time
4 Property Protective Services	\$566,161.00	Submitted on time
5 SNP Security	\$229,419.00	Submitted on time
5 SNP Security (Alternative Tender)	\$247,950.00	Submitted on time

**Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender Number 2 (from Citiguard) and Tender Number 5 (from SNP Security) conformed to all requirements and were progressed to the next stage of evaluation. While Citiguard provided all information as required, the Tender Panel was unclear as to how the fees for the proposed Telecheck system for cheque payments and merchant fees for credit card and eftpos transactions would be verified. Clarification was sought from Citiguard and was subsequently provided to the satisfaction of the Panel.

Tender Number 1 (from ADF Group Properties), Tender Number 4 (from Property Protective Services) and Tender Number 3 (from Egroup Pty Ltd) provided only limited information on the proposed Telecheck system for cheque payments and merchant fees for eftpos and credit card payments. These tenders were still considered suitable for further consideration.

All five tenders were progressed to the next stage of evaluation.

**Shortlisting**

Tender Number 5 (from SNP Security) submitted an alternative tender in addition to a conforming tender. The alternative tender included the provision of a third security guard to relieve the two rostered guards during lunch breaks. It is felt that such arrangement may cause disruption, may increase the risks of errors due to the inexperience of the relief staff and therefore does not offer benefits to Council. Under the current arrangements the guards take a lunch break during quiet periods and stay in the fully self-contained gatehouse. These arrangements have worked satisfactorily and hence there is no need to change this procedure. The Alternative Tender was not progressed to the weighted evaluation process.

**Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

Tender Number 4 (from Property Protective Services) tendered an amount 160% higher than the lowest priced tender. This tender will not be considered further unless the four other tenderers score unacceptably low in the non price criteria.

Tender Numbers 1, 2, 3 and 5 submitted competitive prices that were within 25% of the current contract price. These tenders were progressed to a full weighted evaluation.

**Weighted Evaluation**

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

<b>Tender</b>	<b>Contract cost for first year of contract (excl GST)</b>	<b>Weighted Evaluation Score</b>
2 Citiguard	\$214,570.00	89
5 SNP Security	\$229,419.00	87
1 ADF	\$235,939.00	74
3 Egroup	\$260,348.00	70

Tender Number 3 (from Egroup) received the lowest ranking with a score of 70. The comparatively low score reflects the fact that the supporting information that was submitted lacked significant detail. The Tender Panel was not satisfied that this company had a sound understanding of the services to be provided. Egroup's price was also the highest of all shortlisted tenderers. This tender was not considered further.

Tender Number 1 (from ADF) also received a relatively low score of 74. This reflects the provision of limited information, failure to demonstrate a sound understanding of the works and the third highest tender price of all shortlisted tenderers. This tender was not considered further.

Tender Number 5 (from SNP Security) received the second highest weighted evaluation score of 87 that reflects the company's good understanding of the work, its previous experience and the competitive tender price offered. SNP provided gatekeeping services at Buttonderry Waste Management Facility between 2002 and 2006 to a standard that was satisfactory to Council. Over the three years of the new contract SNP's tendered price would be greater than that of Citiguard Protection Services by approximately \$44,500.00 excl GST (\$49,000.00 incl GST) if they were to be the successful tenderer. There is no advantage to

### **Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

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Council from accepting the tender of SNP Security compared to the lower priced Citiguard tender therefore this tender was not considered further.

Tender Number 2 (from Citiguard Protection Services) is the highest scoring tender. The high score reflects the company's sound understanding of the required services, its experience and the competitive tender price offered. Citiguard is Council's current contractor, has been found to be very efficient and delivers services to a high standard. Staff operating the gatehouse are highly experienced, reliable and display a strong commitment to providing good customer service. This tender was progressed to the due diligence stage of the assessment.

#### **Due Diligence**

Tender Number 2 (from Citiguard Protection Services) was subjected to a financial assessment, safety/environment system assessment and referee checks.

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

Citiguard Protection Services is an Australian company established in 1966 to provide Security Service Solutions. The company has successfully provided the current security and gatekeeping services at the Buttonderry Waste Management Facility since 2006. The company has in place a fully documented Occupational Health Safety and Management system and has demonstrated a sound understanding of the work required including the importance of minimising risks associated with fraud and controlling the delivery of unacceptable waste materials. Citiguard has indicated that it will continue to employ the existing staff who currently provide a good standard of service.

The amount tendered by Citiguard Protection Services is within 5.5 % of the current contract price and is considered to represent a reasonable price for the required works.

#### **Process Review**

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

**Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

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**RISK ASSESSMENT****General**

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

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

For this reason Council retains and is required to manage some risks. These are minimised by Council's contract administration processes. However, to manage these risks it is necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

**Contract Risks**

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

**Generic Risks**

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Risk of fraud through staff misappropriating collected funds. Mitigated by requiring a security deposit to be lodged and regular audits of performance and funds collected.

## **Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility (contd)**

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### **Specific Risks Leading to Contract Variations**

These are risks that the contract sum will be exceeded for this schedule of rates contract and therefore require a contingency amount to be approved. The major risks and mitigation measures for this contract include:

- Unforeseen circumstances require Buttonderry Landfill to be opened outside normal operating times and for security staff to work additional hours, leading to increased costs to Council. Mitigated by planning of activities to minimise any additional opening hours.

### **Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$70,371.00 (excl GST) representing approximately 10% of the contract sum be approved. Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$774,081.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

### **BUDGET**

This contract is funded from the Buttonderry Operational Budget and the costs are included in the financial model for waste. The tendered prices are subject to annual CPI increases.

### **TIME-FRAME**

The contract will commence on 1 December 2008 and has a contract period of three years.

### **LOCAL CONTENT**

The contract works create full time employment for two staff and part time employment for one person. Citiguard Protection Services indicated that the current staff will be utilised to provide the services under the Contract. One of the current employees lives on the Central Coast and the other two in neighbouring Local Government Areas.

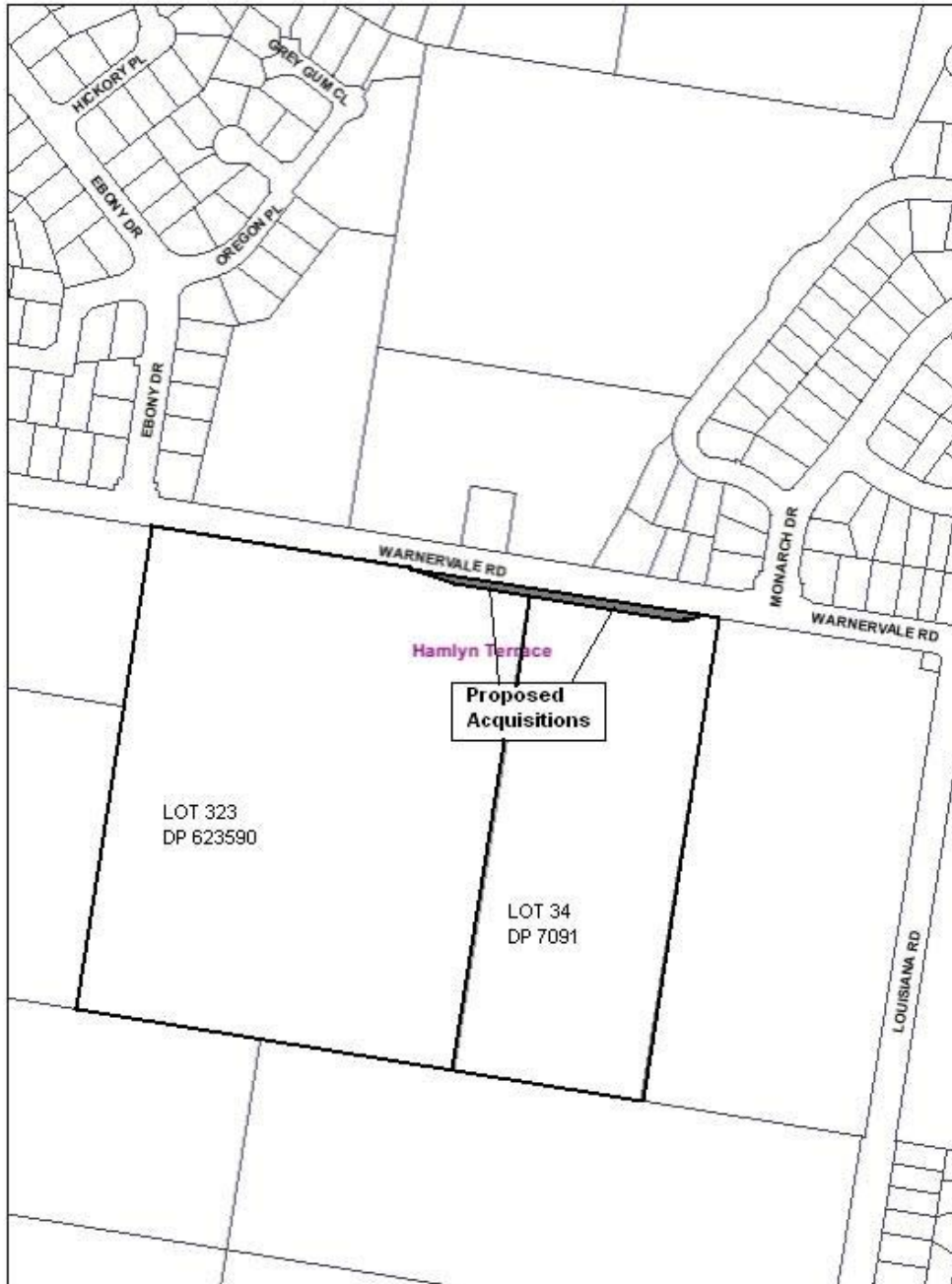
### **CONCLUSION**

Tender Number 2 from Citiguard Protection Services is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

**449 Proposed Acquisition of Land at Warnervale Road, Hamlyn Terrace for Road Widening (Attachment 1)**

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**Plan of Proposed Acquisitions Warnervale Road, Hamlyn Terrace (Shaded)**





**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**449 Proposed Acquisition of Land at Warnervale Road, Hamlyn Terrace for Road Widening**

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F2008/01867 & F2008/01883 SB

**SUMMARY**

Authority is sought to acquire part of Lot 323 DP 623590 and part of Lot 34 DP 7091, at Warnervale Road, Hamlyn Terrace as public road for road widening purposes.

**RECOMMENDATION**

- 1 That Council acquire part of Lot 323 DP 623590 and part of Lot 34 DP 7091 at Warnervale Road, Hamlyn Terrace as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisitions of the land 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 land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

**BACKGROUND**

Council proposes to upgrade Warnervale Road to provide flood free access for vehicles and pedestrians. This project involves the location of a levee to hold back floodwaters. The work which forms part of the Rolling Works Program is likely to commence in mid December, 2008 and will be funded from Council's Section 94 Contribution.

**Proposed Acquisition of Land at Warnervale Road, Hamlyn Terrace for Road Widening (contd)**

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Associated with the upgrade of Warnervale Road and the construction of the levee it will be necessary to acquire parts of 323 DP 623590 and Lot 34 DP 7091 as public road.

Lot 323 has an area of 80,940 square metres and the road widening has an area of approximately 430 square metres. Lot 323 is zoned 1C Non Urban Constrained Lands and 2E Urban Release Area Zone.

Lot 34 has an area of 40,470 square metres and the road widening has an area of approximately 700 square metres. Lot 34 is zoned 1C Non Urban Constrained Lands and 2E Urban Release Area Zone.

The owners of the land have been advised of the proposal and negotiations for the acquisition of part of their properties is continuing.

It is not considered that the work will have a major effect on the amenity of the properties.

***Attachment 1***                      ***Plan of proposed acquisitions Warnervale Road, Hamlyn Terrace shaded (1 page)***

***Enclosure***                        ***Proposed Lot Acquisition Plan***

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**450 Charter – Tuggerah Lakes Estuary, Coastal and Floodplain  
Management Committee**

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F2004/07986 F2004/06395 ED

## SUMMARY

Reporting on a proposed amendment to the Charter of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.

## RECOMMENDATION

- 1 That Council amend the Charter of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee to allow:**
  - a four Councillor representatives to be appointed by Council**  
  
**(the Mayor is a member of all Committees in accordance with Section 260(2) of the Local Government (General) Regulation 2005).**
  - b expansion of the issues upon which the Committee should advise Council in accordance with the report of 22 October 2008.**
- 2 That Council elect four Councillors for the term of the Council.**

## BACKGROUND

At the meeting held on 1 October 2008, a number of Councillors expressed interest in appointment to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee. To accommodate all nominations, it would be necessary to amend the Charter. An amended Charter is attached for consideration.

Given the expansion of issues requiring the input of the Committee, it is also necessary to amend the Charter in that regard.

The Charter set out in Attachment 1 also contains an expansion of the issues upon which the Committee should advise Council compared to the previous Charter. These changes have been made to accommodate an expanded role of this Committee.

**Attachment 1 Charter – Tuggerah Lakes Estuary, Coastal and Floodplain  
Management Committee (4 pages)**

**Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (Attachment 1)**

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**CHARTER  
TUGGERAH LAKES ESTUARY, COASTAL AND FLOODPLAIN  
MANAGEMENT COMMITTEE**

Membership: 4 Councillors. The Mayor is a member of all Committees and if in attendance will be the Chairperson or a Councillor will be the Deputy Chairperson

1 representative from each of the following community groups:

- i Conservation Groups
- ii Commercial Fishing Association

1 lakeshore resident

1 valleys resident

1 representative from the local aboriginal community

2 representative with an interest in management of the coastline and intertidal zone

From each of the following relevant industry bodies:

1 representative from Hunter Valley Energy Coal

1 representative from Delta Electricity

From each of the following State Government Authorities:

1 representative from each of the following branches in Department of Infrastructure, Planning and Natural Resources:

i Estuaries Branch

ii Soil Conservation Branch

1 representative from NSW National Parks and Wildlife Service

1 representative from Environment Protection Authority (Estuaries Branch)

1 representative from NSW Fisheries

1 representative from Waterways Authority

**Purpose and Objectives:****Major Objective:**

To promote ecologically sustainable development through the formulation of a balanced Estuary Management Plan for the Tuggerah Lakes.

## **Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (Attachment 1)**

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Issues upon which the Committee should advise Council are:

- the development, implementation and administration of an Estuary Management Plan for the Tuggerah Lakes;
- appropriate capital works programs for the Tuggerah Lakes system;
- ongoing annual maintenance programs for the Tuggerah Lakes system;
- appropriate funding programs for works and services;
- Tuggerah Lakes ecology and systems dynamics;
- The development, implementation and administration of Floodplain Risk Management Plans
- Floodplain Risk Management Strategies consistent with the Floodplain Risk Management Plans
- Flood Emergency Management
- Impact of significant flooding events
- The development, implementation and administration of Coastline Risk Management Plans
- Coastline Risk Management Strategies consistent with the Coastline Risk Management Plans
- Coastal hazard assessment.
- impact of Council's water supply and sewerage management policies;
- impact of Council's urban runoff management policies and practices;
- water quality requirements;
- implications of ground water inflow;
- implications of urban runoff;
- implications of industrial runoff;
- implications of agricultural runoff;
- water quality management;
- water uses ("beneficial use" categories);
- power stations;
- interaction between water and land management and social and economic aspects.
- the management of the off-shore zone known as the inter-tidal habitat.
- water uses ("beneficial use" categories);
- power stations;
- interaction between water and land management and social and economic aspects.
- the management of the off-shore zone known as the inter-tidal habitat.

To report to Council any matters relating to the Central Coast Moving Forward Plan (CCMF).

## **Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (Attachment 1)**

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### **Social and Economic Components**

- the cost of environmental quality protection and enhancement applied to development;
- the cost of meeting environmental management objectives including capital, operational, maintenance and life cycle costs'
- responsibility for, and costs to be borne by various sections/agencies;
- potential funding processes;
- community expectations and attitudes to holistic environmental management;
- community awareness of the effects of its activities and behaviour on the Tuggerah Lakes environment;
- community education and acceptance of the need to pay clean up costs or change behaviour to improve environmental management of the lakes and their catchments.

### **Decision Making Procedures**

As a formally constituted committee of Council, reports are to be submitted to the General Manager and, where the General Manager determines Council input is required, to the Council. The committee has no delegated powers from Council.

### **Procedure for Changing the Charter**

#### **a) Council**

Council may amend the Charter by resolution.

#### **b) Committee**

The following procedures shall apply for the Committee to amend the Charter.

- i. Any proposed changes to the Charter shall be submitted to the Committee Secretary at least twenty one days before any Committee meeting so that notice may be given to all members at least fourteen days in advance of any meeting.
- ii. Any proposed changes will require the support of the majority of the Committee membership.
- iii. Proposed amendments to the Charter can be effective only after approval by the Council.

Any requests from Council management to amend the charter shall be directed to the management representative for submission to the Committee.

## **Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (Attachment 1)**

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### **Sunset Clause**

The Committee will report to the Council and cease operation on 1 September 2012.

The Committee will cease to operate before 1 September 2012 if Council adopts a review of the Committee by the General Manager which indicates that the Committee is either not fulfilling or is in breach of its Charter.

### **Expenses of Committee Members**

Each participating organisation with membership of the Committee shall meet all costs of their members participation and attendance at Committee Meetings.

Established: 31 May 1995

Reports to: Council

File Reference: F2004/07986

**451 Review of Code of Conduct**

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F2004/06498 TD

**SUMMARY**

The Department of Local Government has undertaken a review of the Model Code of Conduct (Model Code) for Local Councils in NSW and prescribed a revised Model Code to take effect on 20 June 2008. Council is required to review its existing Code of Conduct and adopt changes to ensure the requirements of the Model Code are incorporated.

**RECOMMENDATION**

- 1** *That Council place the draft "Code of Conduct" on public exhibition for a period of 28 days for comment.*
- 2** *That Council determine a panel of five members who the General Manager can call upon from time to time to form the Conduct Review Committee.*
- 3** *That Council reappoint Mr John Cole, Senior Partner from HWL Lawyers to the Conduct Review Panel.*
- 4** *That Council invite expressions of interest from appropriately qualified persons of high standing in the community who are independent of Council to fill the remaining four positions on the Conduct Review Panel.*
- 5** *That Council consider any public submissions on the 'Code of Conduct' for possible inclusion in the Code.*

**BACKGROUND**

Section 440 of the Local Government Act, 1993, requires all New South Wales councils to adopt a "Code of Conduct". In adopting a Code of Conduct Council is required to ensure that the code includes the provisions contained in the Model Code produced by the Department of Local Government and implemented from 20 June 2008.

Council may add to the provisions of the Model Code as long as the additional provisions supplement it and are more onerous than those provisions contained in the Model Code. Such additional or more onerous provisions will have no effect where they are inconsistent with any provisions contained in the Model Code.



## **Review of Code of Conduct (contd)**

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Sections 1 to 14 of the Draft Code of Conduct incorporate all the provisions contained in the Department of Local Government Model Code in order to satisfy the Departments minimum requirements of a Code of Conduct.

Because the Model Code is the reference point for conduct issues, from an administrative point-of-view, the most suitable course of action is to adopt the Model Code outright, and to add to it any additional or more specific provisions considered by Council to be necessary.

This procedure mirrors the approach taken by the Council in September 2004 when the Local Government Amendment (Discipline) Bill was enacted. It was this Bill that first introduced the requirement for Council's Code of Conduct to be consistent with the Model Code of Conduct prepared by the Department of Local Government.

In the current Code of Conduct (adopted in March 2005 together with subsequent amendments) the provisions contained in clause 12 were specifically added by Council in response to, amongst other things, the recommendations of the Independent Commission Against Corruption, issued in September 2004, following an investigation into potential conflicts of interest and a review of Council's then Draft Code of Conduct.

These provisions are deemed to be just as relevant today as they were when they were first introduced into the Code of Conduct and have been fully incorporated in the current Draft Code of Conduct in clause 15.

Key changes that have been introduced to the Code from the new Model Code include the introduction of enforceable standards of conduct in Part 2 of the Code. This part of the Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.

Failure by a councillor to comply with the standards of conduct of council's Code Of Conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour.

Failure by a member of staff to comply with Council's Code Of Conduct may give rise to disciplinary action.

Other key changes introduced from the Model Code are contained in Part 3: Procedures. This part of the Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

In this part Council must appoint a panel of members who may be called on from time to time to review complaints referred to it and make recommendations to Council. Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

**Review of Code of Conduct (contd)**

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The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of Wyong Shire Council

Upon receipt of a Code of Conduct complaint the General Manager (or the Mayor in the case of a complaint about the General Manager) is required to refer the complaint to a Conduct Review Committee and select the members to review the complaint from the panel of members appointed by Council.

Given that the Conduct Review Committee will only be required to meet from time to time when a complaint is lodged it is considered prudent for Council to appoint a panel of five prequalified members. The General Manager may then appoint a Conduct Review Committee comprising three or more members from this panel. Members appointed to a panel by Wyong Shire Council are also eligible to serve on the Conduct Committees of other Councils'. Given this it may be possible for Hunter and Central Coast Council's to identify members on a regional panel to serve multiple Councils. This option is currently being explored through Hunter Regional Councils Incorporated.

The previous membership of the Conduct Review Committee comprised the Mayor, General Manager and independent member Mr John Cole, Senior Partner from HWL Lawyers.

Under the provision of the new model Code of Conduct only the independent member on the current committee would be eligible for reappointment. Considerable value accrues to the functions and credibility of the Conduct Committee through the appointment of independent members. There is particular value in an independent member who contributes a wide knowledge of Council's business and who can provide a legal perspective on most issues. Due to these benefits the recommendation supports the reappointment of Mr Cole on the Conduct Review Panel.

**TRANSITIONAL ARRANGEMENTS**

The Department of Local Government (Circular 08-38) has identified the following transitional arrangements that apply until the new Code of Conduct is fully operable. Council will need to deal with any complaints that are currently on foot in accordance with the procedures established in the current Code of Conduct. Once council has adopted the provisions of the revised Model Code, any complaints received about conduct that occurred under their previous Code of Conduct will need to be dealt with in accordance with the standards that applied in the code at that time. However, Council may choose to use the new procedural arrangements for managing the complaints that are contained in the revised Model Code for those complaints.

## **Review of Code of Conduct (contd)**

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Where the current Code of Conduct applies provisions over and above those applying in the model Code of Conduct those provisions continue to apply. In Council's existing Code of Conduct section 12 sets out additional requirements over and above the model Code of Conduct. These provisions remain in force under transitional provision until Council adopts a new Code of Conduct. In the event of conflict between any additional provisions and the Model Code, the Model Code shall prevail.

The draft "Wyong Shire Council Code of Conduct" should be placed on public exhibition for public comment bearing in mind that the requirements of the model code already apply as a minimum. A report will then be submitted to Council to formalise adoption of the new code.

**Enclosure 1**  
**Enclosure 2**

**Wyong Shire Council's Draft Code of Conduct**  
**Local Government Department Circular No 08/38**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **452 Local Government Association Conference**

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F2004/06466 GA/MW

### **SUMMARY**

Review of spousal payments at Local Government Association Conference and voting eligibility.

### **RECOMMENDATION**

- 1** *That Council approve costs of registration and the official conference dinner for partners of Councillors attending the 2008 Local Government Association Conference at Broken Hill.*
- 2** *That Council amend the Facilities and Expenses Policy for Councillors, adopted at the Extraordinary Meeting on 1 October 2008 to include Item 1 above.*
- 3** *That Council place the Facilities and Expenses Policy for Councillors on public exhibition for 28 days.*
- 4** *That Council consider any public submissions on the above policy for possible inclusion in the policy.*

### **BACKGROUND**

At the Extraordinary Meeting of Council held on 1 October 2008 in relation to the Facilities and Expenses Policy for Councillors, it was resolved that staff review the clause covering payment of spousal attendance at the Local Government Association conference as outlined in the Department of Local Government Circular No 06/57.

### **STATUS**

A review of the circular indicates the following clause:

*"Limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conference could be met by councils. These expenses should be limited to the cost of registration and the official conference dinner".*

The circular also states that any payment so made, must be disclosed in Council's Annual Report.

### **Local Government Association Conference (contd)**

If Council is of a mind to vary the policy to make this amendment, then it would have to go through the necessary legislative requirements of the policy being placed on public exhibition for 28 days before being adopted.

In relation to voting at the Local Government Association Conference, Council has been advised that they are eligible for 5 votes, meaning that as only 4 Councillors are attending, all will be eligible to vote.

**453 Rate Payment Incentive Scheme**

F2004/06159 DT

**SUMMARY**

Report of Council's 2008-09 Rate Payment Incentive Scheme.

**RECOMMENDATION**

- 1 *That the report be received and the information noted.*
- 2 *That Council continue the Rate Incentive Scheme for the 2009-10 rating year with a \$5,000 local shopping voucher.*
- 3 *That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2008-09.*

**BACKGROUND**

For the 2008-09 rating year Council offered a shopping voucher to the value of \$5,000 as the prize for the winner of Council's Rate Payment Incentive Scheme.

To be eligible to enter the incentive scheme, ratepayers had to have either paid the 2008-09 rates and charges including arrears by 31 August 2008 in full or to have elected to pay their 2008-09 rate instalments by direct debit. It should be noted that ratepayers paying in full received two tickets in the draw whilst those paying by direct debit received a single ticket.

At the conclusion of the rate payment period a total of 7110 ratepayers had elected to pay their rates in full, an increase of 134 on the previous year. In addition, 2475 ratepayers elected to pay their instalments by direct debit, an increase of 108 on the previous year.

**Costs**

Shopping Voucher	<u>\$5,000</u>
<b>Total:</b>	<b><u>\$5,000</u></b>

**Additional Revenue and Savings**

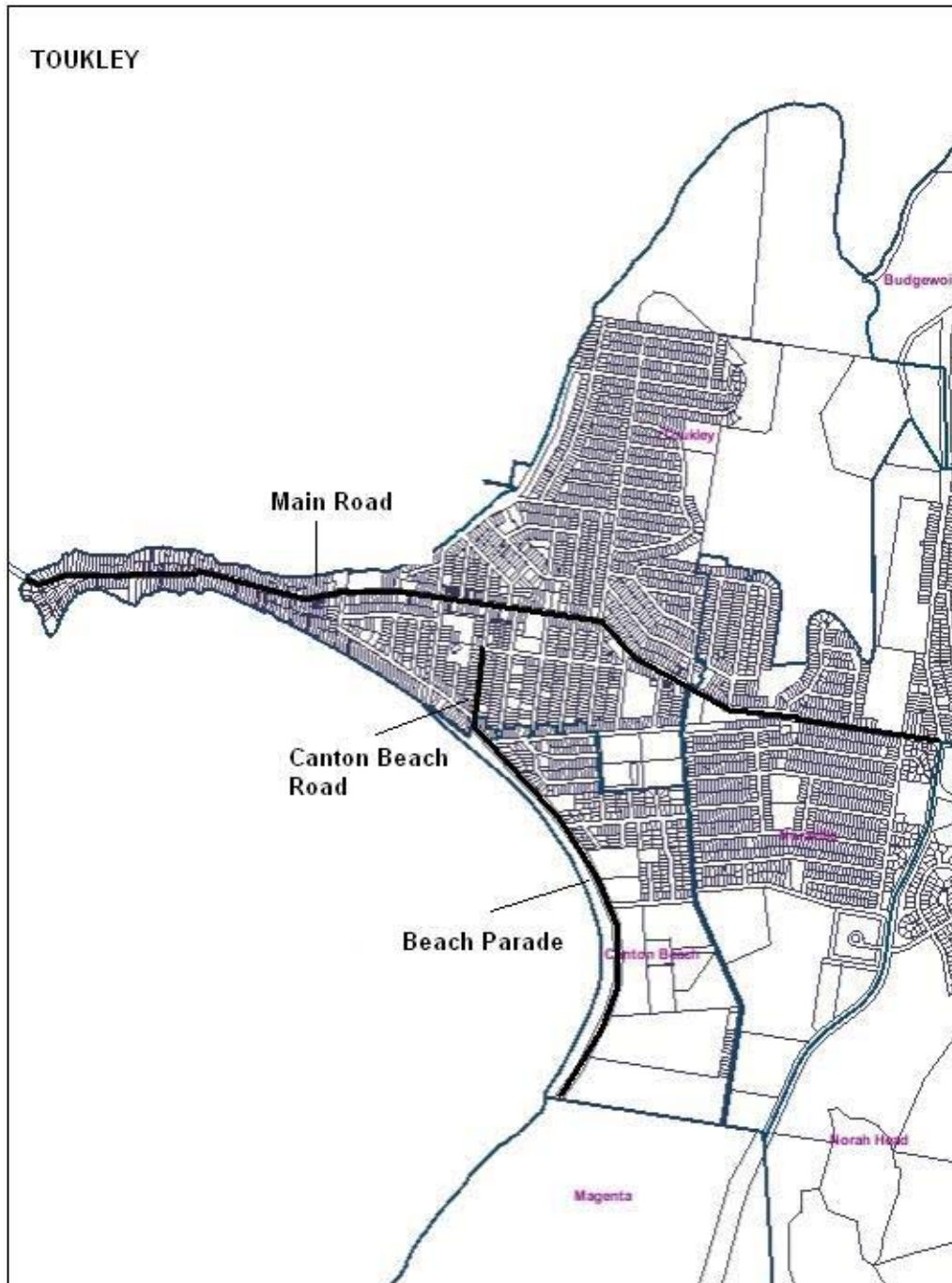
The additional revenue from receipt of up-front rates and annual charges results in projected investments is \$309,000 above the alternative quarterly cash payment plan. Additionally, there are minor administrative savings. These gains more than meets the costs of administering the incentive scheme.

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**454                    Establishment of Alcohol Free Zone Extension – Toukley  
(Attachment 1)**

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***Proposed Alcohol Free Zone, Toukley***





## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**454 Establishment of Alcohol Free Zone Extension – Toukley**

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F2004/06081 MW

**SUMMARY**

A proposal to establish an Alcohol Free Zone (AFZ) within Toukley has been advertised and is submitted for approval.

**RECOMMENDATION**

***That Council formally adopt the proposal to establish an Alcohol Free Zone extension in the following location for the period up to 30 June 2009:***

***Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.***

**BACKGROUND**

At its meeting held on 25 June 2008, Council considered a report concerning the establishment of an AFZ extension at Toukley and resolved the following:

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

- 1 *That Council prepare a proposal for the extension of an Alcohol Free Zone at the following location for a period up to 30 June 2009:*  
*Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.*
- 2 *That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.*
- 3 *That Council exercise the option of advising the NSW Anti-Discrimination Board of all the proposals.*
- 4 *That the matter be resubmitted for Council determination following compliance with these procedures.”*

**Establishment of Alcohol Free Zone Extension – Toukley (contd)**

The proposal was advertised in the Central Coast Express on 16 July 2008 and no objections were received during the statutory 14 day period.

Notice was forwarded to the relevant Police Station, holders of licences under the *Liquor Act 1982* adjacent to the zone and also the NSW Anti-Discrimination Board. The NSW Anti-Discrimination Board supported the proposal. No other representations or objections were received during the statutory 30 day period.

Council may now resolve to establish the AFZ extension within the Toukley area to expire on 30 June 2009, the common date of expiry established for AFZ's within the Shire.

It should also be noted that Council owned land such as reserves and cycleways are not classified as a public road or carpark and therefore cannot be included within an AFZ. However, under section 632 of the *Local Government Act 1993* ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

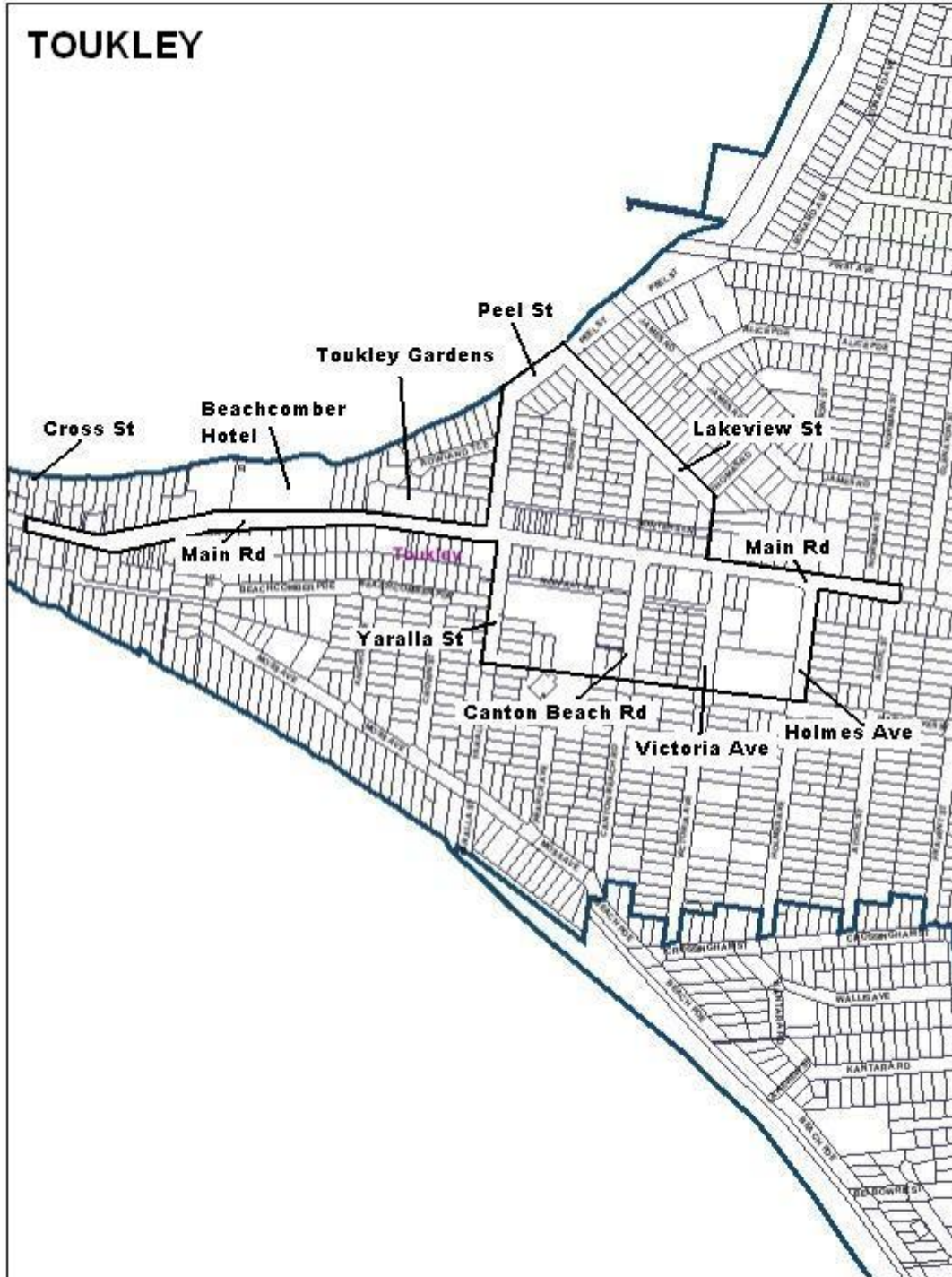
Attached to this report are maps outlining the proposed and existing zone.

***Attachment 1***  
***Attachment 2***

***Proposed AFZ within Toukley (1 page)***  
***Existing AFZ within Toukley (1 page)***

**Establishment of Alcohol Free Zone Extension – Toukley (Attachment 2)**

*Existing Alcohol Free Zone, Toukley*



22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

## **455 Lake Island Apparent Erosion**

---

F2007/01516 LS/KD

### **SUMMARY**

Report on concerns raised by Council in regard the apparent escalation of major erosion of the small adjacent to The Entrance Bridge.

### **RECOMMENDATION**

***That as part of the renewal of dredging permits for The Entrance Channel, Council seek advice from a coastal engineer by December 2008 regarding the small island near The Entrance Bridge, to determine the preferred corrective actions.***

### **BACKGROUND**

Council at its meeting held on 27 August 2008:

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

*That staff urgently report to Council on the apparent escalation of major erosion of the small island adjacent to the Entrance Bridge, opposite the fishing platform, since the reactivation of the Entrance Channel dredging program."*

At that meeting Council raised concerns regarding the erosion of the little island and the potential for the Canary Island Date Palm which is growing on the island to fall into the water as a result. There were also concerns that that this erosion was a result of the recent dredging program.

The Canary Island Date Palm (*Phoenix canariensis*) is classed as culturally significant at this location under DCP 14 "Tree Management". Due to the status of this tree efforts are being consistently made by Council to ensure that dredging operations do not pose any threat to its survival.

Inspections of the Canary Island Date Palm by Council staff with horticultural qualifications have identified that there is still a substantial root system anchoring the tree to the island and that the likelihood of the tree falling into the channel is remote.

Council staff have inspected a photograph of the small island taken in 1934 and it indicates there has been significant erosion of the island shoreline over the last 74 years. Comparisons of recent aerial photographs taken of the small island (December 2003, February 2007, May 2008, and August 2008) show no apparent evidence of erosion occurring on the small island in the past five years.

### **Lake Island Apparent Erosion (contd)**

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The Entrance Channel dredging programs began in 1994. As the photographic evidence in the last five years does not indicate further ongoing discernable erosion there is no available evidence to establish a direct correlation between the dredging program and shoreline erosion of the island. However, taking a precautionary approach further expert advice is proposed.

Council staff are currently in the process of engaging a coastal engineer to provide assistance in the application for new permits to dredge at The Entrance Channel. As part of this process, the coastal engineer will further investigate the erosion of the shoreline of the small island and provide the preferred options by December 2008. The revised strategy could then be implemented during the next dredging program which is proposed to be undertaken in early 2009.

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## **Information Reports**

The following information reports are to be dealt with by the exception method.

**456 2007 Warnervale Rail Station**DA/261/2005 JW:JD

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**SUMMARY**

An update on the Notice of Motion by Councillors Eaton and Best at the Ordinary Meeting of Council on 23 July 2008 and Notice of Motion by Councillors Eaton and Best at the Ordinary Meeting of Council on the 27 August 2008.

**RECOMMENDATION**

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

**BACKGROUND**

At its meeting held 23 July 2008, Council resolved as follows:

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

- 1 That the report be received and the information noted.*
- 2 That subject to staff confirmation Council return the railway station development application to the applicant advising that no Council consent is required due to the provisions of the infrastructure SEPP.*
- 3 That Council advise the Member for Wyong accordingly.”*

At its meeting held 27 August 2008, Council resolved as follows:

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

- 1 That the report be received and the information noted.*
- 2 That Council write to the Minister for Transport and Rail and the Local Member for Wyong advising them to consider the application for the North Warnervale Railway Station under the new infrastructure SEPP.”*

State Environmental Planning Policy (SEPP) (Infrastructure) 2007 commenced on 1 January 2008 and development for the purposes of railways is dealt with under Division 15 of the SEPP. Clause 79 permits development for the purpose of a railway or rail infrastructure facilities to be carried out by or on behalf of a public authority without consent on any land.



## **2007 Warnervale Rail Station (contd)**

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Included in the definition of rail infrastructure facilities are:

- (a) *railway tracks, associated track structures, cuttings, drainage systems, fences, tunnels, ventilation shafts, emergency accessways, bridges, embankments, level crossings and roads, pedestrian and cycleway facilities;*
- (b) *signalling, train control, communication and security systems;*
- (c) *power supply (including overhead power supply) systems;*
- (d) *railway stations, station platforms and areas in a station complex that commuters use to get access to the platforms;*
- (e) *public amenities for commuters;*
- (f) *car parks intended to be used by commuters, and bus interchanges, that are integrated or associated with railway stations;*
- (g) *maintenance, repair and stabling facilities for rolling stock;*
- (h) *refuelling depots, garages, maintenance facilities and storage facilities that are for the purposes of a railway;*
- (i) *railway workers' facilities; and*
- (j) *rail freight terminals, sidings and freight intermodal facilities,*

but do not include buildings or works that are for residential, retail or business purposes and unrelated to railway purposes.

However, the savings provisions of the SEPP state that the Policy does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of this Policy. As such, the provisions of the SEPP cannot be applied to the current application.

Should the application be refused or withdrawn, then the Council would no longer be the consent or determining authority for the project (although there would still be a consultative role in relation to the provision of water and sewer services under Clause 13 of the SEPP).

**2007 Warnervale Rail Station (contd)**

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Various attempts have been made to encourage RailCorp to withdraw the application. Most recently, on 4 January 2008, RailCorp was formally requested to withdraw the application or Council would seek the approval of the Minister to refuse the application under section 116C of the Environmental Planning and Assessment Act, 1979 (EPA Act). On 25 January 2008, Council was advised that "RailCorp wishes to proceed with the development application process and a Species Impact Statement was lodged.

Unless RailCorp voluntarily withdraws the application, or the application is refused (subject to the approval of the Minister), Council remains the consent authority and has an obligation to determine the application.

Following the resolution of Council at its meeting on 27 August 2008, a letter has been sent to the Applicant (Railcorp), the Minister for Transport and Rail and the Local Member for Wyong confirming Council's preference that the application be withdrawn.

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**457 GP Super Clinics**

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F2004/11290 BM:JD

**SUMMARY**

This report is in response to a Notice of Motion by Council on 27 August 2008 regarding the establishment of a GP Super Clinic in Northern Wyong Shire.

**RECOMMENDATION**

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

**BACKGROUND**

At its meeting held 27 August 2008, Council resolved as follows:

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

- 1 That staff report to date on the Federal Government’s progressive initiative to establish much needed medical services to our coast through the establishment of GP Super Clinics.*
- 2 That the report should outline planning issues, zoning compatibilities and opportunities council may consider to assist our Federal counterparts in delivering this vital health initiative.”*

On 5 November 2007 the Federal Government announced an investment of up to \$2.5 million to establish a new GP Super Clinic in the north of the Central Coast to deliver improved services to residents.

**GP Super Clinics (contd)**

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The Government has committed \$275 million over five years, starting in 2007-08, to establish GP Super Clinics in 31 localities across Australia. The Government has chosen the north of the Central Coast for a GP Super Clinic because it is a growing area, with many young families.

The North Central Coast GP Super Clinic aims to help attract doctors to the area and to take pressure off the Wyong Hospital and its emergency department, which is one of the busiest in the State.

The information contained in this report is sourced from the GP Super Clinics better healthcare for Australians National Program Guide 2008.

**WHAT IS A GP SUPER CLINIC?**

GP Super Clinics will allow new facilities and sites of excellence of primary health care service delivery, and health professional education and training to be established within local communities.

GP Super Clinics are health centres that will allow privately practicing General Practitioners (GP's) and other health care providers to work together with greater access to medical and information technology and to provide multidisciplinary care which is tailored to the needs and priorities of the local community.

Different service delivery models can be utilised to deliver the GP Super Clinic, for example:

- One stop shops - bringing together a range of health services under one roof; or
- Hub and Spoke models where one site acts as a principal base providing centralised support and/or activities to satellite sites which are connected to the principal site.

By co-locating specialists and allied health services such as physiotherapists, mental health counsellors and dieticians with GPs, the Super Clinics will enable patients to seamlessly access the range of health services they need to improve their health.

## **GP Super Clinics (contd)**

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While there is no 'one size fits all', the types of health care services provided through a GP Super Clinic could include, but are not limited to:

- General practice (with privately practising GPs a key element of each GP Super Clinic);
- After hours care;
- Facilities for regular services provided by allied health professionals, such as physiotherapists, dieticians, podiatrists, occupational therapists, and specialist care for seniors;
- Psychology services and relevant mental health support programs including drug and alcohol counselling;
- Consulting rooms for visiting medical specialists and access to physicians and paediatricians;
- Facilities for practice nurses to provide comprehensive primary health care (as part of a multidisciplinary team) including early identification and intervention for chronic disease, risk modification counselling, self-management support, care planning and co-ordination;
- Facilities for running regular chronic disease management programs and community education (including diabetes, obesity, asthma and smoking cessation programs);
- The provision of dental services;
- Linkages with key components of the local health system such as hospitals, community health services, other allied and primary health care services, health interpreting services, telephone triage services (such as the National Call Centre Network or similar) and other established telephone help lines (such as telephone counselling services);
- Community health services funded by State and Territory governments; and
- Co-located diagnostic services, provided that these are consistent with relevant pathology and diagnostic imaging legislation.

Once completed, the North Central Coast GP Super Clinic is expected to include:

- Privately practising GP services and after hours services;
- Chronic disease management services; and
- A range of allied health services such as physiotherapy, dieticians and podiatry.

**GP Super Clinics (contd)**

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**CURRENT STATUS**

Wyong Shire Councillors and Council staff were invited to attend a local information and consultation meeting about the establishment of the North Central Coast GP Super Clinic on 11 September 2008.

The purpose of the local consultation was to:

- Share with the wider community the Australian Government's intentions in investing in the North Central Coast by establishing a GP Super Clinic;
- Provide a forum at which the Government could gather views of health professionals and the community on local health needs and service priorities for the GP Super Clinic as well as specific local issues that they should consider in developing the arrangements; and
- Provide general information on application and funding processes for the North Central Coast GP Super Clinic.

Over 100 people attended the information session, with representatives from the local community, community groups, private health practices, general practitioners, Central Coast Division of GP's, government health services and Council representatives.

**Application and Funding Process**

Across the 31 GP Super Clinic localities, different processes will be used to select the organisation that will construct/ refurbish and operate the facilities from which the GP Super Clinic will operate.

For the North Central Coast GP Super Clinic, the Commonwealth Government will lead an Invitation to Apply process. The Invitation to Apply process will commence approximately 4 weeks from the date of the consultation and information meeting which was held on 11 September 2008.

Advertisements will appear in local and State based newspapers, the GP Super Clinic website, and, where appropriate, State Government publications as each of the 31 localities is opened for funding applications. At the time of writing this report to Council, the Invitation to Apply period had not yet commenced.

## **GP Super Clinics (contd)**

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Proposals will be assessed in accordance with the requirements of the application documentation including capacity to meet the Program Objectives. Applications will be expected to focus on describing how the services to be provided in the GP Super Clinic will respond to local health needs and priorities and the impact of the GP Super Clinic on services already provided in the area.

### **What Funding is Available?**

The Commonwealth funding available under the GP Super Clinics Program has three components:

- Capital funding: Capital funding can be used to construct a new building or purchase or refurbish and/ or extend an existing building;
- Recurrent funding: Recurrent funding is available for 4 years and can be used for a range of personnel related costs such as centralised administrative support, maintenance of shared health records and IT infrastructure, GP Super Clinic centre managers and GP Super Clinic centre nurses; and
- Relocation incentives: Relocation incentive payments will be available to provide financial incentives for GP's, allied health professionals, nurses, mental health workers and/ or Aboriginal and Torres Strait Islander health workers to relocate to work in private practice at the GP Super Clinic.

For the North Central Coast GP Super Clinic \$2.5 million has been allocated for capital funding. The successful applicant would then be eligible for recurrent funding and relocation incentives. The maximum amount available over the four year period for recurrent funding is 12.5% of the capital funding, that is \$312,500.

### **Who can apply?**

Applications for GP Super Clinic funding are encouraged from parties interested in providing health care in line with the program objectives. This could include, for example, local GP's and allied health professionals, Divisions of General Practice, Local Councils, non government organisations, corporate medical practices, community groups, and not for profit organisations including charitable organisations.

### **COUNCILS' ROLE**

Planning issues are unknown at this stage and are dependent on the proposed GP Super Clinic model and location.

**GP Super Clinics (contd)**

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The provision of health services is not part of Council's core business, however, depending on the service delivery model of the successful applicant (one stop shop or Hub and Spoke) Council may have some role in the proposed facility. It is likely that this role would be to facilitate the establishment of the North Central Coast GP Super Clinic via provision of supporting information on community needs and advice/ guidance of zoning and planning issues.

Under the Wyong LEP 1991 the term medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to outpatients only.

Medical centres are permissible within the following zones under the current LEP:

3(a) Business Centre Zone

3(b) Centre Support Zone

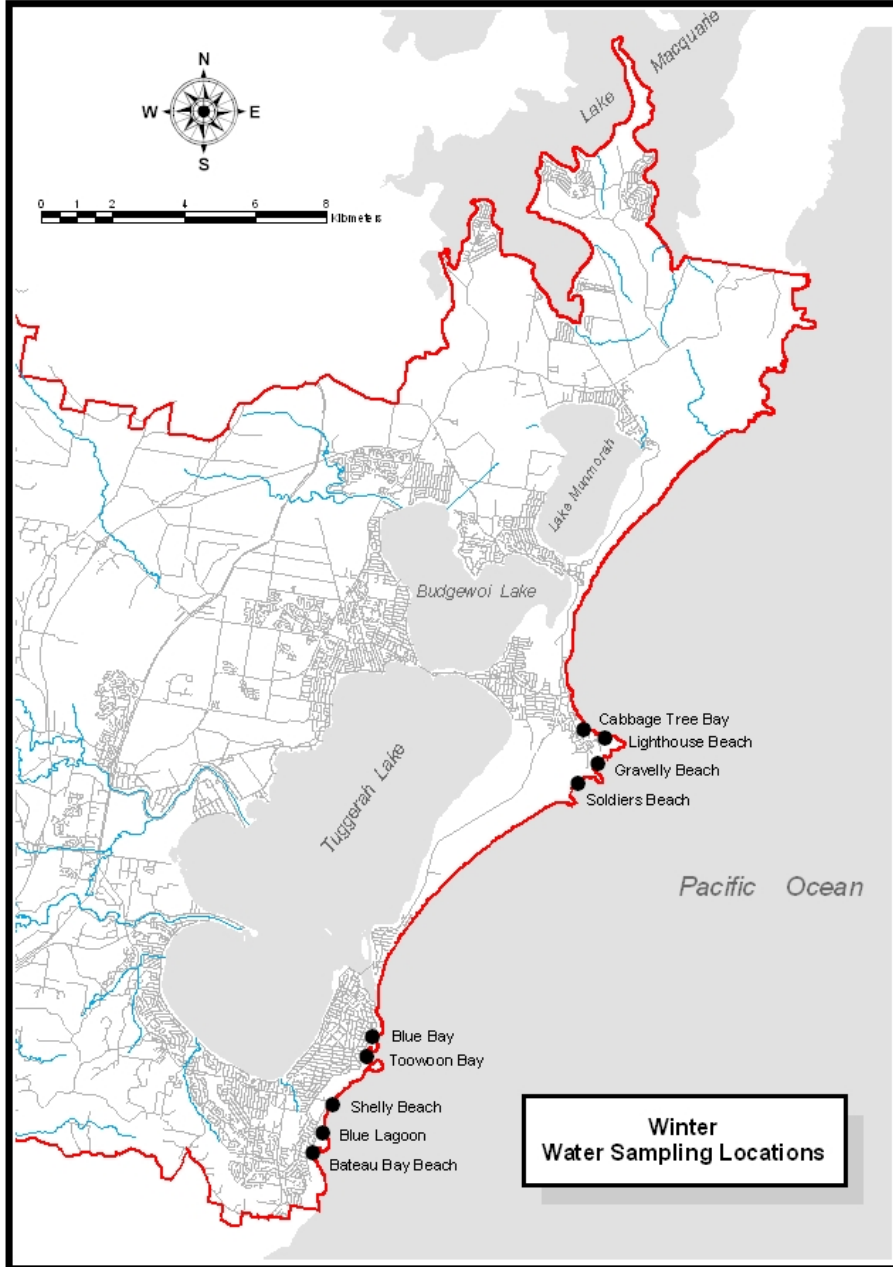
It is noted that there is provision under SEPP (Infrastructure) 2007 to apply to locate a medical centre within zones that currently prohibit such a use under the current LEP.



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**458 Results of Water Quality Testing for Bathing Beaches (Attachment 1)**

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**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

**458 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 JS

**SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for beaches in Wyong Shire.

**RECOMMENDATION**

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

**BACKGROUND****Primary Recreation Water Quality Monitoring Program**

Wyong beaches are regularly monitored for swimming safety in accordance with the National Health and Medical Research Council (NHMRC) *Guidelines for Recreational Water Use* (1990). These guidelines allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

Wyong Council has been in partnership with the Department of Environment and Climate Change (DECC) in implementing the "Beachwatch" program during the bathing season of summer, October through to April. This involves the sampling of 31 monitoring locations, 5 times each month as required by the NHMRC Guidelines and the beachwatch program. These monitoring locations include 17 ocean beaches, nine coastal lake sites, two tidal pools, and three river sites in the Tuggerah Lakes catchment.

During the winter season the Beachwatch program becomes inactive, where the sampling regime is reduced to once a month. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

Additionally, Council is still required to monitor the ocean outfalls at Norah Head and Wonga Point 5 times a months throughout the year. This monitoring and sampling regime is undertaken in accordance with the DECC "Environmental Protection License's".

**Results of Water Quality Testing for Bathing Beaches (contd)**

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**Summary of Results for September 2008**

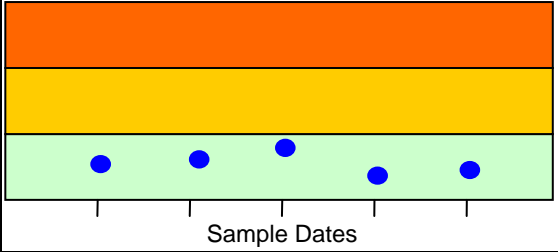
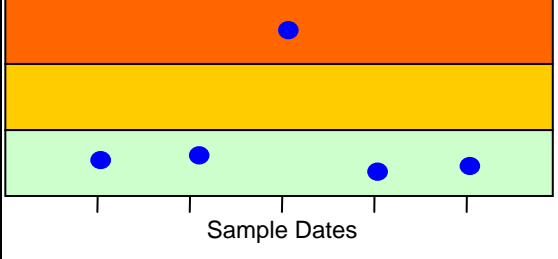
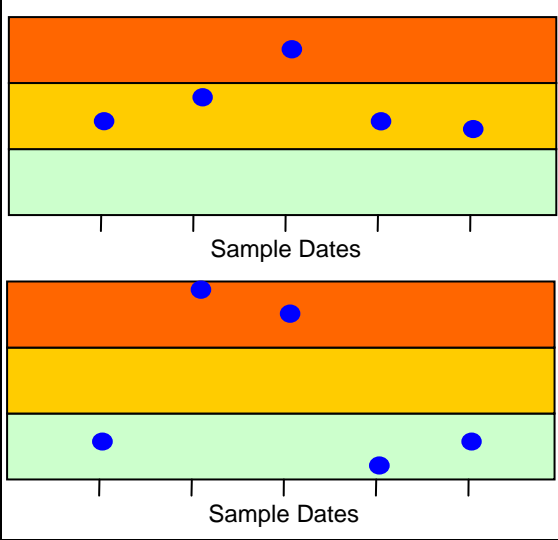
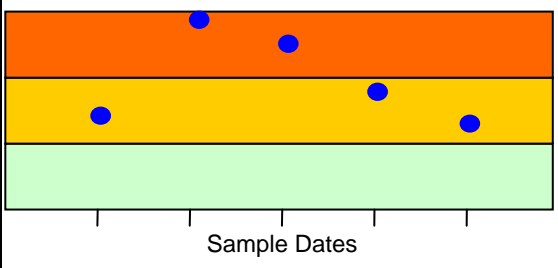
In September, all the Ocean outfall beaches were rated as 4 star – good water quality/safe for swimming.

**Table 2: OCEAN BEACHES – September 2008**

<b>LOCATION</b>	<b>STAR RATING</b>	<b>RECOMMENDATION</b>
<b>Cabbage Tree Bay</b>	<b>****</b>	Site is safe for swimming
<b>Soldiers Beach</b>	<b>****</b>	Site is safe for swimming
<b>Outfall Norah Head</b>	<b>****</b>	Site is safe for swimming
<b>Gravelly Beach</b>	<b>****</b>	Site is safe for swimming
<b>Lighthouse Beach</b>	<b>****</b>	Site is safe for swimming
<b>Shelly Beach</b>	<b>****</b>	Site is safe for swimming
<b>Toowoan Bay</b>	<b>****</b>	Site is safe for swimming
<b>Blue Bay</b>	<b>****</b>	Site is safe for swimming
<b>Blue Lagoon</b>	<b>****</b>	Site is safe for swimming
<b>Bateau Bay</b>	<b>****</b>	Site is safe for swimming
<b>Wonga Point</b>	<b>****</b>	Site is safe for swimming

**Results of Water Quality Testing for Bathing Beaches (Attachment 1)**

**Table 1: NHMRC Star Rating Interpretation**

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis, all of which are within the green zone. The x-axis is labeled 'Sample Dates'.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. One dot is in the orange zone, and four dots are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
**	Poor: NHMRC indicates swimming at site is not recommended.  Or  The median of all samples is low, but two samples exceeded the NHMRC maximum safe value for swimming.	 <p>The graphic shows two horizontal bar charts, each divided into three colored zones: orange (top), yellow (middle), and green (bottom). The x-axis is labeled 'Sample Dates'.                      The first chart shows one blue dot in the orange zone and four blue dots in the yellow zone.                      The second chart shows two blue dots in the orange zone and three blue dots in the green zone.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. Two dots are in the orange zone, two dots are in the yellow zone, and one dot is in the green zone. The x-axis is labeled 'Sample Dates'.</p>

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### 459 **Report on Investments – July and August 2008**

F2004/06604 HS

#### SUMMARY

The following report provides details of Councils investments as at 31 July 2008 and 31 August 2008.

#### RECOMMENDATION

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

#### BACKGROUND

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

As at 31 July 2008 Councils total investments were as follows:

	<b>\$,000</b>
Cash	27,104
Cash Plus	26,460
Cash Management Funds	20,852
Enhanced Income	37,761
<b>Total</b>	<b>112,177</b>

**Return:** Gross interest, including movements in capital, amounted to \$289,853 (2.97%).

As at 31 August 2008 Councils total investments were as follows:

	<b>\$,000</b>
Cash	23,874
Cash Plus	26,586
Cash Management Funds	20,999
Enhanced Income	37,896
<b>Total</b>	<b>109,355</b>

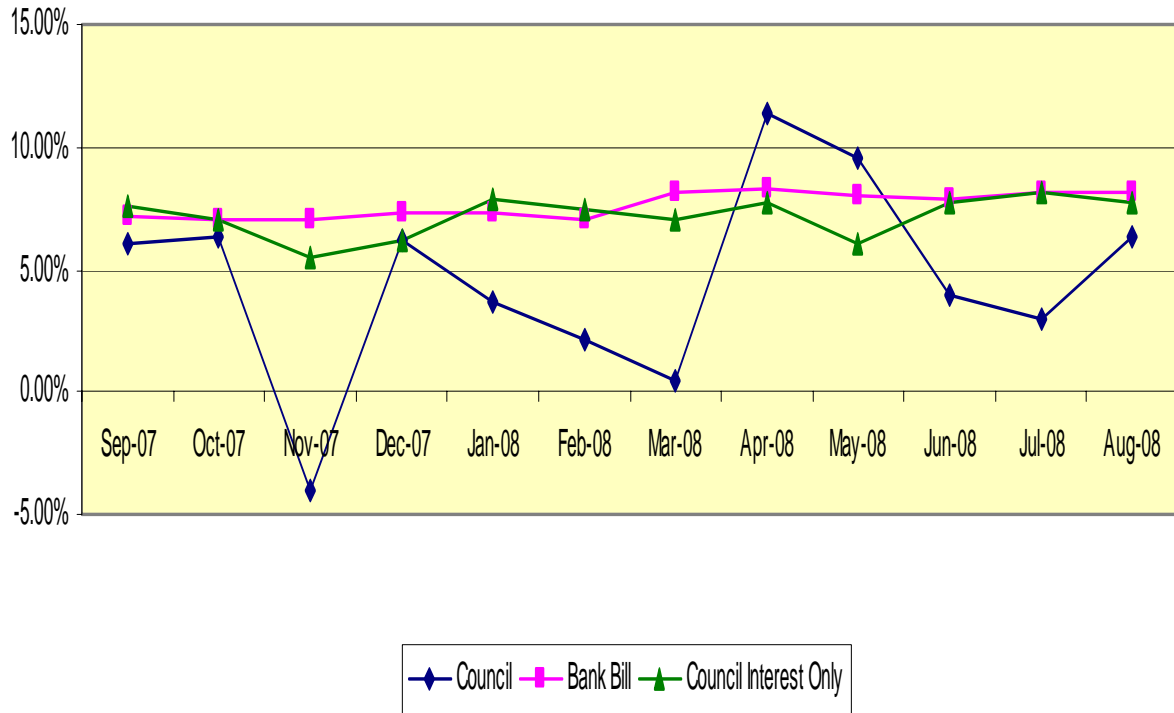
**Return:** Gross interest, including movements in capital, amounted to \$600,368.82 (6.38%).

Councils overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index, this index is used by organisations as a benchmark on the return it receives from its investments.

**Report on Investments – July and August 2008 (contd)**

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

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



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

**Major Variations to Investment Return:**November 2007

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

March 2008

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

July 2008

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

**Report on Investments – July and August 2008 (contd)**

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**International Financial Markets**

September and October 2008 saw significant negative events in the world financial markets. The U.S. government bailed out two major mortgage lenders, lending American bank Lehmann Bros filed for bankruptcy and the reserve banks of major industrial nations injected billions of dollars into financial markets to preserve the liquidity of the financial system. The U.S. government has also assumed the risks of some sub-prime mortgage debt with an injection of funds totalling around A\$ -1 Trillion (\$10<sup>12</sup>).

Our advisors, Grove Research and Advisory Pty Ltd, estimate these events will have minimal impact on the value of Council's investment portfolio. They have provided a preliminary estimate that the impact of the Lehmann collapse on the Council's portfolio valuation is 1% or less. Council is currently undertaking, through Grove Research and Advisory Pty Ltd, a further review of its investments to try and minimise Council's risk to the credit crisis.

In addition there are no investments in collateralised debt obligations ("CDO's") or any similar investment which have any direct exposure to events in the sub-prime mortgage market.

**INVESTMENT STATEMENT**

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



**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**460 Finalisation of Contracts**

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F2005/03113 GJP

**SUMMARY**

Reporting on details of contracts in excess of \$150,000 that have been completed and finalised during the period July 2008 to September 2008.

**RECOMMENDATION**

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

**BACKGROUND**

Quarterly reporting of contracts in excess of \$150,000, that have been finalised, was introduced during the last term of Council. These reports have covered the periods from October 2004 until June 2008. This reporting period is from July to September 2008.

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

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

In accordance with those provisions, all Council contracts involving estimated expenditure of \$150,000 or more are tendered in accordance with the Regulation and reported to Council for determination. Note that a contingency allowance to cover potential variations to the contract is usually included in the recommendations made to Council for the award of Construction and major Consultancy contracts. The contingency value is included in the approved budget figures detailed in the Enclosure to this report.

Enclosed are details of all contracts determined by Council for acceptance that have been completed in the period from July 2008 to September 2008. Definitions of each type of contract are as shown below.

- "Construction Contracts" - those contracts usually associated with the construction of new or replacement civil or community infrastructure.

## **Finalisation of Contracts (contd)**

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- “Consultancy Contracts” – those contracts 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 or Rates, a Lump Sum or a combination of both.

To determine the value of a contract under a Schedule of Rates arrangement, it is necessary to extrapolate the 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 also use a Schedule of Rates method, either in entirety or in combination with a Lump Sum where portions of the work dictate this approach.

The contract amount for Schedule of Rates contracts is an extrapolation of the pre-award estimate of quantities for each item by the tendered rate. Once work commences, the contract is priced using the actual work supplied/completed for each item. This may be different to the pre-award estimate.

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 were tendered under a Lump Sum arrangement.

Consultancy contracts are commonly Lump Sum based.

Of the nine reported contracts for the period five were for Construction, three were for Consultancies and one for Supply. No Service based contracts were finalised in the reporting period.

For the Construction contracts, the final cost was within the approved budget (ie approved award amount plus any contingency allowance) for three of those contracts. The remaining two Construction contracts exceeded the approved funds by 20% and 53% respectively.

Of the three Consultancy contracts, one was within the budget, the other two exceeded the approved budget by 7% and 134% respectively.

The final cost for the one Supply contract under a Schedule of Rates arrangement exceeded the approved budget estimate by 3%.

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **Finalisation of Contracts (contd)**

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The enclosure provides a list of the Significant Contracts Finalised in the period July to September 2008 and provides comments to explain the contract variation.

In the case of those contracts where the budget was not fully expended, the balance of the funds remained in the relevant operational area.

**Enclosure**

***List of Significant Contracts Finalised in the Period July to September 2008***

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**461                      Submission by Local Government Association on 2008 Local  
Government Election costs**

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F2007/01531 ED

## **SUMMARY**

Reporting on submission by the Local Government and Shires Association to the former Premier, the Hon Morris lemma, concerning the costs involved in conducting the 2008 local government election.

## **RECOMMENDATION**

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

## **BACKGROUND**

The NSW Electoral Commission policy of full cost recovery has caused concern among many Councils, including Wyong Shire, and the Local Government and Shires Association has called upon the Premier to arrange an urgent review by the Independent Pricing and Regulatory Tribunal of the costings put forward by the NSW Electoral Commission.

Correspondence has been received from the Local Government and Shires Associations of NSW on a letter forwarded to the then Premier of NSW, the Hon Morris lemma regarding the 2008 Local Government Election, cost recovery and variation of costs to each Council.

The Associations have stated in their correspondence that they have called for an independent review of the NSW Electoral Commission's estimates on the variation of costs for each Council. The Associations have also asked that the Premier refer the matter to the Independent Pricing and Regulatory Tribunal (IPaRT) for urgent review.

Attachment 1 is correspondence forwarded to the Premier of NSW.

Attachment 2 is correspondence received from the Premier in response.

***Attachment 1                      Letter from the Local Government and Shires Association of  
NSW to the Premier, the Hon Morris lemma (1 page)***

***Attachment 2                      Letter to the Local Government and Shires Association of  
NSW from the Premier, the Hon Morris lemma (2 pages)***

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Submission by Local Government Association on 2008 Local Government Election costs (Attachment 1)

Local Government  
Association of NSW



Shires Association of NSW

Our Ref: OUT -16250

16 July 2008

The Hon Morris Iemma  
Level 40, Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

CC: NSW Councils, Minister for Local Government, NSW Electoral Commission

Dear Premier

The 2008 Local Government Elections will be held in September this year and as you are aware the NSW Electoral Commission will be conducting the elections on behalf of councils based on full cost recovery.

The Associations were informed of the NSW Electoral Commission's policy of full cost recovery in June 2007 when cost indications were sent to all NSW Councils. Councils were informed that the NSW Electoral Commission had commissioned independent auditors to review the pricing structure and that the independent auditors recommended a pricing structure based on full cost recovery. The NSW Electoral Commission added an estimate of \$31m to conduct the local government elections.

Initial cost indications from the NSW Electoral Commission were markedly different from the 2004 local government elections, with some council's costs increasing by as much as 330% (Armidale-Dumaresq) and 236% (Campbelltown).

While the Associations and councils we represent understand the need for any business unit to recover costs, we are highly suspicious of how these costs can vary so dramatically.

What is also contentious is the breakdown in costs. It is questionable that returning officer accommodation in Tenterfield should cost \$9,700, IT Personnel \$28,600 in Blacktown and council visits, whatever that entails, costing anywhere between \$20 and \$1,600.

The NSW Electoral Commission met with the Associations in October 2007. The NSW Electoral Commission indicated that the first round of indicative costs sent to councils was based on \$7.14 per voter, and further to this, based upon the cost of the recent state election. This statement actually contradicted the original correspondence from the Commission in June 2007 regarding an independent audit and recommendations of the auditors for full cost recovery.

With yet another round of cost indications sent in May this year, the Associations believe that an independent review of the NSW Electoral Commission's estimated costs is necessary. The Commission holds a monopoly within the state and should be reviewed and regulated in the same way as local government bodies. It is neither right nor proper that councils be forced to simply take the commissions costings, particularly given the numerous examples of questionable estimations.

We urge you to refer this matter to the Independent Pricing and Regulatory Tribunal for urgent review.

Your considered and urgent response on this matter will be appreciated.

Yours sincerely

Cr Genia McCaffery  
President  
Local Government Association of NSW

Cr Bruce Miller  
President  
Shires Association of NSW

GPO Box 7003 Sydney NSW 2001  
L8, 28 Margaret St Sydney NSW 2000  
Tel: (02) 9242 4000 • Fax: (02) 9242 4111  
www.lgsa.org.au • lgsa@lgsa.org.au  
ABN 49 853 913 882

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## Submission by Local Government Association on 2008 Local Government Election costs (Attachment 2)



Premier of New South Wales  
Australia

Cr Genia McCaffery  
President  
Local Government Association of NSW  
GPO Box 7003  
SYDNEY NSW 2001

Cr Bruce Miller  
President  
Shires Association of NSW  
GPO Box 7003  
SYDNEY NSW 2001

13 AUG 2008

Local Government Association of NSW	
Shires Association of NSW	
13 AUG 2008	
SGU.....	CORP..... PC
POLICY.....	
WPLACE.....	NO ACTION.....
FILE No. Rob/0036	

Dear Councillors

I refer to your recent letter regarding the costs of the 2008 local government elections.

In the interests of improving transparency and achieving state-wide consistency of electoral procedures, the NSW Electoral Commission (NSWEC) will be providing councils and electors with the full range of services required to conduct the 2008 local government elections. This will ensure that local government elections are conducted to the same high standards as State and Federal elections.

I am advised that officers of the NSWEC have been visiting General Managers to discuss service levels and election arrangements so that councils have a say in the election services to be provided by the NSWEC and the associated costs. If any particular local council has concerns about specific items of cost to be charged by the NSWEC, then it is open to that council to contact the NSWEC directly to resolve the matter. Councils should write to Mr Colin Barry, Electoral Commissioner, at GPO Box 832 Sydney NSW 2001.

The Association has asked that an independent review be undertaken of the NSWEC's estimated costs. The NSWEC has advised that an independent review has, in fact, recently been undertaken. That review examined:

- Whether all relevant projects associated with the 2008 local government elections have been captured in the model, and that only relevant projects have been included;
- Whether appropriate cost drivers have been used in the model; and
- Whether charges are sufficient to recover costs.

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**Submission by Local Government Association on 2008 Local Government  
Election costs (Attachment 2)**

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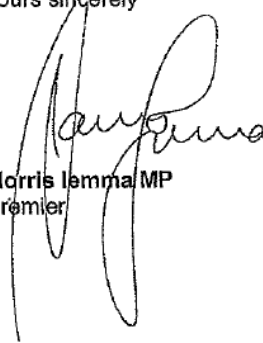
The review found there is no reason to believe that the apportionment model for costs associated with the local government elections has not fulfilled those criteria.

NSW Treasury has also agreed to allow councils in financial stress to pay their election costs over two financial years to ease the impact of the NSWEC's transition to full cost recovery.

Accordingly, I do not propose to refer the matter to the Independent Pricing and Regulatory Tribunal for review at this time.

Thank you for bringing your views on this matter to my attention.

Yours sincerely



Morris Iemma MP  
Premier

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## **462 Disclosure of Interest Returns**

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F2004/06507 F2006/02298 ED

### **SUMMARY**

In accordance with Section 449(3) of the Local Government Act, 1993 Disclosure of Interest Returns for Councillors and designated staff have been lodged with the General Manager. Section 450A(1) requires the General Manager to keep a register of the Disclosure of Interest Returns lodged. Section 450A(2) requires the Returns lodged with the General Manager to be tabled at a meeting of Council.

### **RECOMMENDATION**

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

### **BACKGROUND**

In accordance with the Local Government Act 1993, Councillors, the General Manager and designated staff are required to lodge a return by 30 September 2008.

Section 449 also specifies that the General Manager must table the returns lodged under this Section and, in accordance with this Section of the Act, the returns for the period 1 July 2007 to 30 June 2008 are tabled.

Returns have been lodged by Councillors and designated staff within the statutory period with the exception of four final returns from former Councillors. All former Councillors have been made aware of their legislative obligation in relation to the completion of the returns and governance staff are continuing to follow up the matter.

Newly elected Councillors have been requested to lodge their disclosure of interest returns by the 22 October 2008 Ordinary Meeting.



## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **463                      General Works in Progress Report**

F2004/07830   JEM

#### **SUMMARY**

General works in progress and completed works for the period July to September 2008.

#### **RECOMMENDATION**

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

#### **ROADS AND DRAINAGE SECTION OVERVIEW**

##### **Capital Works In Progress**

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	954,000	98%	Nov 2008	Upgrading of the existing gravel road (approximately 650m) to current standards including widening of road, primer seal, concrete dish drains and installation of guardrails.  All works completed other than Final Seal. Programmed completion 14/11/08
Pollock Ave - Wyong 1.050km from Kooindah Boulevard to Jenson Road Road Reconstruction	1.1M	95%	Oct 2008	Reconstruction of existing road to current standards, including widening, realignment works and associated drainage works.  All works completed other than, F/path restoration 150L/m frontage Kooinda Waters Primer Seal Ch 680 to 950 Asphalt 50mm full length Programmed completion 22/10/08

**General Works in Progress Report (contd)**

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
McLachlan Ave - Long Jetty The Entrance Road to Lindsay Street. Road and Drainage Reconstruction	1.9M	80%	Nov 2008	<p>Upgrade of existing road includes full pavement reconstruction with traffic calming devices, concrete footpath.</p> <p>Upgrade of drainage works includes new box culverts, pipes, kerb and gutter.</p> <p>All works completed other than, Add 100mm gravel Ch 290 to 445 Footpaths 155L/m Driveways (8) Splitter Islands (2) Primer Seal Asphalt 50mm Programmed completion 10/11/08</p>
Bush Street – Norah Head Road and Drainage Reconstruction	455,000	95%	Nov 2008	<p>Upgrade existing road, construct car parking bays, kerb &amp; gutter and emulsion seal from eastern side of Young Street through to the gates entry road to lighthouse.</p> <p>All works completed other than, Asphalt 50mm, roadway and car parking bays Programmed completion 4/11/08</p>
Cutler Dr Car Park Wyong Reconstruct Car Park, Treelands Preschool	\$206,000	80%	Oct 2008	<p>Upgrading existing facility. Reconstruct car park pavement including kerb and gutter, drainage, footpaths and protective fencing</p> <p>All works completed other than, Footpaths 71L/m Fencing 98L/m Primer Seal Asphalt 50mm Programmed completion 20/10/08</p>

**General Works in Progress Report (contd)****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>	Lake Munmorah Halekulani Budgewoi	Bateau Bay Tuggerah Palmdale
<b>Replacement of Damaged Foot paving</b>	Noraville Budgewoi Woongarra	Nil Toowoona Bay
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Tuggerawong Jilliby Yarramalong Buff Point	Toowoona Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	San Remo	Nil
<b>Heavy Patching</b>	Jilliby Yarramalong Dooralong Chain Valley Bay Nth	Nil Bateau Bay
<b>Table Drain Maintenance</b>	Lake Haven Mannering Park Chain Valley Bay San Remo Charmhaven Jilliby Budgewoi Toukley Lake Munmorah Gwandalan	Berkeley Vale Long Jetty Bateau Bay Killarney Vale Glennings Valley Fountaindale Wyong Tumbi Umbi Chittaway Bay
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
<b>Foot paving Construction</b>	Nil	Nil

**General Works in Progress Report (contd)**

	North	South
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Dooralong Jilliby Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace Lake Haven Toukley Chain Valley Bay South and North	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty Glenning Valley

**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

Contract No	Contract Description	Contract Status	% Completed
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 complete.  Design and tender documentation for the trunk water main connection back to Mardi Dam has been put on hold. If the 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	Part 5 approval has been sought under the provision of the new SEPP infrastructure. Detailed designs complete. Subject to receiving planning approvals, it is anticipated that tenders will be called in October, closing November. Construction is anticipated to commence in March 2009, with fields available for use in April 2010. The estimated construction cost is \$4.7M.	95

### General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
CPA 98240	Implementation of Buttonderry Waste Management Facility Entry Master plan	Development Approval for the upgrade of the entry and administration areas received March 2008. Detailed design and documentation is nearing completion to allow tenders to be called by October 2008. Pre-construction work for Stage 1 has commenced on site with completion of all works program for June 2009. Estimated contract value is \$2.7M.	66
CPA 99940	Construction of Wadalba Sports Facility	Fields are being used for winter sports. Further slit drains and sand topdressing to be completed in December 2008. Some defects still to be rectified. Estimated contract value is \$6M.	99
CPA 107166	Warnervale District Sports Fields	Some preliminary investigations and property issues only have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2
CPA 110431	Mardi Landfill Remediation – Investigations Only	Final report for the Mardi Landfill site has been completed. A consultant will be engaged to prepare a Remedial Action Plan (RAP) for the site. Remediation works on the site will be a separate future contract based on the recommendation of the RAP and completion of the detail design works. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2010-11.	25
CPA 115479	Bateau Bay Landfill Rehabilitation and Redevelopment	Work is continuing on the installation of the synthetic capping liner with all batters now being lined, top soiled and mulched. Work is continuing on construction of the site cycleways with 95% of the cycleway being completed. The new amenities building for the new AFL/Softball Oval on the southern side of the site and the extensions to the existing Pat Morley Oval amenities building are complete and work to refurbish the existing change rooms and toilets has commenced with completion by mid-October 2008. Work has commenced on the site's electrical works with all the sports floodlights being installed. It is anticipated the project will be completed by December 2008, with sports fields being available for play by April 2009 for winter sports of soccer and AFL (subject to suitable turf establishment conditions). Estimated contract value is \$15M.	70

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA 117144	Design and Construct the Toukley Reclaimed Effluent Treatment Plant Augmentation	Contract awarded to Water Treatment (Australia) Pty Limited on 29 February 2008 with completion by March 2009. Site works commenced. Electrical and mechanical designs are nearing completion. Estimated project construction cost is \$2.2M.	20
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 on 31 January 2008. Final concept designs received and reviewed. Subject to development approval being granted, construction for Stage 1 expected to commence in November 2008 and be completed by August 2009. This will be separately reported. Estimated project construction cost \$8M, with this consultancy costing \$530,000.	30
CPA 130591	Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to SMEC Australia P/L on 1 April 2008. Anticipated completion of design and tender documentation by October 2008. Construction is expected to commence January 2009 and be completed by August 2009. Estimated Project construction cost \$2M, with this consultancy costing \$265,000.	50
CPA 136486	Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	Contract awarded to Maunsell Australia P/L on 1 April 2008. Final REF and concept design report have now been received and reviewed. Anticipate completion of design and tender documentation by end of November 2008. Construction is expected to commence January 2009 and be completed by December 2009. Estimated project cost \$2.05M, with this consultancy costing \$164,000.	40
CPA 137955	Construction of Intersection Upgrade at Minnesota and Warnervale Roads	Construction work is complete. Estimated final cost \$1.6M.	100
CPA 140816	The Entrance Community Facility Stage 2 – Construction	Construction Certificate issued for building and civil works. Contractor took possession of site on 4 August 2008. Works are progressing in accordance with the construction program for completion in February 2009. Project value is \$2.5M.	10

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA 145543	Construction of Buff Point Shared Pathway	Construction complete for stage 1 from Edgewater Park to Matumba Rd – approx. 1km of total 3km of planned pathway. Contract ready for award for an additional 300 metre section east from Matumba Rd. Part 5 approval sought for Stage 2 (easternmost section). Design work continuing for steep section near Kemp Close. Estimated cost of construction \$935,000.	33
CPA 149519	Fuel spillage collection system for Charmhaven depot.	Concept and general arrangements finalised. Detail design to commence shortly. Project construction cost \$75,000.	10
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	The Deed of Agreement that will form the basis of the contract has been finalised with the contractor. However, the OH&S Schedules (forming part of the Agreement) are still under development by the parties. Council has previously resolved that the General Manager be authorised to execute any contract arising out of the acceptance of the proposal by LMS. It is expected the Agreement will be executed by both parties in October 2008, allowing works to be commenced on site. Establishment and operating expenditure will be at no cost to Council. Royalties from any carbon credits received will be paid to Council.	5
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address 5 year work program for TETC include: 1 Installation of five pedestrian ramps to lower end of The Entrance Road to be completed by end of October 2008. 2 Second batch of tile samples have been received from Ryowa, Japan. Only high friction finish is now manufactured. A report on the suitability of high friction tiles is being received prior to decision as to purchase of tiles for maintenance purposes. 4 Timber decking to sail stage has been replaced. 5 Sub-distribution boards to Memorial Oval have been fabricated and installed.	40
F2007/02014	Construction of under ground tank for oval irrigation Wadalba Community School	Construction of tank and associated drainage works have been completed. Works completed as requested by client. Contract value \$68,000.	100

**General Works in Progress Report (contd)**

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<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
F2007/01491	Construction of under ground tank for irrigation of playing fields, Wyong Hockey Centre	Construction of tank and associated drainage works have been completed. Works completed as requested by client. Contract value \$68,000.	100

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>			
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
		NIL	



**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**464 Water and Sewerage – Works in Progress**

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F2004/07830 IC:DP

**SUMMARY**

Water supply and sewerage works in progress and completed for September 2008.

**RECOMMENDATION**

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

**WATER SUPPLY**

Work has commenced on the internal cleaning of several 600mm and 825mm cement lined mild steel diameter water trunk mains.

These pipelines are the main water supply feeders to the Shire carrying an average forty million litres of water per day. The mains have a total length of approximately twenty kilometres and extend from the Mardi Water Treatment plant to Wyrabalong Reservoir in the east and the Kanwal Reservoirs in the north. Water supply mains are susceptible to the gradual internal build-up of iron and manganese sediments and slimes that are the main causes for discoloured water events. With the onset of the drought and water restrictions in 2002 the regular internal cleaning and maintenance program for these mains was curtailed to conserve water. The increase in rainfall and dam storage levels over the last twelve to eighteen months has now provided the opportunity to recommence these cleaning programs. With the coastal dams of Mardi and Mooney being able to be kept full the water used for mains cleaning does not draw down storage levels as it is water that would otherwise be flowing over the weirs and into the ocean. The work involves the insertion of large poly-urethane swabs into the mains and using water pressure to push the swabs through the mains. This procedure cleans the pipe walls removing the build up of sediment thereby improving the quality of water supplied to customers. Removal of this build-up also increases flow through the pipes thereby reducing the electricity costs of pumping the water.

The work, estimated to cost \$90,000 is being carried out by Council's Water and Sewerage day labour staff and is due for completion by mid October 2008. The work is being funded from the Water Supply Maintenance Works program.

**Water Storage**

As at the 13 October 2008 the storage in Mangrove Creek Dam was 27.3% while the total system storage was 31.4%. Mardi Dam was at 97.8% and Mooney Dam 94.2%.

**Water and Sewerage – Works in Progress (contd)**

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**SEWERAGE**

Work has commenced on the replacement of a section of gravity sewer main at Boyce Avenue, Wyong.

The work consists of the replacement of approximately 60 metres of 150mm diameter vitreous clay pipe with a 150mm uPVC pipeline complete with house service connections. The sewer main is approximately 40 years old and was found to have a number of cracked pipes along its length and was approaching the end of its economic life. The work is very difficult, being up to 3 metres in depth in water charged ground and backyards.

The work, estimated to cost \$50,000, is being carried out by Council's Water and Sewerage day labour staff and is due for completion in October 2008. The work is being funded from Council's Water and Sewerage Capital Works program.

**PROCESS****Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 September 2008 to 30 September 2008, met National Health and Medical Research Council Guidelines.

**Sewage Treatment**

The quality of all effluent discharged from the sewage treatment plants, for the period 1 September 2008 to 30 September 2008, met the Department of Environment and Climate Change (DECC) Licence requirements.

***Attachment 1 Water Storage, Water Usage and Rainfall (2 pages)***

***Enclosure Water Storage, Water Usage and Rainfall***

**Water and Sewerage – Works in Progress (contd)****Monday, 13 October 2008****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	51,788	27.3	Unchanged
Mardi Dam	7400	7,236	97.8	Down 123 ML
Mooney Dam	4600	4,334	94.2	Down 86 ML
Total	202000	63,358	31.4	Down 209 ML

**STORAGE:**

- Total stored water volume is the same as a month ago.
- This day last year the volume stored as a percentage of total capacity was 7.9% lower.

**HUNTER TRANSFERS:**

- Hunter Water Corporation supplied 0. ML last week Keeping this years supply to 84 ML.
- Gosford/Wyong supplied 0.0 ML to Hunter Water last week keeping this years supply at 80ML.

**GROUND WATER BORES:**

- Groundwater Bores supplied 3.5 ML last week increasing this years supply to 150 ML

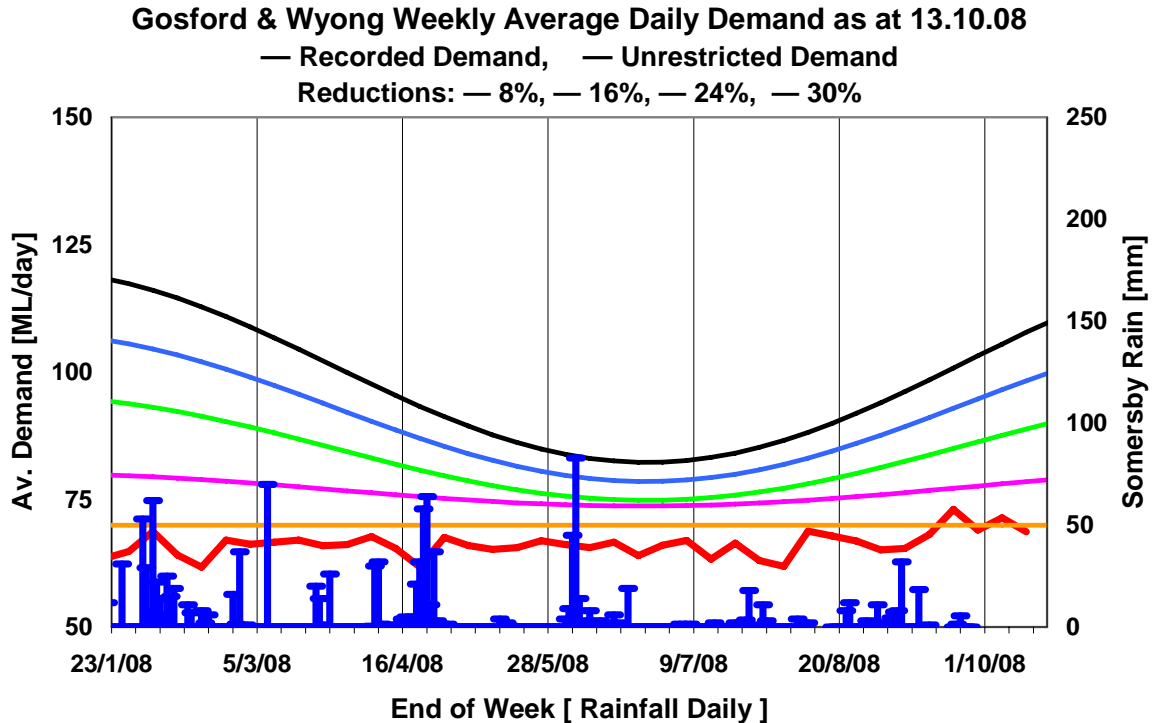
**WATER USAGE & RAINFALL**

Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	481	2	8	5
Previous week	500	13	15	21
Current week last year	465	10	12	3
This year to date	19,056	1,361	1,187	932
Same period last year	18,487	1,590	1,350	1,087

Week to date consumption was 481 ML, 3.4% more than the same week last year and 3.8% less than the previous week.

Consumption this year to date is 19,056 ML, 3.1% more than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 20 October 2008 is 490 ML

**Water and Sewerage – Works in Progress (contd)**

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

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **465                      Submission for Black Spot Funding - Intersection of Wyong Road and Old Pacific Highway, Tuggerah**

F2004/06312 JEM

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#### **SUMMARY**

Progress report on the submissions to the Black Spot Funding Program for the intersection of Wyong Road and The Pacific Highway at Tuggerah and the Cobbs Road / F3 Interchange.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

Council, at its meeting held on 8 November 2006 resolved:

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

*That following the release of the NRMA's top 100 crash sites throughout NSW and with the intersection of Wyong Road and the Old Pacific Highway Tuggerah featuring in that list, that Council:*

- 1     note the press release given on October 18 2006, urging Council to lodge an application under the Federal Government's Black Spot Program.*
- 2     make an application under the above program enclosing information (i.e. any data) that Council presently has, in addition to the NRMA information as made public recently.*
- 3     report back any advice it receives on the application by the Federal Government.”*

The Pacific Highway and Wyong Road, and associated intersection, are state roads under the responsibility of the NSW Roads and Traffic Authority (RTA). However, either the RTA or Wyong Council are eligible for funding under the Federal Blackspot Program for works in relation to this intersection. The NSW Roads and Traffic Authority administers the program in NSW and calls for funding applications in July/August each year.

Council staff undertook traffic investigations at this location and prepared a concept design and estimate based on a 'fly-over' intersection design in consultation with the RTA . This concept was submitted to the August 2007 round of funding applications. Advice was received in July 2008 that the 2007 funding application was not successful.

**Submissions for Black Spot Funding (contd)**

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Council at its meeting held on 12 March 2008 resolved:

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

- 1 That Council formally make submission to the black spot funding program for:
  - a the roundabout intersection of Wyong Road and Tuggerah Straight*
  - b The Cobbs Road/F3 Interchange.**
- 2 That Council advise the Roads and Traffic Authority (RTA) that it has taken this action because of its extreme concern of the potential for a fatality to occur at both of these locations.*
- 3 That staff report to Council relevant data to support the submission including traffic volumes and accident history.*

A further application for Black Spot funding for the Wyong Road / Pacific Highway intersection was submitted to the RTA in August 2008 for the next round of funding. An information report was submitted to Council in this regard on 28 May 2008.

Based on the high capital cost of the proposed concept (\$9M) and the accident history at the intersection, the project scored poorly with respect to the benefit cost ratio used to prioritise projects under this program. Additionally the funding arrangement has a limitation of a maximum of \$750,000 funding per project and a total allocation in 2007/2008 of \$14M throughout NSW. The RTA advised in August 2008 that this application was unsuccessful.

Staff have written to the NSW Roads and Traffic Authority requesting that the improvement works at the intersection of the Pacific Highway and Wyong Road receive priority State Road funding given concerns for future accidents and fatalities.

A further submission for funding under the Black Spot Program has been lodged for improvement works to the Cobbs Road/F3 Interchange. A response in relation to this submission has not yet been received.

Staff will continue to progress these matters with the RTA as a priority, and will keep the Council informed of progress.

## WYONG SHIRE COUNCIL

22 October 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

### **466 Outstanding Questions Without Notice and Notices of Motion**

F2008/00003 SW

#### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

#### **RECOMMENDATION**

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

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q123 - Darcy Smith Court Case  (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees  (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
326 - National Natural Disaster Funding  <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	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 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>470 – Ferry Service between Wyong and The Entrance</p> <p><i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i></p>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report on 10 December 2008.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><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></p>	Corporate Services	28 May 2008	<p>A report will be subject to future briefing session for the new Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>257– Proposal to Reconstitute the NSW Coast Council Program</p> <p><i>That Council call on the State Government to reconstitute the NSW Coastal Council to assist:</i></p> <p>1 <i>NSW coastal councils to deal with climate change and sea level rise(s) effects.</i></p> <p>2 <i>Coastal councils in updating coastal planning regulations.</i></p>	Corporate Services	11 June 2008	A report will be submitted to the 12 November 2008 Ordinary Meeting.
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	A letter has been issued to Mr G Payne, Director General, Department of Local Government (DLG).
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008	Meeting was held on 30 July 2008. Council update issued regarding outcomes. Formal report back to Council as part of adoption of The Entrance / Long Jetty strategy to be submitted to the 10 December 2008 Ordinary Meeting.



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

Notice of Motion	Department	Meeting Resolved	Status
<p>294 – Funding of Public Radiation / Oncology Service for the Central Coast</p> <p><i>That Council write to the Member for Dobell, Mr Craig Thomson.</i> <i>That Council seek the support of Gosford City Council.</i> <i>That Council write to all Local State Government Members of parliament.</i></p>	Corporate Services	25 June 2008	A response will be reported once all replies are received.
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	Shire Planning	25 June 2008	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to the new Council.
<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	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<p>319 – Proposal to Name Lot 1 DP 942380 and Lot 1 DP 663618 Corner of Church and Margaret Streets Wyong as Arthur Mollett Reserve</p> <p><i>That Council place on exhibition its proposal for Lot 1 DP 942380 and Lot 1 DP 663618 to be named the Arthur Mollett Reserve and recommend to the Geographical Names Board should no significant objections be received.</i></p>	Shire Services	9 July 2008	Submission placed on public exhibition. No objections received. Application mailed to Geographical Names Board.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>353 - Notice of Motion – Maintenance of Stormwater Treatment Devices.</p> <p><i>That staff report on the maintenance of stormwater treatment devices and cover aspects of budgets, responsibilities, asset maintenance, design construction and performance.</i></p>	Shire Services	23 July 2008	A report will be submitted to the 12 November 2008 Ordinary Meeting.
<p>354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.</p> <p><i>That Council agree, in principle, to proceed with the funding for identified projects.</i></p> <p><i>That staff seek to source grants for State or Federal Governments etc and request surf clubs to lobby for additional funding.</i></p> <p><i>That the Management Plan be amended and exhibited and a report brought back to Council following exhibition.</i></p> <p><i>That Management Plan consider expenditure of \$5,800,000 from Land Sales and developer contributions for remainder of identified works.</i></p>	Shire Services	23 July 2008	A report will be submitted to the 12 November 2008 Ordinary Meeting.
<p>383 – Notice of Motion – 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	A report will be following the workshop to be held early 2009.
<p>384 – Notice of Motion – 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	Workshop to be held early 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>385 – Notice of Motion – Clearing of Wetland Areas at Wadalba</p> <p><i>That staff provide a report back to Council with including a brief history of the agreement between developers and Council with the deemed concurrence of DECC aimed at 'streamlining' the Species Impact Statement / environmental approvals process and history of and reasons for Council apparently extending a number of DA's beyond their usual period. Also to outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to fulfil its responsibilities for a periodic review of the management plan and ensure all other parties have properly fulfilled their responsibilities.</i></p>	Shire Planning	13 August 2008	Investigations have commenced and it is intended to be reported to Council at the 10 December 2008 Ordinary Meeting.
<p>386 – Notice of Motion – Mardi Mangrove Pipeline Risk Analysis</p> <p><i>That Council provide a Risk Based Analysis of the project cost estimate to determine a range of possible cost outcomes with associated likelihood of these costs being exceeded, to enable Council to make informed decisions as to the level of risk it wishes to hold and how such costs could be funded.</i></p>	Shire Services	13 August 2008	A report will be submitted to the 19 November 2008 Joint Water Authority Meeting. The minutes of that meeting will be reported to Council at the 26 November 2008 Ordinary Meeting.

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**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

Corporate Services Department

**Answers to Questions Without Notice**

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**Q052 – Promotional Material on Kores Coal Mine on Display at Lake Haven Recreational Centre**

Asked by Councillor Eaton at the Ordinary Meeting held on 13 August 2008  
F2004/00152

*“Could Council confirm that Kores Coal Mine promotional material is on display at Lake Haven Recreational Centre despite Council’s supposed opposition to this mine?”*

The Manager of Lake Haven Recreation Centre was contacted and advised Council that there was no material of a promotional nature for Kores displayed on the notice board.

He did highlight that the notice board contained a reference to a Youth Development Program supported by Wallarah No 2 Coal Mine.

**Answers to Questions Without Notice (contd)**

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**Q053 – Printing of Council’s Annual Report**

Asked by Councillor Eaton at the Ordinary Meeting held on 13 August 2008  
F2008/01498

*“Why did Council print the Annual Report in such small print that it is difficult to read?”*

The point size for the 2008 Community Annual Report has not varied from any of the previous Community Annual Reports produced by Council over the last five years. The point size used was 8.5, primarily due to the quantity of text and the number of pages in which it must fit, but also because this is a widely accepted size, and is actually slightly bigger than the point size used in newspapers.

22 October 2008  
To the Ordinary Meeting of Council

Shire Services Department

### **Answers to Questions Without Notice (contd)**

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#### **Q054 – Liberty Playground – Staff Congratulations**

Asked by Councillor Stewart at the Ordinary Meeting held on 27 August 2008  
F2006/02238

*“Could the General Manager please pass on in writing to Council’s staff Rod Wallis, Rachael Williams, Boyd McMillan, Katherine Simmons, Mike Long, Sara Micallef, Mary Dallow and the Council Rangers congratulations for the excellent works which were undertaken in the establishment and opening of the “Liberty Playground” project?”*

A morning tea was held on 12 September 2008 at which the Director Shire Services thanked Council staff involved in this project. Staff were also provided with a letter from Council acknowledging their efforts.

**Answers to Questions Without Notice (contd)**

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**Q055 – Liberty Playground – Organisation Congratulations**

Asked by Councillor Stewart at the Ordinary Meeting held on 27 August 2008  
F2006/02238

*“Could the General Manager write to the Pop4Kids President and Committee and the Benevolent Society’s Sue Ellis and Paula Jarman congratulating them on the establishment and opening of the “Liberty Playground”?”*

Letters of congratulations have been issued to POP4Kids and Benevolent Society thanking them for their involvement in the Liberty Playground.



22 October 2008  
To the Ordinary Meeting of Council

Shire Services Department

### **Answers to Questions Without Notice (contd)**

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#### **Q057 – Child Abuse Prevention Service**

Asked by Councillor Stewart at the Ordinary Meeting held on 27 August 2008  
F2004/06157

*“Could the General Manager have staff contact the Child Abuse Prevention Service to advise what assistance can be offered regarding outstanding rates?”*

Wyong Child Abuse services have been contacted and advised that they can apply for a 50% rates rebate through the Community Benefit Grant. An application will be sent when the next round of funding opens.

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**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

**467 Notice of Motion – Wyong Performing Arts Centre**

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F2007/01780 RLG:DJE

Councillors R L Graham and D J Eaton have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 22 October 2008 they will move the following Motion:

- "1 That Council reiterate its support for the Performing Arts Centre as a priority project for achievement in the current Council term.*
- 2 That a Performing Arts Centre steering sub committee be formed, consisting of Councillor Graham, Councillor Eaton and any other interested Councillors and appropriate staff members as nominated by the General Manager.*
- 3 That the subcommittee meet monthly or as required to monitor progress on the project."*

**WYONG SHIRE COUNCIL**

22 October 2008  
To the Ordinary Meeting of Council

**468                      Notice of Motion – Warnervale Town Centre and WEZ Projects**

F2004/00535 RLG:DJE

Councillors J J McNamara and G P Best have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 22 October 2008 they will move the following Motion:

- "1    *That Council recognise the importance of the Warnervale Town Centre and WEZ projects by forming a Warnervale Development Areas Committee.*
  
- 2    *That members of the committee consist of Councillors, appropriate staff members as nominated by the General Manager and a representative of the Department of Planning and/or Premiers Office and/or Minister for the Central Coast.*
  
- 3    *That the committee meet monthly to monitor progress on rezoning, development and major projects in this area."*