



Works are underway to stabilise a section of the bank along Ourimbah Creek as part of the Tuggerah Lakes Estuary Management Plan. Ourimbah Creek is one of five tributaries that flow into the Tuggerah Lakes that are having restoration works carried out and aim to improve water quality of the Tuggerah Lakes.

# Business Paper

ORDINARY MEETING

24 February 2010



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# MEETING NOTICE

**The ORDINARY MEETING  
of Wyong Shire Council  
will be held in the Council Chamber,  
Wyong Civic Centre, Hely Street, Wyong on  
WEDNESDAY 24 FEBRUARY 2010 at 5.00 pm,  
for the transaction of the business listed below:**

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

## RECEIPT OF APOLOGIES

### 1 PROCEDURAL ITEMS

1.1	Disclosure of Interest.....	5
1.2	Proposed Inspections.....	6
1.3	Address by Invited Speakers.....	7
1.4	Confirmation of Minutes of Previous Meeting.....	8

### 2 KEY ISSUES

2.1	DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance .....	18
2.2	2009-10 Management Plan - December 2009 Quarter Review .....	29
2.3	Tuggerawong Retirement Village .....	53

### 3 PROPERTY REPORTS

3.1	Granting of Easements for Electricity Purposes over Council Land at Berkeley Vale.....	57
3.2	Classification of Land Lot 1 DP 1113258 Mataram Road, Woongarra .....	62
3.3	Proposed Easement for Electricity Purposes over Lot 41 DP 1122514 Old Maitland Road, Mardi .....	65
3.4	Acquisition of Freehold for the Mardi to Mangrove Link Project.....	68

### 4 CONTRACT REPORTS

4.1	Contract Variations and Finalisation - December 2009 and January 2010.....	72
-----	--	----

### 5 GENERAL REPORTS

5.1	Proposed Councillors' Community Improvement Grants .....	93
-----	--	----

### 6 BOARD/COMMITTEE/PANEL MEETING REPORTS

6.1	Minutes - Wyong Shire Governance Committee - 10 February 2010 .....	96
6.2	Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 February 2010 .....	103

### 7 INFORMATION REPORTS

7.1	Information Reports .....	109
7.2	Results of Water Quality Testing for Beaches and Lake Locations .....	110
7.3	Concept Planning for the Central Coast Highway through Long Jetty and The Entrance .....	114
7.4	Mardi to Mangrove Link Project Status .....	117
7.5	General Works in Progress .....	120
7.6	Activities of the Development Assessment Unit.....	133
7.7	Water and Sewerage - Works in Progress .....	139
7.8	Outstanding Questions Without Notice and Notices of Motion .....	144

**8 ANSWERS TO QUESTIONS WITHOUT NOTICE**

8.1	Q60/10 - Charitable Organisations leases of Council buildings .....	154
-----	---	-----

**9 NOTICES OF MOTION**

9.1	Notice of Motion - GOATS Family Festival.....	155
9.2	Notice of Motion - Economically and Environmentally Sustainable Living - Demonstration House.....	156
9.3	Notice of Motion - Proposed liquor outlet Norah Head and Toukley .....	157
9.4	Notice of Motion - "Cabbage Tree Bay" Coastline Management and Climate Change Discussion Paper .....	160
9.5	Notice of Motion - Sea Level Rise Notification .....	162
9.6	Notice of Motion - Wyong Freeway Connection .....	163

**10 RESCISSION MOTION**

10.1	Notice of Rescission - Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong.....	164
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**11 QUESTIONS WITHOUT NOTICE ASKED**

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

Kerry Yates  
**GENERAL MANAGER**

## **1.1 Disclosure of Interest**

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TRIM REFERENCE: F2010/00009 - D02149578

AUTHOR: SW

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

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

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

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

### **RECOMMENDATION**

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

## 1.2 Proposed Inspections

TRIM REFERENCE: F2010/00009 - D02149581

AUTHOR: SW

### SUMMARY

Inspections proposed to be held on 24 February and 3 March 2010 are listed as follows:

<i>Date of Inspection</i>	<i>Location</i>	<i>Requested By</i>
24 February 2010	Wyong Tennis Club	Councillor Best
3 March 2010	Mardi Dam	Director Shire Services
3 March 2010	Bluetongue Brewery, Warnervale	General Manager
3 March 2010	Primo Distribution Centre, Warnervale	Mayor Graham
3 March 2010	DA 1153/2009A – Dwelling (amended application) 2 Marina Street, Budgewoi	Director Shire Planning
3 March 2010	DA 204/2007 – Use of an existing industrial building for timber product, manufacturing/storage, office and amenities Lot 11, Ruttleys Road, Mannering Park	Director Shire Planning

### RECOMMENDATION

*That Council receive the report on Proposed Inspections.*

### **1.3 Address by Invited Speakers**

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TRIM REFERENCE: F2010/00009 - D02149583

AUTHOR: SW

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

## **1.4 Confirmation of Minutes of Previous Meeting**

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TRIM REFERENCE: F2010/00009 - D02149586

AUTHOR: SW

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 10 February 2010.

### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 February 2010.*

### **ATTACHMENTS**

1 Minutes - Ordinary Meeting - 10 February 2010 D02153620



**WYONG SHIRE COUNCIL****MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 10 FEBRUARY 2010  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, Director Shire Planning, Director Shire Services, Acting Director Corporate Services, Project Director, Mardi to Mangrove Project, Acting Manager Future Planning, Acting Manager Development Assessment, Team Coordinator, Land Use Planning, Executive Manager Shire Services, Manager Customer and Community Services, Manager Governance and Administration, Engineer Hydrology, Natural Resources and three Administration Staff.

The Mayor, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick read an acknowledgment of country statement and delivered the opening prayer.

**APOLOGY**

The Mayor advised that Council, at its meeting on 27 January 2010, granted leave of absence to Councillor Wynn for this meeting and the next meeting to be held on 24 February 2010 as she is currently on annual leave.

**1.1 Disclosure of Interest**

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

***That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.***

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

AGAINST: NIL

**1.2 Proposed Inspections**

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

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

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

AGAINST: NIL

**1.3 Address by Invited Speakers**

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

***That Council receive the report on Invited Speakers.***

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

AGAINST: NIL

**1.4 Confirmation of Minutes of Previous Meeting**

---

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 January 2010.***

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

AGAINST: NIL

**Business Arising**

Councillor Best raised a query regarding Item 10.1 Notice of Rescission – Draft Climate Change Policy which was discussed at the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee at its meeting on 4 February 2010 and requested clarification on comments made by the DECCW representative at that meeting. The Mayor advised that he would arrange to supply a transcript of this portion of the meeting to all Councillors.

## 2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding

---

Councillor Vincent left the chamber at 5.10 pm and returned to the chamber at 5.11 pm during consideration of this item.

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

- 1 That Council note the revised concept for the Porters Creek Stormwater Harvesting scheme and receive a further report on issues including subsidence, contributions and timings.
- 2 That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.
- 3 That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.

*An AMENDMENT was MOVED by Councillor SYMINGTON and seconded by Councillor VINCENT:*

- 1 That Council approve the revised concept for the Porters Creek Stormwater Harvesting scheme.
- 2 That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.
- 3 That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.

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

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

***The AMENDMENT became the MOTION***

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

- 1 That Council **approve** the revised concept for the Porters Creek Stormwater Harvesting scheme.
- 2 That Council **relinquish** the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.
- 3 That Council **pursue** Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

## **2.2 Extension of Alcohol Free Zone - Wyong**

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

- 1 That Council **propose** the extension of an Alcohol Free Zone in Wyong until 30 June 2013 at the following location:  
  

**Wyong: Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Courts, Peters Lane, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison Road to Anzac Avenue.**
- 2 That Council **complete** the required public consultation process and **advise** the NSW Anti-Discrimination Board of the proposal.
- 3 That Council **determine** the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.

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

AGAINST: NIL

**2.3 Minutes of the Senior Citizens' Council Meeting - 26 November 2009**

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

- 1 That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 26 November 2009 and adopt the recommendations contained therein.**
- 2 That Council accept the Senior Citizens' Council nomination of Juliet Axford as the proposed delegate and Bruce Kirkness as the alternate delegate for inclusion on the Performing Arts Centre Committee.**

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

AGAINST: NIL

**2.4 Conference attendance**

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

- 1 That Council authorise interested Councillors to attend the Local Climate Local Change Conference 2010.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

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

AGAINST: NIL

**2.5 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$3,418.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**3.1 Integrated Planning and Reporting Framework - Council Group Nomination**

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

**That Council nominate for "Group 2" for phasing in of the new planning and reporting legislation.**

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

AGAINST: NIL

**4.1 Information Reports**

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

**That with the exception of report number 4.2 Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

**4.2 Mardi to Mangrove Link Project Status**

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

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

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

AGAINST: NIL

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**4.3 Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors**

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

***That Council receive the report on Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors.***

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

AGAINST: NIL

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**4.4 Investments for December 2009**

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

***That Council receive the report on Investments for December 2009.***

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

AGAINST: NIL

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

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

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

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

AGAINST: NIL

**5.1 Notice of Motion - Planning Disputes Mediation Process Trial**

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Councillor Best left the chamber at 5.45 pm and returned to the chamber at 5.47 pm during consideration of this item.

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

- 1 **That Council recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.**
- 2 **That Council receive a report on the establishment of a Mediation process. The report should include the following:**
  - a **A review of “best practice” mediation committees / mediation processes operating elsewhere.**
  - b **A review of practices / procedures / committees operating in adjoining Councils.**
  - c **The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.**

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

AGAINST: NIL

**5.2 Notice of Motion - Elected Council Independent Legal Advisor**

---

Councillor Matthews left the chamber at 6.15 pm and returned to the chamber at 6.17 pm and as a result took no part in voting

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

- 1 **That Council invite tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.**
- 2 **That Council receive quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought.**

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

AGAINST: NIL



**5.3 Notice of Motion - Warnervale Airport and Associated Lands**

---

Councillor Matthews returned to the chamber at 6.17 pm during consideration of this item

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

***That staff report to Council generally on the history and legal status of the Warnervale airport including the impact of the Warnervale Airport Restrictions Act.***

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

AGAINST: NIL

**QUESTIONS WITHOUT NOTICE**

**Q63/10 Schedule of Joint Meetings between Wyong and Gosford Councils for 2010**  
**Councillor Doug Eaton**  
F2004/13176

*“Can I be advised when the next Joint Council Meeting is proposed and indeed the second meeting for 2010?”*

**Q64/10 Parking Code Review**  
**Councillor Doug Eaton**  
F2008/02357

*“Can staff advise if the Parking Code Development Control Plan Chapter is scheduled for review in the near future?”*

**Q65/10 Old Warnervale Public School**  
**Councillor John McNamara**  
F2004/07419

*“Could staff ask the Department of Education how long it will take to demolish the buildings gutted by fire at the old Warnervale Public School?”*

**THE MEETING** closed at 6.27 pm.

## 2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance

TRIM REFERENCE: DA/1301/2009 - D02142467

AUTHOR: KOM

### SUMMARY

An application has been received for the use of The Entrance Memorial Park for the expansion of The Entrance Markets, previously approved to operate within the Waterfront Mall. The markets would operate on the first and third Saturday of each month and will run in conjunction with the existing markets. The proposed development also includes a bicycle hire business adjacent to Memorial Park which would operate on weekends and school holidays. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	The Entrance Town Centre Management Incorporated
<b>Owner</b>	Wyong Shire Council
<b>Application No</b>	1301/2009
<b>Description of Land</b>	Lot 7040 DP 1030784 (46) Marine Parade, The Entrance
<b>Proposed Development</b>	Markets and Bicycle Hire Business
<b>Site Area</b>	Approximately 1.77ha
<b>Zoning</b>	6(a) Open Space and Recreation
<b>Existing Use</b>	Recreation Area
<b>Estimated Value</b>	N/A

### RECOMMENDATION

- 1 That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 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 Council advise those who made written submissions of its decision.**

### PRECIS

- The proposed development is for the expansion of the existing "Entrance Markets" to within The Entrance Memorial Park and for a bicycle hire facility adjacent to the park.
- The proposed development is consistent with the objectives of the 6(a) Open Space and Recreation Zone pursuant to the provisions of Wyong Local Environmental Plan 1991 (WLEP) and is permissible with the consent of Council.

**2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance (contd)**

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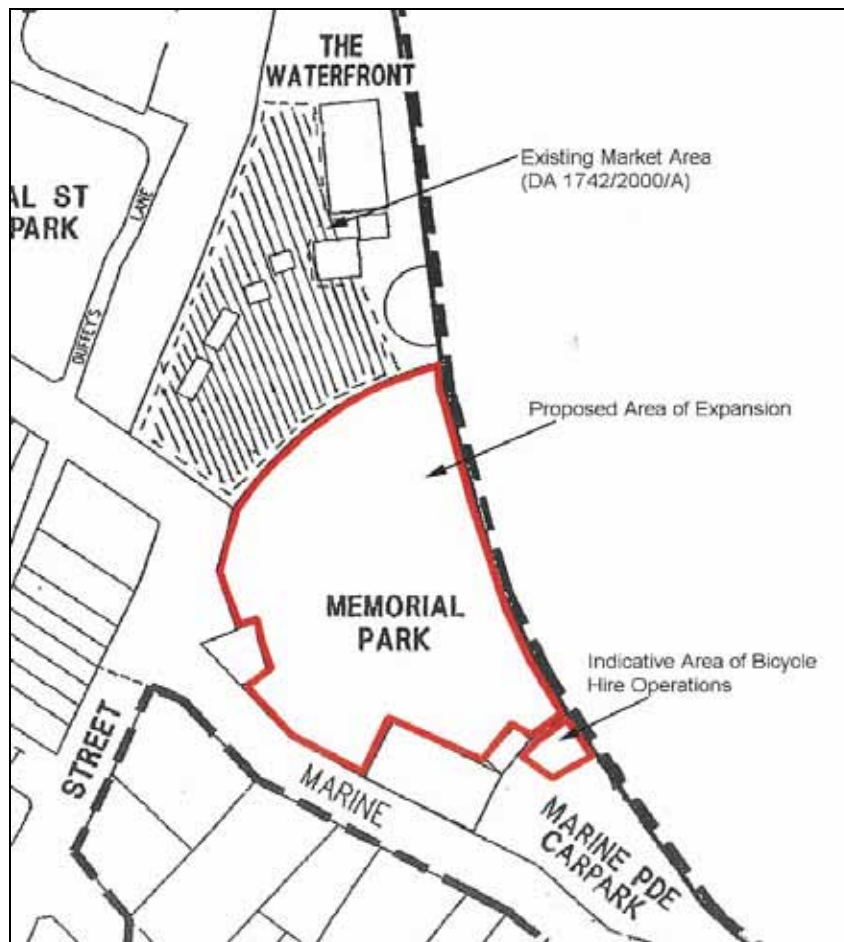
- In accordance with Development Control Plan 2005 (DCP 2005) Chapter 70 – *Notification of Development*, the proposal was publicly advertised, with two submissions being received, of which one submission includes a petition.

**INTRODUCTION**

**The Site**

The subject site is located at The Entrance Memorial Park, Marine Parade, and The Entrance. The site is irregular in shape and is bounded by Tuggerah Lake, to the north and east, Marine Parade to the south and The Entrance Road to the west.

The subject site is a grassed and paved area known as The Entrance Memorial Park and also contains a stage, children's playground and public facilities. The site slopes down from The Entrance Road and Marine Parade intersection to become level over a majority of the site. The site is landscaped around the perimeter, with the central areas being grassed. The site of the proposed markets is a Crown Reserve used for public recreation with a number of community events being held on the site each year.



### **The Proposed Development**

The proposed development is for the use of The Entrance Memorial Park for the operation of The Entrance Markets. The markets are proposed to operate on the first and third Saturday of each month between 8am and 1pm. No structures are proposed to be built to accommodate the markets; instead each stall will set up on the morning of the markets and will only include temporary structures which will be removed at the end of each market day. The area of the proposed markets is approximately 10,000m<sup>2</sup>.

The proposed development also includes the creation of a bicycle hire facility adjacent to the Memorial Park. The facility will provide for the hire of bicycles to members of the public and will operate on weekends and during school holidays. No permanent structures are proposed as part of the hire facility.

### **Summary**

Both activities are considered consistent with The Entrance Peninsula Planning Strategy (TEPPS). The proposed location of the bicycle hire business is however considered inappropriate in regards to the potential safety risks to pedestrians and cyclists due to location of the hire facility within the car park and the conflicts that may occur between pedestrians and cyclists as the cyclists make their way to local cycleway. As such, it is proposed that that the facility be relocated to the northern end of the park area adjacent to the existing cycleway path surrounding Tuggerah Lake. The safety issues have been discussed with the applicant, who has agreed to the relocation of the facility, and as such the consent would therefore be conditioned to require the relocation of the facility to the northern end of the park, with the final location to be determined in consultation with Council's Senior Transportation Engineer.

With respect to the Memorial Park Plan of Management (PoM), the proposed markets are considered to be consistent with its objectives and requirements. The PoM does identify the potential for markets within Memorial Park and also encourages the use of the park area for community events. The markets as proposed will clearly operate as a community event and will attract members of the community from both The Entrance and beyond.

### **VARIATIONS TO POLICIES**

Nil

### **HISTORY**

The Entrance Markets were originally approved on the site in August 2000 under Development Consent No 1742/2000. The original approval for the markets was confined to within the pedestrian mall area based on a six month trial period. At the completion of the six month trial an amended application was submitted and subsequently approved in April 2001.

## 2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance (contd)

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The amended application removed the six month trial condition and replaced it with a condition requiring the operators of the markets to submit to Council six-monthly reports listing the types of stalls at the markets. The reports were to demonstrate that all goods sold at the markets were produced by the stallholders and were not in direct competition with the existing commercial operators in the vicinity.

The area taken up by the markets has recently expanded to include the area of The Entrance Memorial Park. This area was never approved for the operation of the markets under the original consent and as such the current application has been lodged to enable the legal expansion of the markets into the Memorial Park area.

### PERMISSIBILITY

The subject site is zoned 6(a) Open Space and Recreation under the WLEP 1991. The objectives of the 6(a) zone are as follows:

- “(a) To provide for the open space and recreation needs of the local community and visitors, and*
- (b) to allow for other leisure and recreation-orientated development, or any other use that is authorised by a plan of management adopted under section 40 of the Local Government Act 1993, which:*
  - (i) promotes worthwhile community benefits, and*
  - (ii) Would not reduce the amount and distribution of public open space areas below acceptable levels and standards which meet the needs of the community, and*
  - (iii) Would not have an unacceptable impact on the amenity of adjacent areas, and*
  - (iv) Would not have an adverse effect on water catchments, water quality, land surface conditions and important ecosystems such as Tuggerah Lakes, Lake Macquarie, streams, estuaries and wetlands.”*

The proposed development is for the use of the Memorial Park reserve for community markets and a bicycle hire facility. Both proposals are considered to provide a benefit to the community by providing access to locally produced products and recreational resources respectively. The proposed uses are unlikely to detrimentally impact upon the amount of open space area available to the community. Given the temporary uses proposed, the reserve would remain available to the public for the majority of the time.

Given the scale and type of markets proposed they are unlikely to impact upon the amenity of the local area and would have no adverse effect on water catchments, water quality or the like. The proposal is therefore considered to be consistent with the objectives of the zone.

The 6(a) zone allows for a variety of development with no forms specifically excluded. Given the proposed uses are consistent with the objectives of the zone the proposed development is considered to be permissible within the 6(a) zone.

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

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

- Wyong Local Environmental Plan 1991 (Wyong LEP 1991)
- State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)
- Development Control Plan 2005, Chapter 14 – Tree Management (Chapter 14)
- Development Control Plan 2005, Chapter 50 – Advertising Signs (Chapter 50)
- Development Control Plan 2005, Chapter 60 – The Entrance Town Centre (Chapter 60)
- Development Control Plan 2005, Chapter 61 – Carparking (Chapter 61)
- The Entrance Peninsula Planning Strategy

## **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

## **ASSESSMENT**

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

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

### ***The Entrance Peninsula Planning Strategy (TEPPS)***

The site is situated within the precincts of TEPPS which sets the future direction for The Entrance Peninsula. The site is located within Precinct 3 which includes the area from Picnic Point to the Memorial Park Tourist District. Precinct 3 is defined as a waterfront holiday, tourist and recreation destination of relatively high density, accommodating high quality retail, commercial, cultural, recreational and entertainment development/use, supported by medium to high density permanent and tourist residential development.

The precinct will offer a large variety of high quality facilities, attractions and activities (primarily relating to open space, active and passive recreation, leisure, culture and entertainment) for residents, visitors, families and people of all ages and abilities, being located beside, and having twenty-four hour access to, the foreshores of Tuggerah Lake and The Entrance Channel.

## 2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance (contd)

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The strategies and recommendations for the area include the continuation and improvement of the weekend markets as well as, concerts and events in the Memorial Park/Waterfront Mall. The strategy also looks at investigating the provision of a greater variety of additional attractions and activities in The Entrance Town Centre to cater for all age groups, including:

- Growers markets.
- Ecotourism activities, physical fitness activities and the like.
- Weekend markets.

The proposed development is therefore considered to be compatible with the strategy which promotes the type of activities that are proposed under the current application.

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

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

The existing markets were approved to operate within the pedestrian mall section of The Entrance Road. The mall section is closed to traffic and generally comprises of cafes, restaurants and tourist orientated shops located on the ground floor of multi storey developments. The Entrance Town Centre generally consists of one and two storey commercial developments, mainly selling clothing and tourist related items.

The area proposed for the extension of the markets and bicycle hire facility is located to the south east of the pedestrian mall. The site is a large grassed area which adjoins the waterfront, Marine Parade, pedestrian mall and the public carpark. The area of the markets is used for a number of community events throughout the year. Given the surrounding uses within the area and the existing uses of the site, the proposed development is considered to be in keeping with the local context of the area.

#### ***The access, transport and traffic management measures***

The proposed development would utilise the existing parking and traffic operations within The Entrance Town Centre. Parking is available within the existing carpark adjacent to the Memorial Park and also within the nearby Council carparks. Street parking is also available within the area. The proposed markets may lead to an increase in traffic within the area however it is considered that the local road network will be able to accommodate potential traffic increases.

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

The proposal involves the use of an area of public open space within The Entrance Town Centre. The proposed markets will operate on the first and third Saturday of each month, whilst the bicycle hire facility will only utilise a small portion of the public area. The impact on the use of the public area will therefore be minimal and will still allow the area to be available for public recreation.

#### ***The impact on utilities supply.***

The proposed markets and bicycle hire facility will not require the provision of additional services to be provided. Public facilities within the Memorial Park and surrounds are available for use by utilised by patrons attending the markets or hiring bicycles.

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

The site is currently identified as containing potential Category 3 Acid Sulphate Soils. The proposed uses on the site will not involve the disturbance of any soils and as such no acid sulphate soil management plan is required to be prepared.

***Any effect on the flora and fauna.***

The proposed markets and bicycle hire business are unlikely to impact upon any flora or fauna within the local area. The development is to be conditioned to ensure that tree protection measures are put in place prior to each event as required.

***Whether the development will cause noise and vibration.***

The proposed uses for the site are unlikely to result in any significant increases in noise within the local area. The markets have been operating within the area for a number of years with no issues previously arising relating to noise impact. The proposed markets will increase in size however will not be located any closer to existing residential development and the hours of operation are not proposed to increase from that currently being undertaken. The bicycle hire facility will be a small scale commercial operation condition on weekends and during school holidays. Given the type of development proposed it is unlikely that the use will create any noise impact within the locality.

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

The site is currently identified as being predominantly flood affected. However, both the markets and bicycle hire business are temporary activities that do not involve the construction of any permanent structures and would not be conducted during a flood event.

***Any economic impact in the locality.***

The proposed markets and bicycle hire facility have the potential to provide a positive impact on the economy within the local area. The markets have historically been a "draw card" for the area attracting large crowds when operating. Visitors to the markets are then likely to visit other retail outlets within the locality, leading to economic benefits for retail outlets in The Entrance Town Centre.

Some concerns have been raised by a small number of existing retailers within The Entrance in regard to a potential negative impact on their business as a result of the markets. It is acknowledged that in a small number of instances individual businesses may be affected by direct competition from market stalls selling similar products. However it is considered that the positive economic and tourist benefits of the markets to The Entrance as a whole outweigh these concerns.

The bicycle hire facility also creates the potential to provide economic benefits to cafes and other commercial developments within the locality.



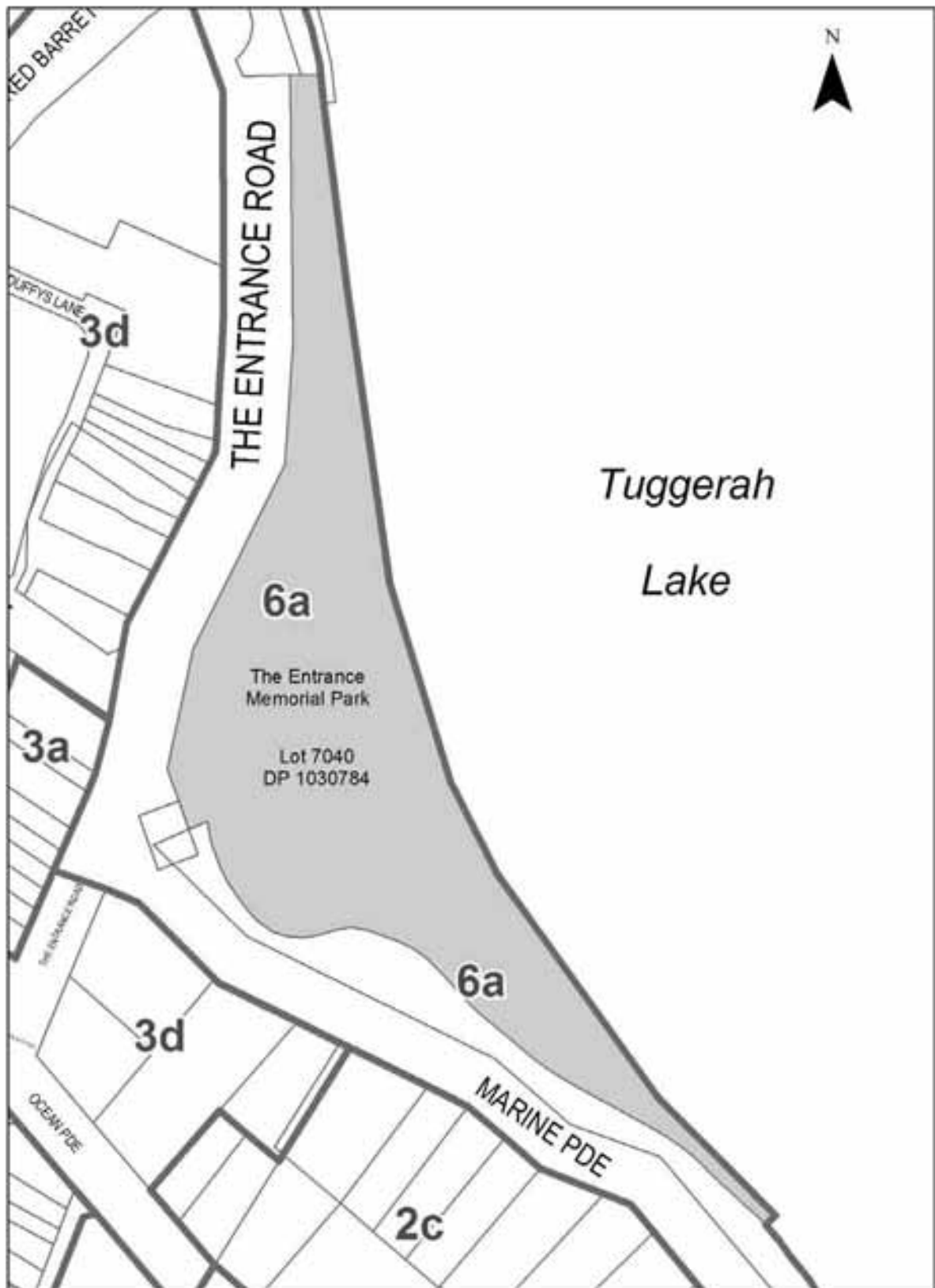
**THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):*****Whether the proposal fits in the locality.***

The Entrance Markets have been operating for almost ten years. The market expansion and bicycle hire facility are considered to be tourist based uses that are consistent with the theme of the locality.

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

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with two submissions being received, one submission containing a petition with 41 signatures. The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979. A summary of the submissions is detailed in the table below.

<b>Doc. No</b>	<b>Summary of Issues</b>	<b>Response</b>
D02097574	<ul style="list-style-type: none"> <li>The stallholders have been selling commercial product and as such are in direct competition with existing businesses in The Entrance Town Centre.</li> <li>The markets are operating outside of their approved area.</li> </ul>	<ul style="list-style-type: none"> <li>The Entrance Markets are considered to provide an economic benefit to existing retailers within The Entrance Town Centre which would not be achieved if the markets were to be restricted in regards to the types of products that are available for purchase at the markets.</li> <li>The current application is to expand the area of operation of the markets and will ensure they are operating within an approved area.</li> </ul>
D02104026	<ul style="list-style-type: none"> <li>The potential relocation of the markets to Salt Water Creek is not an option which is supported by the shop keeper's within The Entrance Town Centre.</li> </ul>	<ul style="list-style-type: none"> <li>The relocation of the markets, as suggested in a survey undertaken by The Entrance Town Centre Management, would be subject to a separate application which would be assessed on its merits but does not form part of the current application.</li> </ul>

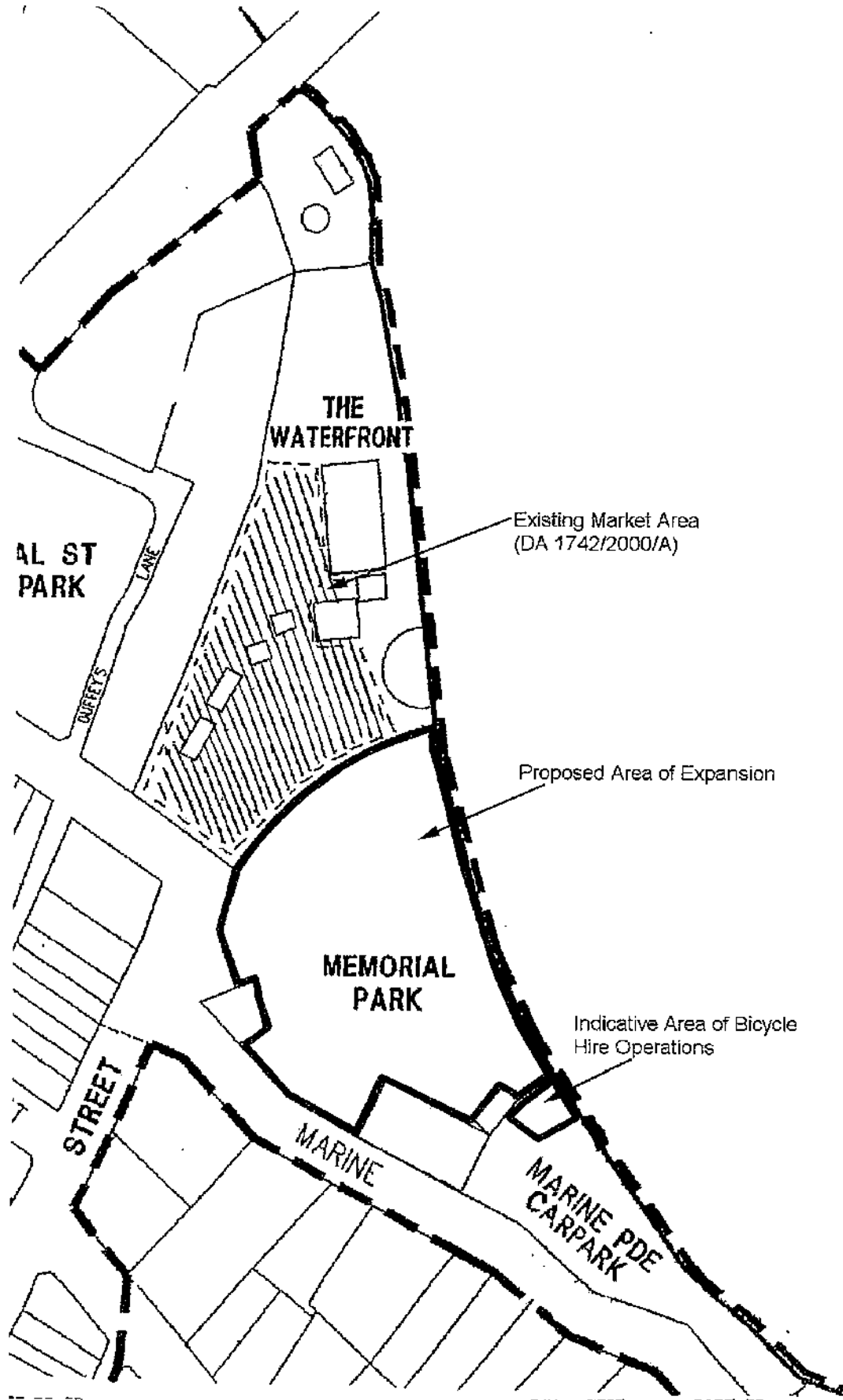


**CONCLUSION**

The proposed development is for the expansion of previously approved markets and the provision of a bicycle hire facility. The proposed uses are considered to be suitable for the site and compatible with the future vision for the area. The proposal has been assessed against the relevant policies and guidelines and has been found to be compliant with the requirements. The proposed development is therefore recommended for approval subject to suitable conditions of consent.

**ATTACHMENTS**

- 1 Site Plan D02145521



## **2.2 2009-10 Management Plan - December 2009 Quarter Review**

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TRIM REFERENCE: f2004/07006 - D02147697

AUTHOR: BR

### **SUMMARY**

Quarterly report on progress against Council's 2009-10 Management Plan.

### **RECOMMENDATION**

- 1 That Council receive the report 2009-10 Management Plan – December 2009 Quarter Review.**
- 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.**

### **BACKGROUND**

#### **HIGHLIGHTS OF THE QUARTER**

##### **Federal Infrastructure Grants Projects completed and opened**

Official openings of the five Council projects constructed as part of the Federal Government's Local Infrastructure Grants Program took place in October and November. The five projects were: Canton Beach Playground; Mannering Park shared pathway; Buff Point shared pathway; additional netball courts at Baker Park and a special amenities block at Saltwater Creek Park.

Each of the projects was funded by an overall grant of \$1.53 million from the Federal Government. Council allocated \$560,000 of the grant for the design and construction of a unique playground located on Belbowrie St at Canton Beach, Toukley. It was designed in consultation with Guide Dogs Australia, local community groups, businesses, senior citizens and the area's youth.

Six new netball courts at Baker Park were officially opened in early December, with Council allocating \$400,000 towards the construction of the courts. The number of courts available at Baker Park has now jumped to 30 and this will allow the local Wyong District Netball Association to bid for, and hopefully host, the State Netball Championships at some time in the future.

### **Adoption of the Baker Park and Active River Foreshore Masterplans**

Council adopted the Baker Park and Active River Foreshore Masterplans in late September 2009. The masterplans cover land surrounding the Baker Park sporting precinct and also the land in the vicinity of River Road at Wyong. Preparation of the masterplans was one of the key recommendations of the Wyong Tuggerah Planning Strategy. They provide a long term strategic direction for the future development of the area including a land use plan based on opportunities and constraints. The adopted masterplans will now inform the preparation of draft Local Environmental Plans for each of the areas.

### **Adoption of the Recreation Facilities Strategy**

Council adopted the Wyong Shire Recreation Facilities Strategy in October 2009. In addition to adopting the strategy, Council resolved to review the strategy in two years and also to consider the strategic actions from the Strategy for inclusion in its Delivery Program. The strategy was prepared following extensive general and targeted consultation with stakeholders, the general public, staff and Councillors commencing in 2005. Since the adoption of the Strategy, staff have been working on incorporating the strategic actions into other relevant strategies, such as the draft Wyong Shire Settlement Strategy and also into future work programmes.

### **Wyong Shire Cultural Centre Design**

At a meeting held in December 2009, Council accepted a tender for the design of the Wyong Shire Cultural Centre. The successful tenderer was TZG Architects who have previously carried out works on other high profile Arts and Cultural Centres including the Eveleigh Contemporary Performing Arts Centre and the Casula Powerhouse Regional Arts Centre. The design is expected to be completed in July 2011 although concept designs will be completed in April 2010 to enable Council to prepare and submit a development application for the centre with a view to obtaining a consent before the end of 2010.

### **Upgrades works at Buttonderry Waste Management Facility**

Council unveiled \$2.6 million of upgrade works at its Buttonderry Waste Management Facility in November. The works took place from March that year and include a new transfer station; office and education centre; widening of the incoming access road to the weighbridge and a new staff and visitor carpark. The new site office building is equipped with a Waste and Recycling Education Centre which will be used to educate the community, school groups and staff on waste management and recycling.

Council has also started the construction of a new cell. This involves excavating about 250,000 cubic metres of rock and soil. The new cell is due for completion in June 2010. The design and construction of the new cell will cost about \$4.5 million.

### **Upgrades works at Norah Head Holiday Park**

Just in time for the holiday season, Council officially opened a new swimming pool at the Norah Head Holiday Park in November. The new pool at Norah Head includes a one metre wading pool and a spray pad with aquatic features imported from North America. The pool complements other recent improvements to the Park including a bunkhouse building, pool toilets, park landscaping and completion of the camp kitchen.

### Local Sustainability Award in LGSA Excellence

In December 2009 Wyong Council was the C Division & Overall Category Winner for Local Sustainability at the Local Government & Shires' Association Excellence in the Environment Awards. This award nomination showcases the significant steps in achieving sustainability in the organisation during the 2008-09 financial year as part of the Sustainability in Wyong Shire Project and our ongoing sustainability journey.

### KEY FOCUS AREAS

The following is a summary of the progress on each of Council's Key Focus areas.

<i>Reference</i>	<i>Current Status</i>
1 Wyong Shire Cultural Centre.	<ul style="list-style-type: none"> <li>• It is estimated that the Performing Arts Centre could be designed and constructed over five years, ie opening in mid-2014, subject to funding.</li> <li>• During the June 2009 quarter, Council resolved to proceed to Stage 2 of the project on the Wyong Memorial Hall site including development of DA sketch designs which would include options for staged construction with the first stage not exceeding \$15m.</li> <li>• Council accepted a tender from TZG Architects in December 2009 to prepare sketch design and documentation for the centre.</li> <li>• Discussions at a senior staff level have occurred with Gosford City Council to develop a Regional Cultural Strategy.</li> </ul>
2 Sports Grounds - Construct sports grounds at Warnervale-Wadalba.	<ul style="list-style-type: none"> <li>• The contract for the construction of the Woongarra Sports Facility was awarded in April 2009. Works commenced in May 2009 and are proceeding satisfactorily after significant wet weather delays in June and July. Approximately 70% of the sportsfield turf was laid by Christmas 2009. Completion of the sportsfields for the start of the Winter sports season in April 2010 will depend upon completion of the laying of the turf and how well it has established.</li> <li>• Progress on detailed investigations and design for the Warnervale District Fields (off Virginia Road) still depends upon resolution of issues with the Warnervale Town Centre.</li> <li>• Designs for the Hamlyn Terrace Sportsfields in Minnesota Road are now complete and the necessary approvals have been obtained. Tenders for the construction of the works close in February 2010.</li> </ul>
3 Shared Pathways – Extend the shared pathway system.	<ul style="list-style-type: none"> <li>• Pathways at Mannering Park and Buff Point funded under the Federal Government's Infrastructure Grant Program were completed in September 2009.</li> <li>• Design work is being undertaken for a further section of shared pathway.</li> <li>• Work on the North Entrance shared pathway is continuing in 2009-10. Construction to the southern boundary of Wyrribalong national Park will be undertaken in the first half of 2010.</li> </ul>

Reference	Current Status
<p>4 Warnervale town centre - Complete the Warnervale town centre – including construction of a Recreation &amp; Aquatic Centre.</p>	<p><b>New Railway Station/Interchange at Warnervale</b></p> <ul style="list-style-type: none"> <li>• The Department of Environment, Climate Change and Water (DECCW) originally refused to give concurrence to the development application (DA) for the new railway station at Warnervale Town Centre due to the issue of the impact on the Heath Wrinklewort (Wyong Daisy).</li> <li>• In February 2009 DECCW advised Council that it would be willing to provide concurrence subject to the establishment and maintenance of a Wyong Daisy Conservation Reserve.</li> <li>• Council is awaiting a Plan of Management from RailCorp and until this occurs, and concurrence is issued by DECCW, Council is unable to approve the railway station. Whilst the timing of this project is unclear, RailCorp representatives have indicated to Council that construction of the Railway Station will commence in 2013 and that the Railway Station will be operating by the end of 2014.</li> </ul> <p><b>Warnervale Town Centre Masterplan</b></p> <ul style="list-style-type: none"> <li>• In December 2009 Landcom agreed to manage detailed survey works to assist in determining the final design and cost of the road.</li> <li>• Council remains concerned that there are a number of unresolved issues that are having significant implications on any further planning and development of the Warnervale town centre including: <ul style="list-style-type: none"> <li>○ State Infrastructure Contributions</li> <li>○ Section 94 Contributions Plan</li> <li>○ Biodiversity Certification</li> <li>○ Fast-tracking of community facilities</li> <li>○ Railway Station</li> </ul> </li> </ul>
<p>5 Employment projects - Implement employment generating projects.</p>	<p><b>Wyong Employment Zone</b></p> <ul style="list-style-type: none"> <li>• In late January 2009 the Department of Planning asked Council to review its Contribution Plan for the WEZ with a view to reducing contributions by 20-30%.</li> <li>• Council has reviewed all costs in the draft Contributions Plan however, there is little scope to reduce these any further.</li> <li>• At the same time, the State Government imposed a new State Infrastructure Contribution of \$91,000 per hectare on the WEZ.</li> <li>• DECCW is withholding biodiversity certification for the project pending the required legislative change.</li> <li>• A draft Plan of Management has been prepared for conservation areas within the WEZ, but this cannot be finalised until DECCW provides guidance on what changes (if any) are needed to obtain biodiversity certification.</li> </ul>
	<p><b>Precinct 14</b></p> <ul style="list-style-type: none"> <li>• Precinct 14 is located on the western side of the freeway and north of Sparks Road. The development is subject to an application under Part 3A to the Minister for Planning for an industrial subdivision of</li> </ul>



Reference	Current Status
	<p>the site.</p> <ul style="list-style-type: none"> <li>A draft Voluntary Planning Agreement has been reviewed by Council staff and, pending the proponent's agreement, the VPA will be publicly exhibited.</li> </ul> <p><b>Retail Strategy</b></p> <ul style="list-style-type: none"> <li>Council's revised Retail Strategy was adopted in December 2007.</li> </ul>
<p>6 Town Centre Strategies - Complete Stage I of the town centre strategies at The Entrance, Toukley, Warnervale and Wyong/Tuggerah.</p>	<p><b>Wyong/Tuggerah</b></p> <ul style="list-style-type: none"> <li>Council adopted the Wyong/Tuggerah Planning Strategy in October 2007. The recommendations of the Strategy included the completion of masterplanning for both Baker Park and also Active River Foreshore. The masterplans for these precincts were adopted by Council in September 2009.</li> <li>Council is preparing a draft LEP Amendment (No. 178) for the Wyong Town Centre that will facilitate residential and commercial densities within the town centre.</li> <li>Tuggerah Town Centre was declared a State Significant Site in early 2009. Council staff have been assisting the Department of Planning in preparing the Tuggerah Town Centre State Significant Site Study.</li> </ul> <p><b>The Entrance</b></p> <ul style="list-style-type: none"> <li>The Entrance Peninsula Planning Strategy was adopted by Council in July 2009.</li> <li>The required project management documentation for masterplanning of The Entrance Town Centre has been prepared and approved. All stakeholders will soon be sent correspondence inviting them to participate in this master planning project.</li> <li>The project management documentation for master planning of Long Jetty Village Centre and The Entrance North Waterfront Area is currently being finalised</li> </ul> <p><b>Toukley</b></p> <ul style="list-style-type: none"> <li>A review and revision of the March 2006 version of the Toukley Planning Strategy has been completed considering factors including public submissions, WaterPlan 2050, the final version of the Central Coast Regional Strategy and the Toukley Economic Viability Study.</li> <li>The Strategy was presented to Council in October 2009. Amendments relating to the Peel Street Precinct are being incorporated into the final document prior to it being placed on public exhibition early in 2010. It is expected that the final version will be reported to Council for adoption in the second quarter of 2010 with implementation of the key recommendations to follow.</li> </ul> <p><b>Ourimbah</b></p> <ul style="list-style-type: none"> <li>Work on the Ourimbah Town Centre Strategy has been deferred pending resolution of issues relating to the RTA upgrade of the Pacific Highway, sporting field upgrades, the Ourimbah Sawmill</li> </ul>

Reference	Current Status
	review and Ourimbah Campus masterplanning.
7 The Entrance town centre - Complete The Entrance town centre upgrade.	<ul style="list-style-type: none"> <li>This Key Focus Area was finalised in 2007.</li> </ul>
8 Estuary Management Plan (EMP) - Adopt, seek funding for and implement the Estuary Management Plan.	<ul style="list-style-type: none"> <li>The Estuary Management Implementation Plan is on track and achieving significant results for the protection of the Tuggerah Lakes.</li> <li>Significant saltmarsh rehabilitation works at Long Jetty and Berkeley Vale commenced in November 2009 to assist in the breakdown of wrack along the foreshore preventing the build up of black ooze.</li> <li>Stormwater treatment works have commenced at Charmhaven. These works will significantly reduce the loads of sediments and nutrients entering the lakes system.</li> </ul>
9 Pacific Highway - Lobby for funding for the Pacific Hwy between Tuggerah and North Wyong.	<p><b>Tuggerah</b></p> <ul style="list-style-type: none"> <li>The tender for construction of Stage 2 (Mildon Road to Johnson Road) was awarded to Nace Constructions. Stage 2 construction commenced in April 2008 and was fully opened to traffic in October 2009.</li> <li>The RTA has agreed that the Pacific Highway/Wyong Road intersection is strategically important. However, there remains no commitment from the RTA for improvements to this intersection. The State Government has allocated \$1m in 2009-10 to start planning for the intersection improvements.</li> </ul> <p><b>Wyong</b></p> <ul style="list-style-type: none"> <li>The first round of concept plans for the redevelopment of the Pacific Highway through Wyong was exhibited in November 2006.</li> <li>The RTA waiting on traffic modeling being carried out by the Department of Planning for the proposed Westfield and other Tuggerah developments to determine the impacts that this will have on Pacific Hwy traffic through Wyong township. The State Government has allocated \$0.5 million in 2009-10 to continue planning for the Highway upgrading through Wyong.</li> </ul> <p><b>Ourimbah</b></p> <ul style="list-style-type: none"> <li>Stage 2 (Burns Road to Glen Road) commenced in June 2008, and is anticipated to be completed in 2010.</li> <li>The RTA does not intend to do any works at the roundabout at the intersection of Pacific Highway/Chittaway Road intersection. The RTA anticipates that this roundabout (Pacific Highway/Chittaway Road) will provide adequate service for the next 10 to 15 years.</li> </ul>
10 Water Supply - Secure the water supply.	<ul style="list-style-type: none"> <li>Council's progress to secure the water supply is detailed in the Board papers for the meeting of the Gosford/Wyong Councils' Water Authority scheduled for 17 February 2010 and in the enclosure to that report.</li> </ul>

<i>Reference</i>	<i>Current Status</i>
	<ul style="list-style-type: none"> <li>Included in that report will be an update on the Mardi to Mangrove link, which is due for completion in mid-2011. Tenders have closed and a successful tenderer appointed in December 2009.</li> </ul>
11 Buttonderry Waste Management Facility - Plan for the future of Buttonderry Waste Management Facility.	<ul style="list-style-type: none"> <li>The development of a masterplan for the Buttonderry Waste Management Facility site was completed in June 2007.</li> <li>A contract has now been awarded for a consultancy to investigate and evaluate alternative use options, recommend the preferred uses and develop a Commercial Strategy by March 2010.</li> <li>A business analysis for Buttonderry Waste Management Facility was completed in December 2007 which will be used, together with the commercial strategy, to develop a long-term financial strategy for the site and a site management plan.</li> <li>The construction of the new office, carpark, transfer area and entry road has been completed and the upgraded facility was officially opened in November 2009.</li> <li>Construction of a new landfill cell (cell 4.2b) has commenced, it is anticipated to be operational by May 2010.</li> </ul>
12 Shire Strategic Vision (SSV) – Develop an integrated sustainable Shire Strategic Vision.	<ul style="list-style-type: none"> <li>The Shire Strategic Vision was adopted by Council in September 2009.</li> <li>Work has now commenced on developing a Delivery Program to identify the activities that Council will undertake to achieve the priority objectives of the Shire Strategic Vision. To determine these activities, Council will undertake an extensive review of its services to ensure that resources are directed to those programs and functions that best support the Shire Strategic Vision priorities.</li> </ul>

## PERFORMANCE MEASURES

The 2009-10 Management identifies 40 performance measures against Council's Key issues which are reviewed and reported on a quarterly basis.

At the end of December 37 (or 93%) of these indicators met the targets identified in the Management Plan. Of the three that didn't meet their target, remedial action is being taken to improve these results in the March quarter.

The following performance measures did not meet their target in the December quarter:

- **Lost Time Injury Duration**

Target – 8            Actual YTD – 8.24

Lost time injury duration figures have remained reasonably steady for the last two quarters. The Occupational Health Coordinator is continuing to work towards the safe and enduring return to work of injured employees. Council is still performing better than the benchmark for self-insured Councils (25).

- **Lost Time Injury Frequency Rate**

Target – 18            Actual YTD – 29.77

The 2009/10 Management Plan included a challenging target for Lost Time Injury Frequency Rate (LTIFR). The LTIFR has improved on the September quarter result due to the small number of lost time injuries during this quarter. As Council is falling short of its target, there has been a renewed emphasis on the Injury Reduction Program. Council is still performing better than the benchmark for self-insured Councils (35).

- **Percentage of telephone calls to Call Centre answered within 1 minute**

Target – 80%            Actual YTD – 76%

Remedial action implemented in January 2010 is expected to improve this figure in the March quarter.

## **STRATEGIC TARGETS**

The 2009-10 Management Plan identifies 56 strategic targets (or actions) to achieve Council's objectives.

At the end of December it was anticipated that 53 (or 95%) of the 56 actions would be achieved by 30 June 2010 and one (or 2%) will not be completed and two (or 3%) are currently uncertain as to whether they will be achieved by 30 June 2010.

The following strategic targets were identified in the previous quarters as uncertain or not on track to be completed within their original timeframe:

### ***Outside Council's Control***

#### **1.1.2.2    Subject to secured funding and staging of the town centre, recommence planning, design and integration of community facilities in Warnervale Town Centre**

The proposed Warnervale Knowledge Centre (incorporating library, multi-purpose community centre and art/cultural space) is to be located in the Warnervale Town Centre and integrated with the shopping/business precinct (Similar to the facility at Rouse Hill). Until such time as the masterplan for the Woolworths site is commenced, the design of this facility cannot proceed. It is unlikely that this design work will be undertaken during 2009-10.

#### **Revised Completion Date – December 2010**

**1.5.1.1 Continue to assist the Department of Planning to finalise the North Wyong Shire Structure Plan**

Delays to the project have been experienced due mainly to issues involving the Department of Environment and Climate Change and Water (DECCW) on the proposed Central Coast Regional Conservation Plan (CCRCP). An independent consultant has been engaged by the Department of Planning to work through the issues. A State Government Agency Workshop was held in November 2009 and the Department of Planning anticipates that the public exhibition of the Plan will occur in February-March 2010.

**Revised Completion Date – Uncertain****1.8.4.1 Subject to finalisation of the Warnervale Town Centre Master Plan, recommence work on the procurement of the Warnervale Recreation and Aquatic Centre (WRAC) project**

No change to situation since June 2009. Funding remains an issue with Developer Contributions still uncertain although recent discussions with the Department of Planning have been positive. Delays to Warnervale Railway Station may also impact on the start of Town Centre Project and Aquatic Centre. Council is reviewing these projects as part of the process to develop its Delivery Program.

**Revised Completion Date – Uncertain****ACTIONS CARRIED OVER FROM 2008-09 MANAGEMENT PLAN**

As foreshadowed in the June Review of the 2007-08 Management Plan, the actions that were not completed during 2008-09 will continue to be monitored and reported on until they are finalised.

Of the 12 actions from 2008-09 Management Plan that were not completed, eight (66%) were incorporated into 2009-10 or future actions of the Management Plan and four (44%) are in progress. Of the four actions that are in progress one has been completed, two are expected to be completed in the March quarter and one in the June quarter.

**Q2 FINANCIAL PERFORMANCE OVERVIEW****OVERVIEW**

The organisation is, in financial terms, in a sound position. Operational cost variations require some re-prioritisation of expenditure to achieve budget during the second half of the year.

At the half-way stage, the reported year-end projection for Wyong Shire Council (WSC) Group (all funds) continues to be a surplus which arose from an increased allocation under the Federal Assistance Grant. However there are a number of adjustments yet to be taken up (following investigations) which will reduce the forecast year-end to a deficit of \$192K. In the context of WSC's budget this represents less than half of one percent.

Some capital projects have encountered extended design and planning processes which in turn slows the take-up of construction costs. Whilst it is likely that completion dates, on those projects affected, will be extended into 2010-2011 and beyond the lower capital spend will remain as a positive impact on this year's cash position.

The Mardi to Mangrove Pipeline (and related works) projects are still subject to potential cost risks in terms of timeframes and final construction prices.

Investments to-date are performing well in capital recovery and interest earnings distribution.

The capital loss in investments recognised in the 2008-2009 accounts is now off-set by a recovery of nearly 50%. The hold to maturity strategy continues to be the preferred option in recovering markets.

Financial risks as identified in the Management Plan continue to include the ongoing impacts of the global financial crisis, economic stability of Council's investments and the Shire's growth / development related pressure on income and expenditure.

Key to WSC's ability to respond to the external pressures are the internal financial management systems and management controls. Reporting and budgeting are two issues undergoing internal change to rigorously reinforce management controls and to meet new planning and performance pressures 2010 onward.

## **ISSUES IN DETAIL**

Management are addressing a number of current operational variances which have the potential to impact on the forecast financial year performance by an estimated \$4M. This level of variation is less than 2% of Council's operating expenditure.

These variations have been identified in detail in the following table. Actions and priority opportunities have been identified to offset the material areas of increased expenditure.

Consistent with the new monthly reporting regime, adjustments will be incorporated into the accounts in the following month and as adjustments occur each month they will be in the following management monthly reports and will be presented to Council in the subsequent quarter. (e.g Q3 will reflect adjustments for Dec, Jan and Feb.)

## **DECEMBER (Q2) REVIEW**

Contents:

- I 2009/10 Budget Variations – December Quarter
- II 2009/10 Budget Risks and Opportunities
- III 2009/10 Management Plan Financials – Analysis of Actual versus Budget
- IV 2009/10 Financial Statements as at 31 December 2009
- V Overview of Business Units

## I Management Plan Changes - 2009/10 – December Quarter

The Management Plan changes proposed for this quarter are cost neutral.

Refer Attachment #2 - Management Plan - Budget Adjustments Details.

In general, budgets are currently forecast to be on-track with the exception of the areas of significant expenditure risks which are being addressed as per the table below.

## II 2009-10 Budget Risks and Opportunities

High levels of inherent risk in the financial year-end forecast remain, particularly in the following areas:

**Global Financial Markets** – may still impact further on projected investment valuations and returns, resulting in unrealised losses or reduced earnings.

**Global Economic Downturn** – may still impact further on development and property related activity and Council's related income sources.

Council continues to manage and develop strategies to manage within the allocated Management Plan Budgets. As Council's Management become aware of any risks to meeting the agreed budget or service level, it will investigate all options available before seeking additional funding from Council.

### Summary of Forecast Management Plan Budget Position:

	\$000's Fav / (Unfav)
Original Budget	\$0
Q1 Budget Adjustments	\$210
Budget Adjustments requiring action in Q2	(\$402)
<b>Total Forecast</b>	<b>(\$192)</b>

Table 1: Planning Risks (Financial impact)

## Budget issues requiring action in Q2

	Variation \$000's	Issue/Action
Training Costs	(200)	<p><b>Issue:</b> Training costs driven by non-discretionary compliance training needs, are forecasted to exceed budget intentions. Training costs are another item where traditional practice has seen a spread of costs among other cost centres in addition to the training mainstream line-items. Budget reform practice is now ensuring correct allocation resulting in an apparent over-spend forecast of (\$200K).</p> <p><b>Action:</b> Expenditure limits in a number of line items are being adjusted to reflect the reform which combined with the adjustment detailed below, will correct the variation. Essential non-discretionary safety training will be maintained.</p>
Roads - Contracted Out-work to RTA.	(324)	<p><b>Issue:</b> Income has been included in the 2009/10 annual budget for the recovery of supervision cost margins from the RTA for work performed on main roads under contract with the RTA (\$324K).</p> <p>Council has not been successful with the tender for asphalt works on main roads with the RTA. With the minor work that remains it will be highly unlikely that Council will recover the full value of the \$324K.</p> <p><b>Action:</b> Continue to monitor situation as a number of significant RTA works are traditionally awarded in the last quarter of the year. Correction of the variance will be achieved by adjustments detailed below or recovery through new contracted out-works</p>



	Variation \$000's	Issue/Action
Salaries	(1,550)	<p><b>Issue:</b> A year-end forecast derived from the current staff establishment forecasts a likely over-run in Corporate Services (\$600K) and Shire Services Salaries (\$1,400K). This is off-set by over-head recoveries against other funds of \$450K, net General Fund impact of (\$1,550K).</p> <p>Whilst a significant dollar amount in terms of the variances, in the context of the total salaries budget it represents a 2.5% change.</p> <p>The origins of these variances are a combination of factors that include the budget process itself and changes in work strategies after the time when staff numbers were established in the budget.. In addition, the normally reliable strategy of tight planning by using a "vacancy rate" to estimate the saving accruing from a less-than-establishment actual staff level, has been thwarted by staff stability.</p> <p>Shire Planning and the GM's Unit are on track.</p> <p><b>Action:</b> The change in employment behaviour and the changes in staff numbers are identified as key issues to be taken-up in the forthcoming planning round and for improvement in terms of management controls.</p> <p>The negative variance will be met by the specific planned expenditure adjustments detailed further in this report.</p>
Commonwealth Infrastructure Grant	(154)	<p><b>Issue:</b> Expenditure exceeded budget in relation to the delivery of works under the Commonwealth Infrastructure Grant. This was predominantly made up of an additional \$137K spent on the construction of netball courts at Baker Park due to the unfavourable subsurface conditions. An additional \$ 174K was spent to extend the works in constructing a new playground at Canton Beach. This included the upgrades to the car park, picnic shelter shed and amenities as well as improvements to an adjacent sewer pump station to improve aesthetics funded elsewhere.</p> <p><b>Action:</b> The \$174K extension works were necessary in the delivery of the project and have an agreed offset by contributions by Holiday Parks, Water &amp; Sewer, Roads and Drainage, with the balance coming from the Open Space Upgrade budget.</p> <p>The adjustment will appear in the January management report.</p>

	Variation \$000's	Issue/Action
Shire Service Operations	(660)	<p><b>Issue:</b> Shire Service Operations is a line-item category that principally accounts for major items of a general organisational application.</p> <p>It particularly includes motor vehicle costs, WSC energy costs and a number of other costs that in the short-term, constitute unavoidable elements of expenditure.</p> <p>The total estimated budget adjustment is (\$900K) of which \$170K relates directly to Water &amp; Sewer, and another \$70K will be distributed as an increased Overhead charge to restricted funds. The net impact on General Fund will be (\$660K).</p> <p>Management Plan estimates correctly reflected previous budget/actual levels, however those levels traditionally had not reflected the true expenditure allocable to this line-item. Practices over time had developed that incorrectly allocated these cost to other line items.</p> <p>Budget reforms commenced during the early part of the year have now re-allocated costs previously covered elsewhere resulting in the apparent variation.</p> <p><b>Action:</b> Relevant cost distribution adjustments in a number of categories, particularly roads will bring this category into correct alignment based on actual cost structure. These changes will be incorporated into the February Report.</p>
Workers Compensation and Insurance costs	330	<p><b>Opportunity:</b> Council received a reimbursement from its insurer of \$370K in relation to a lump sum insurance payment made in the 2008-09 financial year. This reimbursement is in excess of the budgeted recoveries for the current financial year. Further savings of \$100K are also available as a result of reduced over all insurance costs. Of this favourable variation \$140K will be redistributed across the restricted funds, net impact on General Fund \$330K favourable.</p> <p><b>Action:</b> Apply to negative variations</p>
The Entrance Traffic Plan – General Fund component	100	<p><b>Opportunity:</b> The Budget includes funding by the General Fund for a component of The Entrance Traffic Plan Works which are jointly funded by the Section 94 Plan. Funding of these works will not be required in 2009-10.</p> <p><b>Action:</b> Take-up the adjustment January.</p>

	Variation \$000's	Issue/Action
Development Income	95	<p><b>Opportunity:</b> Council's development income is forecast to exceed conservative estimates by approximately \$95K by year end.</p> <p><b>Action:</b> Take-up the adjustment January.</p>
Roads Rehabilitation	400	<p><b>Opportunity:</b> Minnesota Road, Hamlyn Terrace Bulk earthworks for the Hamlyn Terrace sporting fields are proposed between April and September which will impact on capacity to undertake the works. Design issues have also developed related to the design flood height requiring design adjustments. It would be undesirable to undertake road works before or during the bulk earthworks construction period of the sports field.</p> <p><b>Action:</b> Take up allocation surplus against unbudgeted variances.</p>
Road re- sealing	600	<p><b>Opportunity:</b> An increased budget and scope of works was assigned to the road resealing program in 2009-10 in accordance with the change in focus towards pavement renewal and maintenance works. The increased scope of works under the 2009-10 Rolling Works program has however been completed at a cost of 20% less to that originally estimated as a result of a reduction in the estimated reseal preparation works, efficiencies realised in the programming and technologies used to complete the works, and favourable contract pricing.</p> <p><b>Action:</b> Recognise conservatively, the forecast surplus funding allocation and reallocate to variances as required.</p>
Fuel Costs	434	<p><b>Opportunity:</b> A budget item raised considerably in the light of the fuel price crises of 2008-09. The cost rise did not eventuate and it is appropriate to correct plant charge out rates.</p> <p><b>Action:</b> Take up adjustment in January.</p>
Plant and Fleet Internal Reserves	380	<p><b>Opportunity:</b> Re-allocation of the Plant and Fleet internal purchasing reserve normally used to meet unforeseen plant needs that occur during any one year. Current employment of this allocation is low at the half-way mark and sufficient allocation will be retained to meet emergency needs, however the remainder will be re-allocated to variances.</p> <p><b>Action:</b> Take up allocation surplus against unbudgeted variances.</p>

	Variation \$000's	Issue/Action
Shire Planning Studies	147	<p><b>Opportunity:</b> Both the Toukley Planning Strategy and the The Entrance Peninsula Planning Strategy were budgeted to be completed in the current financial year. While work on these studies have commenced, it is more likely that they will be completed in the 2010/2011 financial year.</p> <p><b>Action:</b> Take-up the timing adjustment as coverage of other variations and include in 2010/11 works program.</p>
<b>TOTAL</b>	<b>(402)</b>	<b>Unfavourable</b>

Risk that require continued consideration, and may have an impact in the current financial year:	
Risk	Issue
DECCW Audit	<p><b>Issue:</b> DECCW related issues including costs associated with the unauthorised disposal of waste materials at closed landfill sites and previous DECCW Audit issues.</p> <p><b>Action:</b> Continue to monitor.</p>
Legal Action	<p><b>Issue:</b> A number of large legal cases have commenced or are due to commence in the second half of the financial year. The nature of these cases could cause the budget provision to be exceeded.</p> <p><b>Action:</b> Continue to monitor.</p>
Contract Dispute	<p><b>Issue:</b> Fisherman's Wharf legal dispute with contractor yet to be determined.</p> <p><b>Action:</b> Continue to monitor.</p>
Holiday Parks Administration Charge	<p><b>Issue:</b> A budgeted increase in the contribution from Holiday Parks to General Fund for administration charges (\$400K) is subject to approval by Department of Lands. If not approved this would result in a shortfall in general fund but surplus funds in Holiday Park reserves. The increase has not been approved and it is unlikely that it will happen. Opportunity for further funds to be sought.</p> <p><b>Action:</b> WSC continues to negotiate with the Dept of Lands to finalise the recovery</p>

Risk that require continued consideration, and may have an impact in the current financial year:	
Risk	Issue
The Entrance Sea Wall	<p><b>Issue:</b> Preliminary investigations show the need for repair to The Entrance Sea Wall. In 2009/10 some works will be undertaken to reduce risks associated with sea wall failure including installation of bollards in reserve to restrict vehicular access, and monitoring of the sea wall will be completed to better gauge ongoing deterioration.</p> <p><b>Action:</b> WSC complete investigations and monitoring of sea wall to manage risk.</p>

### III 2009/10 Management Plan Financials – Analysis of Actual versus Budget

#### Summary - Actual vs Budget

The detailed Management Plan Financial Tables are included as Attachment #1 2009/10 Management Plan Financials.

Many of the operational “actual to budget” variations are primarily a matter of the relatively immature application of budget phasing methodology over the months of the year. Where permanent variation trends are emerging investigations are being conducted and where appropriate corrective actions will be identified.

In general, the results show capital year to date is under-spent across the board, with no significant variations. This “under-spend” arises from the methodology of phasing the budget and not from any particular operational problem although some commonly encountered process delays have occurred in project preparation and planning, eg time-lags between design and construction.

The main causes of year-to-date variations include:

**Principal Activity 1 Society** – The overall position of this activity for the first half of the year is generally on target, with the variations within the activity mostly relating to the timing of budget phasing against actual expenditure.

- Bushfire Operations and Equipment - \$266K underspent as a result of budget phasing not accurately reflecting the capital purchase program. Committed purchases will be recognised in the second half of the year.
- Lakes Foreshore and Aquatic Infrastructure – underspent \$308K due to the delay in significant work on jetties and boat ramps pending a response to Council’s resolution for an audit of condition and prioritization of works. Also, lake beaches cleaning operations have continued to be delayed until the finalisation of the Wrack Management Strategy and the issuing of permits. Works are on track for completion by the end of the financial year.

- Open Space Improvements / Acquisitions have underspent by \$404K. Phasing of the budget not being aligned to the delivery of the works program. All projects remain on track in the current financial year.
- Infrastructure Grant Commonwealth Government - is currently overspent by \$328K. Refer to the issues and opportunities log for further details on funding offsets in relation to this delivery of associated works.
- Companion Animals – is under spent by \$190K. Works on the improvement of the animal care facilities (\$150K) have been deferred to the second half of the year, subject to approval at a Councillor briefing.

**Principal Activity 2 Economy** – The year to date variation is due to timing differences between the phased budget and actual works commencing, together with the cost of purchasing additional land. The land purchase was per Council resolution and funding will be brought to account from Council's land reserves in the next reporting period.

**Principal Activity 3 Society** – The year to date variation is due to timing differences between the phased budget and actual works commencing, the significant variation is in the Dredging and Foreshore Nourishment, under predicted budget by \$169K, the Estuary Management Plan, under predicted budget by \$3,279K, and Cabbage Tree Harbour Works, under predicted budget \$223K. Each is timing and full year works remain within budget.

**Principal Activity 4 Infrastructure** – Under spend is mainly due to budget phasing not reflecting the real time schedule for works with major variations in Water Capital Works \$16.5M and Sewer Capital Works \$8.0M (refer to Overview of Business Units). Secondary Roads Construction is also under spent to the phased budget but preconstruction activities are continuing, construction on the Link Road and Minnesota Road is yet to commence.

**Principal Activity 5 Organisation** – Variations to budget is mainly timing differences between the phased budget and the actual expenditure.

- Risk Management - over spent \$169K due to the payment of the annual Public Liability Insurance \$476K against a year to date budget of \$239K, but within full year budget of \$480K.
- Corporate Services Salaries - tracking over budget by \$256K against a year to date budget \$3,708K, this variation has been investigated, with funding options provided in the budget risk and opportunities list above.
- Shire Services Salaries - tracking over budget by \$712K against a year to date budget \$3,951K, this variation has been investigated, with funding options provided in the budget risk and opportunities list above.
- Information Services - over spent \$492K year to date which relates purely to the timing of contractual payments and the incorrect treatment of an order for software licensing. The full year budget remains on track.

- Shire Services Operations - over spent year to date \$419K mainly due to operational and maintenance works being carried out at the depots. Funding offsets for this have been identified in the above risks and opportunities list.
- Future Planning Operations and Studies - Overall actual expenditure is \$646K against a year to date budget of \$1,597K, under expended by \$951K due to planning studies being under-expended year to date but are expected to be expended during the year. However, timing remains uncertain due to interdependencies with other strategic plans and processes.

**Sources of Funds** – Variations can be primarily explained by timing.

**Revenue** – Year to date variation is due to timing differences in Water Usage billing against the phased budget which is currently showing a \$3,819K shortfall however no permanent variations have been forecast at this time.

Tipping Charges are also behind budget \$1,183K due to lower than budgeted external tipping volumes reflecting the impact of the downturn in building development within Wyong Shire. This negative variation has been off-set by higher than budgeted income for Waste Management from WSC's operations, overall operations remain on-track. These income trends are being incorporated into an overall review of the waste model.

**Grants** – year to date budget short-fall is due to the original budget phasing for the M2M project being different to the actual timing of milestones for grant payments.

**Contributions** – The Management Plan budget for Developer Contributions is a "Sources of Fund Statement" and is not an estimate of the cash income to be received. These budgets are in fact transfers from reserve or internal transactions between business units relating to a range of activities.

The year to date variations to budget are book entries with the exclusion of the Contribution from Gosford City Council. A review of the presentation of the budget, budget phasing and processes on how best to recognise these internal movements will be implemented.

Transfers to and from Reserves – nil year to date as these transactions have historically only been processed as year end adjustments. Investigations of how to better match the transfers to expenditure will now be undertaken.

#### IV 2009-10 Financial Statements as at 31 December

In accordance with previous recommendations by the Governance Committee the December Performance Review includes Financial Reports for WSC's consolidated business and business activities. The reports include Income Statements and Balance Sheets and are included as Attachment #4 – 2009/10 Financial Statements as at 31 December.

Attachment #3 Management Plan Reconciliation to Financial Statements provides a reconciliation of the items which are reported differently between the Management Plan view and the Financial Statements.

## V Overview of Business Units

### Water Services - Operating Result

Operating income is accrued for water consumption and to-date is expected to be in-line with full year budget. Operating expenses show favourable \$903K however DECCW invoices for Council's contribution to Climate Change Fund (total \$950K) have not yet been received. Water production at Mardi WTP (8390 ML YTD) is in line with predicted production, however there has been an associated drop in run-of-river pumping (and associated pumping costs) to coincide with the dam lowering for work for the construction of the new inlet tower. Additional pumping to re-establish supply levels are expected in the fourth quarter subject to river flows.

### Capital Expenditure

Expenditure is, and will be at year end, below the current budget. Delays in tender processes have resulted in time-delays against the original budget plan, however works are on track against revised forecasts.

### Highlights and risks

With the award of the Mardi to Mangrove contract the revised M2M Project cost has been revised to \$120M. Following the award of the contract a review of the current Management Plan will be made to reflect the revised award date and costs to date with the capital budget being adjusted to reflect revised forecasts.

The current M2M project includes a significant contingency to cover risks associated with:-

- Latent ground conditions,
- Finalisation of land acquisitions,
- Design changes
- Construction delays.

Monitoring of expenditures will be undertaken on a regular basis to identify any arising risks such that any budget adjustments can be undertaken promptly.

### Sewerage - Operating Result

Operating income is accrued for water consumption and to-date is expected to be in-line with full year budget.

Year to date operating expenses appear as favourable by \$577K resulting from decreased loading on the system and the associated lower running costs. The major contribution to this variation has been lower than predicted sewage treatment plant (STP) maintenance costs and sewer pump station operating costs. Maintenance works associated with the removal and dewatering of digesters is planned for late summer. It is expected that as this work proceeds and the higher load summer season arrives that expenditure will meet budget predictions.



### Sewerage - Capital Expenditure

Expenditure is currently off-track and will be below the current end of year budget predictions. The year to date actual costs of \$1,584K is tracking \$7,999K below the expected phased expenditure level of \$9,584K. The major contribution to this variation has been:-

- 1 Warnervale Centre/Wyong Employment Zone:-The current budget allows for the design of the gravity sewer system for the Warnervale Growth Centre. Currently year to date expenditure is tracking \$3,660K below year to date phased estimate of \$3,850K. The under expenditure has been caused by the poor performance of the design consultant. Action has been undertaken to improve the performance of the consultant. The outstanding design issues are now expected to be completed by early 2010 with the budget implications being reviewed concurrently. Construction however may be delayed pending Developer's commitments and the likely commencement dates for construction.
- 2 The Sewage Treatment Works Upgrade Program: - The current budget allows for a growth related upgrade at Charmhaven sewer treatment plant and an environmental enhancement upgrade at Mannering Park and Toukley sewer treatment plants. Currently expenditure is tracking \$1,041K below the current year to date phased expenditure of \$2,030K. The under expenditures have been due to:-
  - a A later than planned contract commencement date at Mannering Park sewer treatment plant. This work is due to be completed within the current financial year,
  - b Approval delays for the Charmhaven sewer treatment plant designs due to site contamination issues. Tenders will be called shortly however no expenditure is expected within the current financial year,
  - c Deferral in the commencement of the Wyong South Inlet Works upgrade due to revised lower population projections. In this regard works were brought forward for the upgrading of Toukley Inlet works with construction programmed to commence this financial year.

It is expected that end of year expenditures will meet end of year budget estimates however close monitoring of expenditures will be required.

- 3 The Sewage Pump Station Upgrade Program: - The current budget allows for upgrades at 7 stations and associated facilities. Currently expenditure is tracking \$1,072K below the year to date phased estimate of \$1,550K. The under expenditure has been due to:-
  - delays in finalising approvals/environmental issues at 5 stations,
  - delays incurred in having to resolve poor performance issues by the design consultant on 1 station,
  - the reduction in the scope of work at 1 station.

Although designs will be completed and tenders called this financial year it is expected that end of year expenditure will be less than full year budget and as such may require to be revised.

## **Waste**

### **Waste - Summary**

The Waste is currently off-track to achieve the target year-end operating result. This is primarily due to recent changes to the funding conditions of the Department of Environment, Climate Change and Water (DECCW) grant (see below).

The Capital expenditure program will also exceed the current year budget due to higher expenditure associated with the remediation works required at Bateau Bay closed landfill and additional works at the Buttonderry Waste processing facility.

These variations to the original budget are presently under review in terms of current year and future year impacts. In the current year additional capital expenditure will be funded by existing reserves.

### **Waste - Operating Result**

Operating income is forecast to be below budget by \$550K. This is due to changes in the conditions of the Grant Income of \$550K from DECCW under the Waste & Sustainability Improvement Payments (WaSIP). Previously these funds were available to be applied to the general waste management activities. New conditions have been placed on this funding which limits the use of the funds to approved sustainability activities. This effectively reduces the available waste income by \$550K as the programs previously funded are non-discretionary.

Internal tipping income is forecast to be greater than budgeted levels due to higher than anticipated quantities of waste received from Council's roads and drainage operations. This increased income is partially offset by an associated increase in the EPA Levy payments. Council is investigating options to reduce these volumes including the identification of an alternative disposal site for Virgin Excavated Natural Materials (VENM).

### **Waste - Capital Expenditure**

The original capital program was budgeted at \$12,900K and included Tip Rehabilitation, Cell Construction and Tip Capital works. Year to date actual expenditure is \$8,350K, or 64.7% expended.

### **Waste -Impact on Reserves**

The budgeted transfer to Waste Reserves was \$3,502K, against an opening reserve of \$9,525K. Taking into account additional \$3,500K to be transferred from reserves for tip remediation, \$100K for the Buttonderry upgrade works and \$200K for the wheel wash, the revised transfer from reserve will be \$7,302K with a projected closing balance of \$2,223K.

### **Waste - Highlights and risks**

Design has been completed and DA lodged to implement a gas extraction system and associated electricity generation power plant at Buttonderry Waste Management Facility, with royalties to be returned to Council. This initiative will reduce methane and greenhouse gas emissions from the site.

## **HOLIDAY PARKS**

### **Summary**

Overall the Holiday Parks result for the first and second quarter is behind budget due to lower incomes. Actual Income was \$3.9M against year to date budget of \$4.3M resulting in a negative variance of \$282K (6.7% below budget).

Norah Head Holiday Park has seen the biggest drop in income in this first quarter from reduced occupancy which can mostly be attributed to the construction of the swimming pool and amenities. Additionally, there has been a greater than predicted reduction in the number of Holiday storage vans across the four parks, however the majority of the vacant storage van sites are not located in areas attractive to tourists and are difficult to market and recoup lost revenue in the short term.

To capitalise on the vacant sites the relocation strategy will be brought forward to address precincts within the park thus increasing the tourist areas and maximizing tourist revenue.

To address this potential short-fall and increase occupancy rates a strong marketing campaign supported by ATPM targeting the caravanning and camping market to increase occupancy across all parks was launched.

The full year forecast has been revised to a \$8.1M surplus compared to the Management Plan budget of \$8.4M.

### **Operating Result**

The December Quarter a year to date shortfall of \$140K.

This budget was predicated on an increase in Council's Administration Income from the Department of Lands which is still pending approval. If not approved a negative impact of \$400K is likely. This issue has been detailed in the issues and opportunities table above.

### **Capital Expenditure**

The capital program full year budget is \$1.167M with a year to date budget of \$544K. To date \$876K has been expended due to works being undertaken ahead of schedule. Capital works are scheduled for the winter / off-peak periods and the forecast remains that the full year budget of \$1.167m will be expended. Work completed year to date included Norah Head Holiday Park pool, bunkhouse, landscaping, completion of the camp kitchen; Toowoomba Bay camp kitchen and landscaping; Budgewoi open camp kitchen and landscaping; Canton Beach Carpark and park landscaping works; and with works at all sites still in progress.

### **Highlights and Risks**

Legal matters resulting from contractual arrangements relating to upgrade works conducted in 2008-09 remain unresolved. However, works with current contractor have progressed well.

Whilst the number of storage vans vacating the park is higher than was anticipated , a continuing strong financial performance overall means that the net financial impact is in line with the 5 year strategy. To capitalise on the vacant sites, the relocation strategy will be brought forward to address precincts within the park thus increasing the tourist areas and maximising tourist revenue

Where prime sites are being vacated by storage vans, there is an opportunity to install additional cabins improving overall trading position.

## **CARE AND EDUCATION**

### **Operating Result**

The year to date favourable variance is due to closely monitoring and managing staffing to utilisation.

### **Highlights and risks**

There is a budget risk that Vacation Care utilisation continues to be lower than forecast resulting in lower income with little or no ability to decrease operational expenditure, and a review of Vacation Care has been undertaken and recommendations will be reported separately to Council.

The highlight is that overall Care and Education centres are operating at higher than predicted utilisation and therefore makes up the shortfall in budget for vacation care.

## **ATTACHMENTS**

- 1 2009/2010 Management Plan December Quarter Review      Enclosure  
(distributed under separate cover)

## 2.3 Tuggerawong Retirement Village

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TRIM REFERENCE: F2004/10902 - D02144119

AUTHOR: DS

### SUMMARY

Update on a request from the Don Small - Wyong Lions Club Tuggerawong Retirement Village (Section 355 Committee) to defer the repayment of their existing Council loan.

### RECOMMENDATION

- 1 ***That Council extend the time for repayment of loan and accruing interest from the Tuggerawong Retirement Village for a further period of 12 months on the condition that any re-tenanting fees received on units will be fully utilised on repayments.***
- 2 ***That Council require the loan to continue to accrue interest on the outstanding balance until the loan is extinguished.***
- 3 ***That Council set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or, at a minimum, equivalent to the 90 day bank bill swap reference rate.***

### BACKGROUND

The Don Small - Wyong Lions Club Tuggerawong Retirement Village was set up following a donation of land from ex-Councillor Don Small and a Federal grant for the construction of self care units. It operates with a voluntary board of management that carries out the day-to-day administration through an administrator, as a Section 355 Committee of Wyong Shire Council.

The administrator utilises funds for the maintenance and landscaping of the Village with the residents of the Village being charged a one-off entrance fee of \$35,000 (2008-09 fee) and a minimum fortnightly rent.

The Retirement Village is self funding over the life of its operation and is made up of 23 self care units. The Village income is achieved through re-tenanting of the units and the subsequent investment of funds received from new residents.

The units are only able to be re-tenanted when vacancies occur either through the death of a resident or transfer of residents to care facilities.

In July 2003 Council approved a loan of \$200,000 with bank interest, to the 355 Committee of the Don Small - Wyong Lions Club Tuggerawong Retirement Village for the construction of an additional two self care units. The loan was to be repaid in annual instalments of \$40,000 plus interest, over a period of five years. Interest was calculated as the 'lost' investment income with a view to being cost neutral to Council.

## 2.3 Tuggerawong Retirement Village (contd)

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The life span of residents has increased and there has been an associated decrease in revenues normally received from new residents. While this is affecting the cash flow projections for the Village in the short term it is unlikely to affect long term viability.

A deferment on repayment of up to three years was resolved by Council at its meeting on 9 November 2005. On 12 December 2008, Council received a request from the Administrator for an extension of six months for the 2008 payment.

The balance of the loan was \$167,611.74 as at 31 December 2008 and the Village paid a further \$40,000 on 5 February 2009 towards the loan.

A further deferment on repayment was resolved by Council at its meeting on 11 March 2009 as follows:

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

- 1 That Council postpone the repayment of loan and accruing interest from the Tuggerawong Retirement Village for a period of 12 months on the condition that any re-tenanting fees received on units will be fully utilised on repayments.*
- 2 That Council require the loan to continue to accrue interest on the outstanding balance until the loan is extinguished.*
- 3 That Council set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or, at a minimum, equivalent to the 90 day bank bill swap reference rate.*

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

*AGAINST: NIL.”*

It is pleasing to note that The Don Small - Wyong Lions Club Tuggerawong Retirement Village has complied with the above resolution. There were three units re-tenanted between March 2009 and November 2009. Of the income of \$105,000 received approximately \$12,000 was used for maintenance and renewal works, with another \$1,100 to be spent on maintaining the garages leaving a balance of \$91,900.

The available funds have been used to repay the Council loan as follows:

- \$35,000.00 was paid on 22 June 2009
- \$56,906.04 (including Interest) paid on 17 November 2009

The balance on the loan now stands at \$40,000. Discussions were held with Council's Manager Finance and the Administrator to clarify the capacity to pay and additional financial information was sought.

## 2.3 Tuggerawong Retirement Village (contd)

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Based on discussions with the Administrator the following summarises the current status and ability to repay:

- **Re-tenanting :**  
The current financial position of the Village is that all units have been re-tenanted.
- **Cash flow and ability to repay :**  
The reliance of the Village on the entry fee to repay the loan from Council still remains as the major limiting factor in repayments.

### THE PROPOSAL

That Council reassess and extend the deferment granted to The Don Small - Wyong Lions Club Tuggerawong Retirement Village for the final repayment of \$40,000 plus interest by 18 months, due to its reliance on re-tenanting fee, but, continue to charge interest on the loan subject to all proceeds from re-tenanting being used to pay off the loan and accrued interest.

### OPTIONS

The following options can be considered by Council for refinancing:

- **Option 1**  
Grant six months extension as requested, with interest to continue to be accrued on all outstanding amounts.  
  
**Not recommended** - due to the short timeframe there is no guarantee of the Village receiving re-tenanting fee on which repayments are reliant during this period .
- **Option 2**  
Continue to accrue interest on outstanding balance and extend the time for loan repayments on the condition that all re-tenanting fees as and when received are used to repay loan. This should be reviewed in 12 months.  
  
**Recommended** - this allows flexibility of payment over the 18 month period should the proceeds become available from the re-tenanting.

Note: Interest has previously been calculated at an equivalent of Council's lost interest earned. However, in current economic times and the volatility in Council's portfolio, it is proposed to alter this to be the minimum of Council's lost interest or the 90 day bank bill swap reference rate. This is proposed on the basis that Council's investment strategies are longer term and that the short-term volatility is not a reflection of Council's lost income

### Management Plan

Nil impact on the Management Plan as interest is charged based on a rate that is cost neutral to Council.

**Financial Implications**

Council's investment will continue to provide an acceptable return provided that the operation of the Village remains viable. Any significant loss of liquidity will immediately and directly place Council's returns and capital at risk.

**CONCLUSION**

Based on available information, a postponement of the repayment of the loan and accrued interest owed to Council by Tuggerawong Retirement Village (Section 355 Committee), is the most viable solution (subject to conditions outlined above). Once repaid the Committee and the Village should operate in a financially self sufficient manner.

**ATTACHMENTS**

*Nil.*



### **3.1 Granting of Easements for Electricity Purposes over Council Land at Berkeley Vale**

---

TRIM REFERENCE: f2009/02614 - D02124625

AUTHOR: SL

#### **SUMMARY**

Approval is sought to grant easements to EnergyAustralia for access over Council land at Berkeley Vale.

#### **RECOMMENDATION**

- 1 That Council grant easements for access over Council land:  
Specifically:-**
  - a Lot 60 DP 818089 1W Enterprise Drive Berkeley Vale**
  - b Lot 110 DP 218003 Albatross Road Berkeley Vale**
  - c Lot 20 DP 262327 Greenwood Avenue Berkeley Vale**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easements between Wyong Shire Council and EnergyAustralia.**

#### **BACKGROUND**

EnergyAustralia has proposed to construct new 11kv underground cables from its existing Berkeley Vale Zone Substation. The cables will be used to upgrade electricity infrastructure in the area delivering improved power supply to the growing Central Coast community.

The underground cables have been designed to extend from Apprentice Drive, Berkeley Vale to Beckingham Road Berkeley Vale, affecting three public reserve lots owned by Council.

EnergyAustralia has informed Council that it is unable to install new cables within the existing electricity easements due to technical issues relating to cable ratings. EnergyAustralia has selected a route that avoids other underground services, minimises impact to vegetation and setback distances from existing roads whilst maintaining EnergyAustralia's technical requirements.

Energy Australia has consulted with the Roads and Traffic Authority (RTA) and has received their consent for the project.

### 3.1 Granting of Easements for Electricity Purposes over Council Land at Berkeley Vale (contd)

---

#### THE PROPOSAL

EnergyAustralia requires three easements over Council land at Berkeley Vale to establish easements over EnergyAustralia assets once installed.

Council owned land at Lot 60 DP 818089 1W Enterprise Drive Berkeley Vale, Lot 110 DP 218003 Albatross Road Berkeley Vale, Lot 20 DP 262327 Greenwood Avenue Berkeley Vale are affected by the route of the underground cables. EnergyAustralia will require permanent access and new easements over the land.

Lot 60 DP 818089 1W Enterprise Drive, Berkeley Vale is zoned 6 (a) Open Space & Recreation the land is classified Community Land. The land area is 6,011m<sup>2</sup>. The proposed easement will be two metres wide, this land has three existing easements.

Lot 110 DP 218003 Albatross Road, Berkeley Vale is zoned 6 (a) Open Space & Recreation the land is classified Community Land. The land area is 21,840m<sup>2</sup>. The proposed easement will be two metres wide, this land has no existing easements.

Lot 20 DP 262327 Greenwood Avenue, Berkeley Vale is zoned 6 (a) Open Space & Recreation and 2 (a) Residential the land is classified Community Land. The land area is 584.60m<sup>2</sup>. The proposed easement will be two metres wide this land has no existing easements.

EnergyAustralia has agreed to pay reasonable compensation and survey, valuation and legal costs associated with the grant of the easements.

#### OPTIONS

Council has the option to:

- Approve the proposed easements, or
- Refuse the proposed easements.

If Council approves the grant of the easements, the impact on Council land is considered minor. Council has no plans for alternate use of the land. Granting the easements will allow EnergyAustralia to proceed with the underground cables.

Should Council refuse the granting of the easements, EnergyAustralia has rights under Section 45 of the Electricity Supply Act 1995 which provides:

- “(2) For the purpose of exercising its functions under this or any other Act or law, a network operator:
- (a) may carry out work to which this section applies, and
- (b) in particular, may carry out any such work on a public road or public reserve.
- (3) Work to which this section applies is exempt from the requirement for an approval under the Local Government Act 1993 except in relation to buildings.”

### **3.1 Granting of Easements for Electricity Purposes over Council Land at Berkeley Vale (contd)**

---

#### **FINANCIAL IMPLICATIONS**

All costs associated with granting of the easements to EnergyAustralia will be borne by EnergyAustralia. There is no cost to Council

#### **CONSULTATION**

EnergyAustralia has approached Council in order to obtain the granting of the easements. A Deed of Agreement for Easement has been forwarded to Council for signature and return to EnergyAustralia prior to the works commencing.

The granting of the easements and signing of the Deed of Agreement for Easement will proceed subject to Council's approval, upon approval of the easements EnergyAustralia will pay compensation to Council as assessed by a qualified valuer. The RTA has also been consulted and has approved the work.

#### **GOVERNANCE**

Community Land, Plan of Management No 5 for Natural Areas authorises the grant of easements in the circumstances

#### **CONCLUSION**

Granting the easements to EnergyAustralia will benefit the Wyong community continued energy supply. Council's approval is required to ensure that the legal requirements are satisfied in relation to the ownership and use of the land concerned.

#### **ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Proposed Easement Lot 60 DP818089 & Lot 110 DP 218003 | D02148556 |
| <b>2</b> | Proposed Easement Lot 20 DP262327                     | D02148564 |



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### MAP EXTRACT

Scale 1:2203

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### MAP EXTRACT

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### **3.2 Classification of Land Lot 1 DP 1113258 Mataram Road, Woongarra**

---

TRIM REFERENCE: DA/173/2003/B - D02141270

AUTHOR: SB

#### **SUMMARY**

Authority is sought to classify Lot 1 DP 1113258 Mataram Road, Woongarra as Operational Land.

#### **RECOMMENDATION**

- 1 That Council propose classification of Lot 1 DP 1113258, Mataram Road, Woongarra, as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That, Council adopt the classification, if no adverse submissions are received.**

#### **BACKGROUND**

Lot 1 DP 1113258 in a subdivision at 75-109 Mataram Road, Woongarra has been dedicated to Council by Danallam Developments Pty Limited as Future Wetland and Drainage Reserve land from the plan of subdivision of Lot 68A DP 22837 pursuant to a condition of development consent.

The subdivision was approved by Council in 2006 to allow for a six (6) Lot Subdivision incorporating Artificial Wetland and was essentially a rationalisation of the land into separate parcels that correspond with the land use zones. The subdivision will enable better economic disposal and ultimate orderly development of the land. The land that has been dedicated represents the land in the subdivision zoned 2E Urban Release Area Zone.

Lot 1 DP 1113258 is 20660m<sup>2</sup> and is zoned 2E Urban Release Area Zone.

#### **THE PROPOSAL**

In accordance with the Public Land Classification Table adopted by Council at its meeting held on 14 August, 1996, land owned by council for drainage purposes should be classified as Operational Land.

Under Section 34 of the Local Government Act 1993 Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council's proposed land classification will be taken as adopted upon expiration of the notification period.



**OPTIONS**

Council may resolve to apply either a “community land” or an “operational land” classification. As the land is to be used for future wetland and drainage reserve, the land should be classified as Operational land in accordance with the Public Land Classification Table adopted by Council.

**Financial Implications**

There is no cost to Council to classify the land.

**GOVERNANCE**

Under Section 31 of the Local Government Act 1993 land acquired by Council is taken to be classified as community land unless Council resolves that particular land concerned be classified as operational land.

**Locality Plan**



**CONCLUSION**

Lot 1 DP 1113258 has been dedicated to Council and requires classification in accordance with Local Government Act 1993 (Chapter 6, Part 2, s.25-34). In this instance Operational classification is proposed on the basis of the use of the land as drainage reserve.

**ATTACHMENTS**

*Nil.*



### **3.3 Proposed Easement for Electricity Purposes over Lot 41 DP 1122514 Old Maitland Road, Mardi**

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TRIM REFERENCE: F2009/00943 - D02147649

AUTHOR: SB

#### **SUMMARY**

Approval is sought to grant an easement to Energy Australia over Council land at Old Maitland Road, Mardi for the relocation of high voltage power cables and installation of a new power cable.

#### **RECOMMENDATION**

- 1 That Council grant an easement for electricity purposes over Lot 41 DP 1122514 Old Maitland Road, Mardi to Energy Australia to accommodate the relocation and installation of high voltage power supply to the Wyong River Pump Station**
- 2 That Council sign the Energy Australia Agreement to Grant an easement which will allow access to the site for the purpose of relocating and installing the power supply referred to in Item 1 pending the completion of the grant of the easement.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

#### **BACKGROUND**

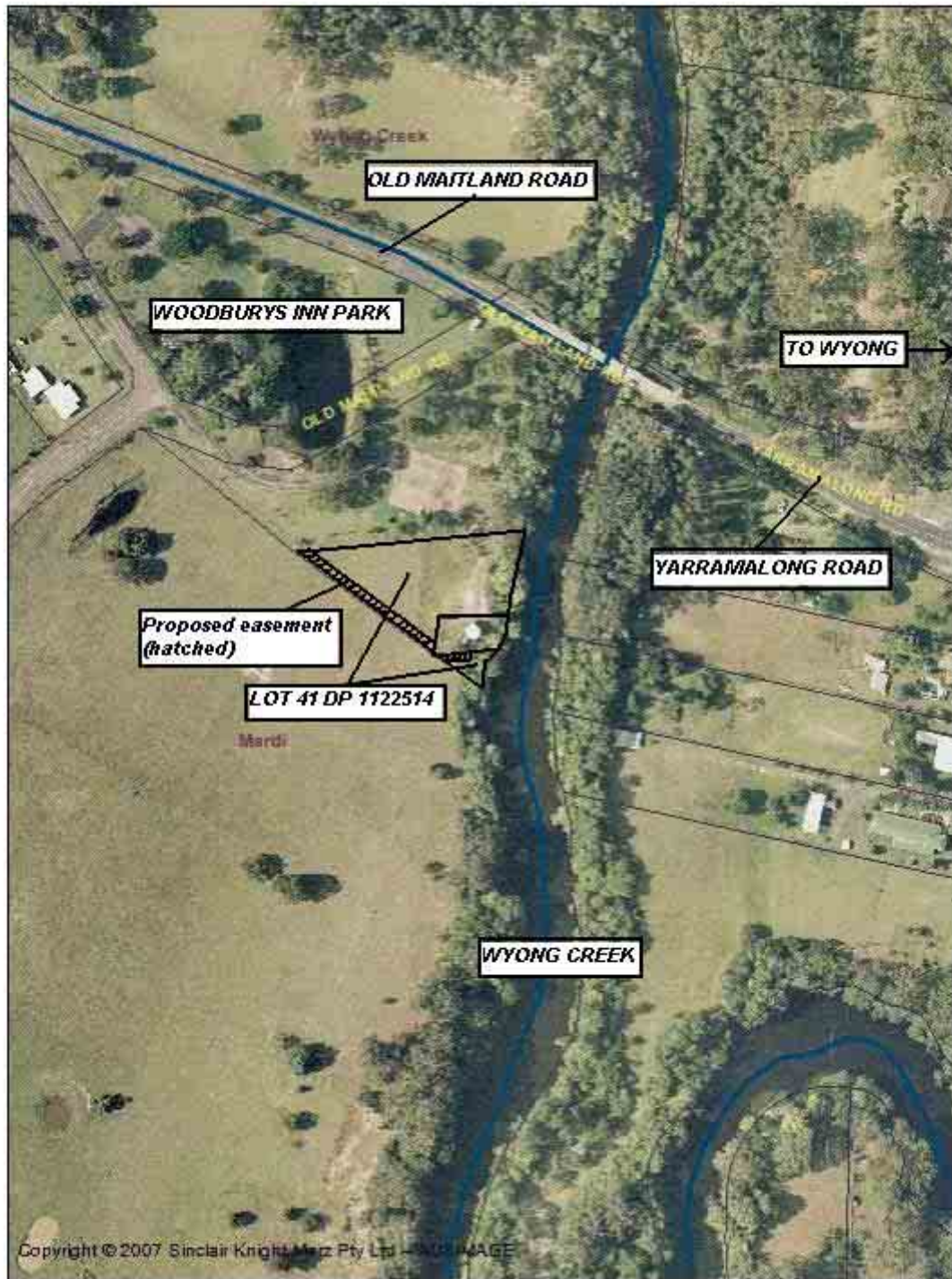
Council requires the relocation of high voltage power cables and the installation of a new power cable to provide for the increased power supply requirement of the upgraded Wyong River Pump Station as part of the infrastructure for the Mardi-Mangrove Link Project works,

Affected by the proposed relocation of current power cables and the installation of a new power cable is land owned by Council, Lot 41 DP 1122514 Old Maitland Road, Mardi.

#### **THE PROPOSAL**

Energy Australia has requested that Council grant to it an easement for electricity purposes generally 2 metres wide and variable to 6 metres wide to accommodate the relocation of the underground electricity supply and the new cable.

Energy Australia, to secure its interest requires, Council to enter into an Agreement to Grant an Easement so that it may commence work immediately and in advance of the grant of the easements. This will ensure there is no delay to the completion of the works to provide power to the council site.



## OPTIONS

Council has the option to:

- 1 Grant of the proposed easement, or

2 Refuse to grant the proposed easement.

Should Council refuse the granting of the easement it is unlikely Energy Australia will pursue the option of compulsory acquisition on the basis the work is being undertaken at Council's requirement for the upgrade of the power supply to the pump station. Refusal to provide an easement would likely result in the required electricity supply being unavailable to Council.

### **Financial Implications**

There is no cost to Council to grant the easements. Council however in this circumstance cannot expect to receive compensation for the use of its land on the basis the requirement for the easement arose as a result of council's requirement for the installation of the new power supply.

### **GOVERNANCE**

Lot 41 DP 1122514 has an area of 3436m<sup>2</sup> and is zoned 1A Rural Zone. The subject land is owned by Council as a Water Supply Authority pursuant to the provisions of the Water Management Act 2000 and there is no impediment to the grant of the easement by Council.

### **CONCLUSION**

Approval is sought to grant an easement to Energy Australia over Council land at Old Maitland Road, Mardi for the relocation of high voltage power cables and installation of a new power cable.

### **ATTACHMENTS**

*Nil.*

### **3.4 Acquisition of Freehold for the Mardi to Mangrove Link Project**

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TRIM REFERENCE: CPA/159131 - D02154512

AUTHOR: PF; GM

#### **SUMMARY**

Approval is sought for the acquisition of a freehold title over part of a property affected by the new water pipeline in Yarramalong Valley. The pipeline is a key part of the Mardi-Mangrove Link Project which, in turn, is a key element of *WaterPlan 2050*.

This report is similar to reports provided in January 2009 and August 2009 when approval was sought for the acquisition of easements for the Mardi-Mangrove Link Project. The additional approval now being sought is in relation to one property which will have an above ground surge tank facility on it within the proposed easement area.

#### **RECOMMENDATION**

- 1 That Council acquires by agreement with the landholder the freehold title over part of Lot 9 DP 755271, within the Wyong Shire Council area, in the approximate location shown on the plan in Attachment 1.**
- 2 That Council authorises the General Manager to pay compensation in accordance with the Land Acquisition (Just Terms Compensation) Act, 1991 and the compensation elements approved by the General Manager as necessary for the acquisition of the freehold title.**
- 3 That Council authorises the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of the freehold title.**
- 4 That Council authorises the Mayor and the General Manager to execute all documents relevant to the acquisition of the freehold title.**

#### **BACKGROUND**

The Mardi-Mangrove Link Project is a key element of *WaterPlan 2050* which is the long-term strategy for securing the Central Coast's water supply into the future. It is an initiative of Wyong Shire and Gosford City Councils with Australian Government funding of \$80.3 million from the Water Smart Australia Program.

Council has reached agreement with 51 out of 55 directly affected landholders to acquire easements on their properties for the purposes of the Mardi-Mangrove Link pipeline. For the properties owned by three landholders who did not sign an easement agreement with Council, and also for the required parcels of Crown land, easements were compulsorily acquired on 29 January 2010.

### 3.4 Acquisition of Freehold for the Mardi to Mangrove Link Project (contd)

One remaining landholder who has not yet signed an agreement will have a surge tank facility on his property. During easement negotiations this landholder requested that Council acquire freehold title to the area which is directly affected by the surge tank facility and access track (rather than an easement) so that the surge tank facility and access track will ultimately not be on his property. The affected land is a small strip adjacent to part of the property boundary. The Project Team has agreed in principle to this request, subject to a Council resolution to acquire the land and an agreement about the amount of compensation payable.

An easement will be acquired over the remaining area of the property which is affected by the pipeline. This easement acquisition has previously been approved by Council.

If Council and the landholder cannot reach agreement over the freehold and easement acquisition then Council will need to compulsorily acquire an easement over the property including the area affected by the proposed surge tank facility. The compulsory acquisition process has already 'commenced' for an easement on this property and an extension of time has been agreed between Council and the landholder to give both parties more time to agree outstanding issues relating to the proposed surge tank facility. The extension of time is pursuant to section 14(2) of the *Land Acquisition (Just Terms Compensation) Act 1991*.

#### THE PROPOSAL

It is proposed that Council acquires the freehold title over part of Lot 9 DP 755271 in the approximate location shown on the plan (see Attachment).

#### STRATEGIC LINKS

<b>Key focus area</b>	<b><i>How the proposal contributes or links to the Key Focus Areas in Council's Management Plan</i></b>
Water Supply	The proposal is for purposes in connection with the Mardi-Mangrove Link Project which is a key element of WaterPlan 2050 which is the long-term strategy for securing the Central Coast's water supply into the future.

#### Financial and Legal Costs

A resolution of Council at its Ordinary meeting of 9 December 2009 agreed to award a construction contract to John Holland Pty Ltd with a contract budget allocation of \$77 million. The total budget allocation for the entire Mardi-Mangrove Link Project (including pre-construction and project management works) is \$120.6 million. The costs of the proposal are allowed for in the allocated costs for land acquisition for the Mardi-Mangrove Link Project.

#### Principles of Sustainability

Council has previously considered sustainability in general across the Project.

## **CONSULTATION**

Extensive consultation and community liaison has been undertaken by the Mardi-Mangrove Link Project Team in relation to this project and the need to acquire easements along the pipeline route corridor. Specific liaison has also been ongoing with the landholder in question for some time. Liaison in relation to the surge tank began in August 2009.

## **GOVERNANCE**

Council must have regard to the following legislation in relation to the easement acquisition and freehold title process:

- *Local Government Act 1993.*
- *Land Acquisition (Just Terms Compensation) Act 1991.*
- *Water Management Act 2000.*
- *Conveyancing Act 1919.*

## **CONCLUSION**

Council needs to acquire a freehold title over part of Lot 9 DP 755271 in the approximate location shown on the plan (refer Attachment 1) to enable an agreement to be reached with the landholder for the acquisition of tenure necessary or desirable to enable the Mardi-Mangrove Link Pipeline and associated facilities to be constructed on the affected property.

## **ATTACHMENTS**

- 1 Mardi Mangrove Link MML freehold site Photograph D02154684





#### 4.1 Contract Variations and Finalisation - December 2009 and January 2010

TRIM REFERENCE: D02144862

AUTHOR: GP

##### SUMMARY

This paper reports on variations to contracts with a value greater than \$150,000 (excl GST). Approval is sought for increases to contract expenditure to ensure completion of work in each case.

The report covers contract variations processed in December 2009 and January 2010 plus any completed contracts for which the final contract value is now available for reporting.

##### RECOMMENDATION

- 1 ***That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation – December 2009 and January 2010 report.***
  
- 2 ***That Council approve increases to the budgets of the following contracts to provide for further, potential variations:***

<b><i>2a</i></b>	<b><i>Concept and Detail Design – Water Truck Main for Warnervale Town Centre and WEZ</i></b>	<b><i>CPA/130591</i></b>	<b><i>30,000.00</i></b>
<b><i>2b</i></b>	<b><i>Construction of Six Netball Courts – Baker Park</i></b>	<b><i>CPA/162813</i></b>	<b><i>17,000.00</i></b>
  
- 3 ***That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – December 2009 and January 2010 report.***

##### BACKGROUND

Contracts entered into by Wyong Shire Council (WSC) are awarded either by Council resolution or under delegated authority. Section 55 of the Local Government Act 1993 requires that contracts of an estimated value greater than \$150,000 (excl GST) must be publicly tendered and approved by Council resolution.

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

The value of a contract budget is the amount tendered by the recommended tenderer (including contingencies) and approved by Council or staff delegation, as the case may be. Construction and Service Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.



A Contract that guarantees WSC a fixed schedule of rates for goods or services to be supplied over time, may require variations to the original estimated value due to the changes in demand for the goods / services, or as at result of adjustments to rates that may be applicable under the contract.

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

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

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

For contracts that have been finalised in the reporting period, such contracts are also reported for information once the final value of the contract is established.

## **THE PROPOSAL**

The need to vary contracts (explained above) arises out of differences in estimating strategies where two basic ends of a range of risk offer WSC a choice of budget methodology.

Estimates could be assembled solely on known factors and the associated design costs with no allowance for unforeseen issues and factors. The risk is that variations may require considerable additional, and potentially unavailable, funding.

The alternative and opposite end of the spectrum, is to estimate at a conservative extreme and avoid the need to seek approval to variations. This strategy has the effect of substantially reducing the initial annual works program, placing efficient use of funds at risk, locking funds away from urgent needs and potentially leaving a surplus of unexpended funding.

Currently WSC estimates on the basis of known costs of assessment, design and construction plus a 10% contingency for unforeseen changes. This approach allows budgets to include a larger number of works in an annual program and runs a lesser risk of the program being curtailed to a serious degree as unforeseen needs arise.

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

There were three contracts which reached a finalised status during the reporting period.

## **FINANCIAL IMPLICATIONS**

No additional funds are required for the reported contracts. As such, there is no impact upon the Management Plan.

**CONCLUSION**

The need to provide further funding is determined by the unknown factors encountered during the planning and construction phases of contracting. Current estimate strategies are appropriate.

**ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | OM 24-02-10 Attachment 1 Contract Variations December 2009 & January 2010     | D02145481 |
| <b>2</b> | OM 27-02-10 Attachment 2 Finalised Contracts for December 2009 & January 2010 | D02145487 |

### Attachment 1 – Contract Variations for December 2009 and January 2010 Construction of The Entrance Community Centre Stage 2

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget (incl. contingency)	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
140816	25/06/2008	B.R McKenzie Constructions Pty Ltd	\$ 2,174,679.00	\$ 2,392,146.90	\$ 24,406.62	\$ 152,757.53	\$ 177,164.15	\$ 2,349,843.15	Section 94 Funds
Individual Variations For Reporting Period									
Description						Value \$	Description	Value \$	
Variation for the balance of the assessed value of outstanding variations. The contractor reached practical completion of the works in April 2009, however, 72 outstanding variation claims were not received until November 2009. The variation amount reflects the net affect of these variations and includes a number of credit variations.						10,665.54			
Security of Payments (SoP) adjudication January 2010 (see below) including adjudication fees and interest.						142,091.99			

Work under the contract was finalised in April 2009. The contract is in the defects liability stage.

The contractor in November 2009 submitted a payment claim that was the subject of adjudication under the Security of Payments Act. The nett result of the adjudication requires Council to pay an additional \$142,091.99 over and above the contract amount as valued by Council. The majority of the adjudication amount is in dispute and the outcome will be reported in a future Contract Variation Report.

The actual value of payments made under the contract, including SoP adjudication, is \$2,349,843.15 and is within the contract budget. With the information currently available, the contract budget as approved by Council is sufficient.

No increase to the contract budget is therefore sought.

### Construction of Woongarrah Sports Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
153228	08-04-2009	Maincon Pty Ltd	\$ 4,620,995.00	\$ 5,203,095.00	\$ 366,088.84	\$ 127,020.39	\$ 493,109.23	\$ 5,114,104.23	Section 94
Individual Variations For Reporting Period									
Description		Value \$		Description		Value \$			
Variation 15A - Credit Variation. Replacement of a timber access bridge with a concrete bridge. The original design called for a timber bridge to provide access to the fields over adjoining drainage channels. The use of a concrete structure is more cost effective in both construction and future maintenance costs.		(6,219.00)		Variation 17 – Variation to reduce spoil disposal costs. The profile of the eastern embankment of the site was modified to enable the placement of excess spoil generated from the upgrade to the road intersection with Hakone Rd, (refer Variation 20) and other components of the works. This was a more cost effective approach than disposing of the spoil to landfill at contracted rates.		7,688.25			
Variation 15B – Credit Variation. Reduce depth of turf cricket wicket from 250mm to 200mm. The reduction in depth was necessary to ensure subsoil drainage under the wicket operated effectively in conjunction with drainage lines on the adjoining playing surfaces. Council's specialist sub-consultant advised the change is an acceptable approach and will not compromise the performance of the wicket. The opportunity was also taken to provide improved segregation of the wicket soil from the growing medium to reduce the potential for contamination of the wicket soil.		(5,285.00)		Variation 18 – Scope change to amend design of irrigation system and pumps to provide improved performance and reduced maintenance costs over the life of the system. In negotiating the variation, costs savings of \$22,243.73 were made through revised equipment and layout.  The improved design has now been specified for the Hamlyn Terrace sportsfields as part of an ongoing process of identifying and incorporating improvements into future projects.		15,676.39			
Variation 15C – Credit Variation. Revised method of post installation for the cricket practice nets to enable easier removal in future.		(1,018.00)		Variation 19 – Installation of heavy duty PVC wire mesh to ball-stop fences. The original design specified a lighter grade mesh which would not have provided a suitable service life.		11,643.75			
Variation 15D – Credit Variation. Modifications to subsoil drainage system to better utilise natural slope of land and remove conflicts with irrigation system.		(4,189.00)		Variations 20 A & B – Upgrade works to road frontage with Hakone Rd in light of projected increases to traffic volumes. Opportunity taken to undertake works at cost-competitive rates under the contract. These improvements conform with current standards for facilities of this scale and anticipated road usage. Work under this variation will realise savings through a reduction in the scope of the future upgrade works for Hakone Rd. Work will be funded from S94 road improvements.  The variation is an estimate of costs for the additional		100,000.00			

Variation 16 – To enable underground stormwater storage tanks to be drained and cleaned, a drainage line with associated valves and security locks was installed.	1,800.00	works and is subject to change. Final actual costs will be reported in future Contract Variation reports.	
Variation 21 – Design and construction of a pump-house for the irrigation pump. Irrigation pump was relocated to an above ground location to improve the pump operation and maintenance, requiring housing within a suitable structure to prevent vandalism and improve the serviceable life of the pump.	6,923.00		

Work under the contract is estimated at 90% complete.

Further variations are anticipated for:

- Finalisation of Hakone Rd upgrade
- Various architectural matters relating to the amenities building
- Finalisation of power and lighting works – provisional sums allowed for in the tender may not be sufficient.

With the information currently available, the contract budget as approved by Council is considered sufficient to cover these anticipated variations. No increase to the contract budget is therefore sought at this time.

### Construction Of The Mardi High Voltage Power Electricity Supply To Site

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
142295	10-12-2008	Poles & Underground Pty Ltd	\$ 3,659,139.09	\$ 4,025,053.00	\$ (77,553.64) Credit value	\$ 45,454.55	\$ (32,099.09)	\$ 3,627,040.00	50/50 Gosford & Wyong Councils
Individual Variations For Reporting Period									
Description			Value	Description			Value		
Variation 3 – Provision of electronic Variable Message Signs (VMS). Representatives on Council's Traffic Committee recommended the use of VMS's to provide advance roadside warning to motorists of changed road conditions ahead due to cable installation works. This was considered to be a necessary safety improvement and was not covered in original contract requirements.			\$ 45,454.55				\$		

Work under the contract is estimated at 85% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient. No increase to the contract budget is therefore sought at

**Rehabilitation Works - Saltwater Creek - Reach 11**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
144338	22-10-2008	Environmental Land Clearing Pty Ltd	\$ 310,066.34	\$ 341,072.97	\$ 1,280.00	\$ 12,628.00	\$ 13,908.00	\$ 323,974.34	Waterways Environment Levy
<b>Individual Variations For Reporting Period</b>									
		<b>Description</b>		<b>Value</b>			<b>Description</b>	<b>Value</b>	
		Variation 2 - Additional work to rock line channel where Cocks Comb Coral Trees were previously removed (refer Variation 1) to prevent and contain erosion of the affected site. Rates considered reasonable.		\$ 12,628.00				\$	

Work under the contract is estimated at 98% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient. No increase to the contract budget is therefore sought.

**Rehabilitation Works - Saltwater Creek - Reach 10.**

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
144340	22-10-2008	Environmental Land Clearing Pty Ltd	\$ 387,108.00	\$ 425,818.80	\$ 12,032.79	14,465.00	26,497.79	413,605.79	Waterways Environment Levy
Individual Variations For Reporting Period									
Description							Value \$	Description	Value \$
Variation 2 - Additional work not included in original project scope to incorporate the removal of Cocks Comb Coral, Banana and Pine trees within detention basin area. Advantage taken of contractor on site to provide improved environmental outcome at reasonable rates							14,465.00		

Work under the contract is estimated at 97% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient. No increase to the contract budget is therefore sought.



### Upgrade Works to The Buttonderry Waste Management Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
152870	11-02-2009	G W H Construction NSW Pty Ltd	\$ 2,658,878.00	\$ 3,204,778.00	\$ 434,274.89	12,839.20	447,114.09	3,105,992.09	Management Plan Line 4.5.17	
<b>Individual Variations For Reporting Period</b>										
		<b>Description</b>	<b>Value \$</b>	<b>Description</b>						<b>Value \$</b>
		Variation 48 - Scope change to modify design of existing E-lane adjacent to the entry road. Opportunity was taken to enhance safety between trucks and general traffic. Works include investigation, survey and submission of detailed engineering drawings to be incorporated into the original civil drawings.	12,839.20							

Work under the contract is estimated at 95% complete.

No further variations are anticipated at this time.

With the information currently available, the contract budget as approved by Council is considered sufficient for completion of the works. No increase to the contract budget is therefore sought.

### Investigation & Design Consultancy for the Woongarra Sporting Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
94559	09-11-2005	Northrop Engineers	\$ 282,895.00	\$ 390,895.00	\$ 24,865.45	\$ 70,000.00	\$ 94,865.45	\$ 377,760.45	Section 94
Individual Variations For Reporting Period									
		Description	Value \$	Description			Value \$		
94559		Variation 7 – At the earlier stages of the design, the design and consultation process was extended as layout and land ownership issues were progressively resolved. This variation represents those additional costs incurred by the consultant as a result of the protracted design programme, increase in design scope and requested additional design work. The design consultant was also retained during the construction phase of the project. During that time, the consultant was required to provide advice and drawing amendments. This variation represents the agreed value for the above.	70,000.00						

Work under the contract is estimated at 99% complete.

One further variation for miscellaneous design advice arising out of the construction work is anticipated.

With the information currently available, the contract budget as approved by Council is considered sufficient to cover these anticipated variations. No increase to the contract budget is therefore sought.

### Provision of Cleaning Services to Various Council Facilities (2 year period)

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
139771	27-08-2008	SKG Pty Ltd	\$ 386,637.00	\$ 441,877.00	Nil	\$ 10,000.00	\$ 10,000.00	\$ 396,637.00	Costs Charged to Operational Budgets Receiving Services
Individual Variations For Reporting Period									
Description		Value \$	Description	Value \$					
<p>Variation 2 – Provision of cleaning services for intermittent needs at the Civic Centre during staff absences. Agreed rates are effectively equivalent to the original tendered rates with CPI adjustments.</p> <p>Contractor currently provides services to a number of Council facilities.</p> <p>Rates for this variation are in line with the contractor's tendered rates and are very competitive in the current market place.</p> <p>The provision of relief cleaning services under this variation is subject to all terms and conditions of the existing contract, and provides a cost effective method of engaging relief cleaning staff.</p>		10,000.00							

Work under the contract is estimated at 65% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient for the remainder of the contract period. No increase to the contract budget is therefore sought.

## Concept Design, Detail Design and Tender Documentation for Water Trunk Mains at Warnervale Town Centre and Wyong Employment Zone

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
130591	26-03-2008	SMEC Pty Ltd	\$ 255,440.00	\$ 280,985.45	\$ 5,300.00	\$ 14,949.00	\$ 20,249.00	\$ 275,689.00	Developer Contributions
Individual Variations For Reporting Period									
Description			Value \$	Description			Value \$		
Variation 2 - Additional geotechnical investigation was required to determine the rock strength under the Freeway at Sparks Road. Potential savings in the order of \$800K for the construction stage of the project may be achieved through reduced costs of drilling and pipe encasement under the Freeway should rock strength be found to support a revised design with lower construction costs. A submission is being presented to the RTA seeking their agreement to a revised design based on the results of the investigation.			14,949.00						

Work under the contract is estimated at 80% complete.

Further variations relating to potholing to identify existing underground services along the pipeline route as well as further geotechnical investigations in regards to the F3 crossing are anticipated.

Should these variations become necessary, the current contract budget may not be sufficient.

An increase to the contract budget of \$30,000.00 is sought to enable completion of necessary work under the contract within the approved budget.

### Provision of Improvement Works 2007 2008 – Norah Head Holiday Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = Actual Contract Value of Payments	Source of Funds
136399	27-02-2008	Jenbuild Pty Ltd	\$ 746,000.00	\$ 820,600.00	Nil	\$ 62,659.66	\$ 62,659.66	\$ 595,282.53 (see below)	Loan Funds
Individual Variations For Reporting Period									
Description							Value \$	Description	Value \$
Security of Payments adjudication January 2010 (see below) plus adjudication fees and interest.							62,659.66		

Work was taken out of the hands of the contractor in December 2008 prior to completion of the full scope of works. The Approved Contract Value (see column a) was not fully expended at that time.

The contractor in December 2009 submitted a payment claim which was the subject of adjudication under the Security of Payments Act (SoP).

The nett result of the adjudication requires Council to pay an additional \$62,659.66 over and above the contract amount as valued by Council. The majority of the adjudication amount is in dispute and the outcome will be reported in a future Contract Variation Report.

The actual value of payments made under the contract, including SoP adjudication, is \$595,282.53 and is within the contract budget.

With the information currently available, the contract budget as approved by Council is sufficient.

No increase to the contract budget is therefore sought.

### Provision of Improvement Works 2007 2008 - Canton Beach Holiday Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = Actual Contract Value	Source of Funds
136400	27-02-2008	Jenbuild Pty Ltd	\$ 290,000.00	\$ 319,000.00	Nil	\$ 14,990.91	\$ 14,990.91	294,304.49 (see below)	Loan Funds
Individual Variations For Reporting Period									
		Description	Value \$	Description	Value \$				
		Security of Payments adjudication January 2010 (see below) plus adjudication fees and interest.	14,990.91						

Work was taken out of the hands of the contractor in December 2008 prior to completion of the full scope of works. The Approved Contract Value (see column a) was not fully expended at that time.

The contractor in December 2009 submitted a payment claim which was the subject of adjudication under the Security of Payments Act (SoP).

The nett result of the adjudication requires Council to pay an additional \$14,990.91 over and above the contract amount as valued by Council. The majority of the adjudication amount is in dispute and the outcome will be reported in a future Contract Variation Report.

The actual value of payments made under the contract, including SoP adjudication, is \$294,304.49 and is within the contract budget.

With the information currently available, the contract budget as approved by Council is sufficient to meet the SoP adjudication.

No increase to the contract budget is therefore sought.

### Provision of Improvement Works 2007 2008 - Budgetwoi Holiday Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = Actual Contract Value	Source of Funds
136401	27-02-2008	Jenbuild Pty Ltd	\$ 298,000.00	\$ 327,800.00	Nil	\$ 22,335.26	\$ 22,335.26	298,632.87 (see below)	Loan Funds
Individual Variations For Reporting Period									
Description				Value	Description				Value
Security of Payments adjudication January 2010 (see below) plus adjudication fees and interest.				\$ 22,335.26					\$

Work was taken out of the hands of the contractor in December 2008 prior to completion of the full scope of works. The Approved Contract Value (see column a) was not fully expended at that time.

The contractor in December 2009 submitted a payment claim which was the subject of adjudication under the Security of Payments Act (SoP).

The nett result of the adjudication requires Council to pay an additional \$22,335.26 over and above the contract amount as valued by Council. The majority of the adjudication amount is in dispute and the outcome will be reported in a future Contract Variation Report.

The actual value of payments made under the contract, including SoP adjudication, is \$298,632.87 and is within the contract budget.

With the information currently available, the contract budget as approved by Council is sufficient.

No increase to the contract budget is therefore sought

### Provision of Improvement Works 2007 2008 – Toowoon Bay Holiday Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = Actual Contract Value	Source of Funds
136398	27-02-2008	Jenbuild Pty Ltd	\$ 340,000.00	\$ 374,000.00	Nil	\$ 38,757.52	\$ 38,757.52	269,240.65 (see below)	Loan Funds
Individual Variations For Reporting Period									
Description				Value	Description				Value
Security of Payments adjudication January 2010 (see below) plus adjudication fees and interest.				\$ 38,757.52					\$

Work was taken out of the hands of the contractor in December 2008 prior to completion of the full scope of works. The Approved Contract Value (see column a) was not fully expended at that time.

The contractor in December 2009 submitted a payment claim which was the subject of adjudication under the Security of Payments Act (SoP).

The nett result of the adjudication requires Council to pay an additional \$38,757.52 over and above the contract amount as valued by Council. The majority of the adjudication amount is in dispute and the outcome will be reported in a future Contract Variation Report.

The actual value of payments made under the contract, including SoP adjudication, is \$269,240.65 and is within the contract budget.

With the information currently available, the contract budget as approved by Council is sufficient.

No increase to the contract budget is therefore sought



### Toukley Sewerage Treatment Plant Inlet Works Augmentation

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
154562	14-10-2009	Process Engineering Technologies Pty Ltd	\$ 1,640,427.00	\$ 1,886,427.00	Nil	\$ 18,150.00	\$ 18,150.00	\$ 1,658,577.00	Management Plan, Line 4.4.9.	
Individual Variations For Reporting Period										
		Description	Value \$	Description						Value \$
		Variation 1 - Supply and installation of two level transmitters and penstock control cables. Necessary to avoid malfunctioning of the sensors due to build up of sludge scum in the inlet works. Not included in original scope of works.	18,150.00							

Work under the contract is estimated at 10% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient for completion of the works. No increase to the contract budget is therefore sought.

### Construction of Six Additional Netball Courts at Baker Park

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
162813	08-07-2009	Court Craft (Aust) Pty Ltd	\$ 598,761.64	\$ 703,761.64	\$ 103,749.08	\$ 17,944.79	\$ 121,693.87	\$ 720,455.51	Federal & State Government Grants. Netball Assoc. Contribution. General Funds.
Individual Variations For Reporting Period									
Description		Value \$		Description		Value \$			
Variation 2A – Latent condition – final assessment of previous Variation 2 for removal and replacement of unsuitable material in several locations. Initial assessment paid as variation 2 was based upon geotechnical report during construction and an assessed value of work. Contractor disputed valuation and was able to prove that actual work undertaken was more than initial assessed amount.		11,536.63		Variation 6A – Latent condition - final assessment of previous Variation 6 for removal of excess spoil to landfill generated from soft spots in Variation 2. Initial assessment paid as Variation 6 was based on Council assessment of material from Variation 2. Contractor disputed valuation and was able to prove that actual work undertaken was greater than initial assessed amount.		3,841.88			
Variation 4A - Latent condition – final assessment of previous Variation 4 for removal and replacement of unsuitable soft spots under courts 4-6. Initial assessment paid as Variation 4 was based upon geotechnical report during construction and an assessed value of work. Contractor disputed valuation and was able to prove that actual work undertaken was more than initial assessed amount.		2,566.28							

Work under the contract is estimated at 100% complete.

With the information currently available, the contract budget as approved by Council is insufficient for required contract expenditure. Approval is sought to increase the contract budget by \$17,000. These funds will be provided from Open Space project budgets.

## Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – DECEMBER 2009						
Contract Number	Date of Council Award	Name of Contract	Contract Price Type	Approved Budget / Estimate (incl. contingency) Ex. GST \$	Final Contract Value Ex. GST \$	Comments
94060	09-05-2007	Mobile Telephony Services	Schedule of Rates	243,181.00 (based on actual 2.5 year contract term )	283,675.33	<p>Mobile telephony services were provided under this contract for the period July 2007 to December 2009. The initial estimate for the cost of services at award was \$97K p.a. Actual annual costs over the contract term for services provided was approx. \$113K p.a.</p> <p>Council recently transitioned provision of the services to Telstra under the NSW State Contract.</p> <p>The expenditure is estimated to be \$107,000 p.a. including GST however actual expenditure may vary significantly with fluctuations in demand (this was taken directly from the business case).</p> <p>In line with the above comment, demand varied, primarily due to an increase in the number of devices over the contract period.</p> <p>In addition mobile gateway technology was implemented in February 2009 which resulted in a lower overall cost for telephony, however this was achieved through a reduction to fixed voice telephony costs and an increase to the mobile voice telephony charges.</p>

SIGNIFICANT CONTRACTS FINALISED – DECEMBER 2009						
Contract Number	Date of Council Award	Name of Contract	Contract Price Type	Approved Budget / Estimate (incl. contingency) Ex. GST \$	Final Contract Value Ex. GST \$	Comments
94060	09-05-2007	Fixed Line Telephony Services	Schedule of Rates	1,209,090.91 (based on actual 2.5 year contract term )	992,662.86	Fixed line telephony services were provided under this contract for the period July 2007 to December 2009. The initial estimate for the cost of services at award was \$484K p.a. Actual costs over the contract term for services provided was approx. \$397K p.a..  Council recently transitioned provision of the services to Telstra under the NSW State Contract.  An in depth audit and analysis of the fixed telephony services deployed within the council found approximately 191 services that were excess to requirements. These services were terminated at various times over the course of the contract and resulted in approximately \$80K per annum of savings. In addition mobile gateway technology was implemented in February 2009 which resulted in a lower overall cost for telephony, however this was achieved through a reduction to fixed voice telephony costs and an increase to the mobile voice telephony charges.
144336	22-10-2008	Construction of Stormwater Treatment Works - Saltwater Creek Reach 1B	Lump Sum	137,812.29	136,053.04	The contract has reached practical completion. The contractor is required to undertake maintenance of the completed works for a period of 12 months from practical completion. The maintenance component of the contract has not been paid at this time as it is paid in instalments during the maintenance period. However, as there is no further potential to vary the contract, the reported Final Contract Value includes the maintenance costs (\$5,775). Unused funds were retained in the respective operational budget.

## 5.1 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02147899

AUTHOR: SG

### SUMMARY

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

### RECOMMENDATION

***That Council allocate an amount of \$4,427.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.***

### BACKGROUND

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

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

### THE PROPOSAL

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

### OPTIONS

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

### STRATEGIC LINKS

#### Management Plan

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

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

### Contribution of Proposal to the Principal Activity

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

### Link to Key Focus Areas

Funding is available specifically to projects outside of Council's Management Plan.

### Financial Implications

Expenditure is approved until the end of the 2009-10 financial year. Unspent approvals lapse 30 June 2010.

### CONSULTATION

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

### GOVERNANCE

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

### CONCLUSION

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

### Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010		15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 10/02/2010		4,368	5,450	6,798	5,949	5,191	2,650	1,954	7,375	9,020	9,648	54,173
Available allocation as at 10/02/2010		10,632	9,550	8,202	9,051	9,809	12,350	13,046	7,625	5,980	5,352	95,828
Proposed Allocations for 24 February 2010												
Central Coast Community First Aid Inc (\$1,574) (\$650 already allocated)	Assist with insurance costs covering public and product liability and voluntary workers personal accident insurance				250	250						500
Glengara Seniors Computer Club (\$1,800) (\$750 already allocated)	Assist with replacement of printers and new programs for the club's training computers	200										200
Lakeland Park Fitness Exercise Group (\$300)	Purchase exercise DVD and water equipment for exercise classes	50			50							100
Long Jetty & Senior Citizens Club Inc (\$1,000)	Provide lunch and entertainment for housebound seniors on 25 March 2010	100	500			250						850

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

### Councillors' Community Improvement Grants 2009-10 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 10/02/2010	4,368	5,450	6,798	5,949	5,191	2,650	1,954	7,375	9,020	9,648	54,173
Available allocation as at 10/02/2010	10,632	9,550	8,202	9,051	9,809	12,350	13,046	7,625	5,980	5,352	95,828
<b>Proposed Allocations for 24 February 2010</b>											
Mannering Park Branch CWA (\$2,277)										777	777
The Lakes Surf Life Saving Club (\$4,170) (\$1,000 already allocated)	500			250	250	1,000					2,000
<b>Total Proposed Allocations for 24/02/2010</b>	<b>850</b>	<b>500</b>	<b>0</b>	<b>550</b>	<b>750</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>777</b>	<b>4,427</b>
<b>Total Accumulated Allocations as at 24/02/2010</b>	<b>5,218</b>	<b>5,950</b>	<b>6,798</b>	<b>6,499</b>	<b>5,941</b>	<b>3,650</b>	<b>1,954</b>	<b>7,375</b>	<b>9,020</b>	<b>10,425</b>	<b>58,600</b>
<b>Balance Uncommitted as at 24/02/2010</b>	<b>9,782</b>	<b>9,050</b>	<b>8,202</b>	<b>8,501</b>	<b>9,059</b>	<b>11,350</b>	<b>13,046</b>	<b>7,625</b>	<b>5,980</b>	<b>4,575</b>	<b>91,401</b>

## ATTACHMENTS

Nil

24 February 2010

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **6.1 Minutes - Wyong Shire Governance Committee - 10 February 2010**

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TRIM REFERENCE: F2004/07245 - D02036715

AUTHOR: SW

### **SUMMARY**

A meeting of the Wyong Shire Governance Committee was held on 10 February 2010.

### **RECOMMENDATION**

***That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 10 February 2010 and adopt the recommendations contained therein.***

A meeting of the Wyong Shire Governance Committee meeting was held on 10 February 2010. The minutes of that meeting are attached.

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Minutes - Wyong Shire Governance Committee Meeting - 10 February 2010 | D02153797 |
| 2 | Action Plan 10 February 2010 Governance Committee Meeting             | D02160799 |



**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 10 FEBRUARY 2010  
COMMENCING AT 10:37 AM**

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**PRESENT**

MR DAVID HOLMES (CHAIRPERSON), COUNCILLORS R L GRAHAM, L A MATTHEWS AND W R SYMINGTON, MR BRUCE TURNER AND MR JASON MASTERS (INDEPENDENT MEMBERS).

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR S A WYNN.

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, EXECUTIVE MANAGER SHIRE SERVICES, ACTING MANAGER DEVELOPMENT ASSESSMENT, INTERNAL AUDITOR, SENIOR INTERNAL AUDITOR, MANAGER FINANCIAL SERVICES, MANAGER GOVERNANCE AND ADMINISTRATION, MANAGER BIT & IT, MANAGER ECONOMIC/CORPORATE PLANNING, MANAGER BUSINESS UNIT, SENIOR MANAGEMENT ACCOUNTANT, MR DENNIS BANICEVIC (COUNCIL'S EXTERNAL AUDITOR) AND THREE ADMINISTRATION STAFF.

**PROCEDURAL ITEMS****1.1 Disclosure of Interest**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report and the fact that no disclosures were made be noted.*

**1.2 Minutes of the Wyong Shire Governance Committee - 4 November 2009**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee confirm the minutes of the previous Governance Committee Meeting held on 4 November 2009.*

**1.3 Wyong Shire Governance Committee Action Plan - 4 November 2009**

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**RECOMMENDATION**

*That the Committee confirm the action plan of the previous Governance Committee Meeting held on 4 November 2009.*

**2.1 2010 Governance Committee Meeting Dates**

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**RECOMMENDATION**

*That the Committee adopt the following as the 2010 Governance Committee Meeting Dates:*

*10 February 2010  
12 May 2010  
11 August 2010  
6 October – Extraordinary Meeting  
10 November 2010.*

**GOVERNANCE COMMITTEE RESOLUTION**

**1** *That the Committee adopt the following as the 2010 Governance Committee Meeting Dates to be held 9.30 am to 12.30 pm:*

*10 February 2010  
12 May 2010  
11 August 2010  
6 October – Extraordinary Meeting  
10 November 2010.*

**2** *That the Independent Members meet with the Internal Auditor, External Auditor and Internal Ombudsman for half an hour following future Governance Committee Meetings.*

---

**2.2 Internal Auditor's Report**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the Internal Auditor's Report.*

**GOVERNANCE COMMITTEE RESOLUTION**

- 1** *That Council receive the Internal Auditor's Report.*
- 2** *That Council consider the readoption in the Code of Meeting Practice of the clause that reasons be given where Council makes a decision on a development matter contrary to the staff recommendation.*
- 3** *That Council consider longer term contracts with specific performance reviews for the General Manager's contract.*

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**2.3 Budget Process 2010-11**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That the Governance Committee note the changes being brought to Wyong Shire Council's (WSC) annual planning and budget process.*

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**2.4 Water Supply Authority - Statutory Audit for the year ended 30 June 2009**

---

The Internal Ombudsman, Belinda Charlton, arrived at 11.55 am to be introduced and welcomed by the Independent Members.

**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the report on Water Supply Authority - Statutory Audit for the year ended 30 June 2009.*

---

**2.5 Executive Summary Report for Councillors**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the report on Executive Summary Report for Councillors.*

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**2.6 2009-10 Management Plan - December 2009 Quarter Review**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the report on 2009-10 Management Plan - December 2009 Quarter Review.*

**2.7 Update on Extreme and High Corporate Risks**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the report on Update on Extreme and High Corporate Risks.*

**THE MEETING** terminated at 1.20 PM.

## Action Plan 10 February 2010 Governance Committee Meeting

DATE	REPORT	ACTIONS	RESPONSIBILITY	DUE DATE	STATUS
12/1/2008	GC034 Internal Auditor's Report	1 That the GM meet with DFCC in an effort to resolve outstanding issues including Buffalo Jerry 688 Audit, Cwandalar and Toukey.	General Manager	12/08/09	DFCC are continuing to conduct their reviews and seek further information.
07/02/2009	2.1 2008/2009 Annual Financial Reports	2 That the Governance Committee monitor the proposed Strategic Finance Committee's consideration of a policy on and other reserves.	Director Corporate Services	14/02/09	Awaiting consideration of the issue by the Strategic Finance Committee.
04/11/2009	2.2 Internal Auditor's Report	5 That the status of the risk management recommendation in regard to pit water issues be monitored and discussed at full will. Gosford City Council.	General Manager	3/12/09	To be progressed in 2010.
		2 That if a Strategic Finance Committee be requested to provide feedback on the establishment and level of funds kept in reserve.	Director Corporate Services		Awaiting consideration of the issue by the Strategic Finance Committee
		3 That the register be expanded beyond corporate risks to include major project and operational risks.	Manager Corporate Planning	10/02/10	That the register also monitor any rising significant risks from a project perspective.
04/11/2009	2.5.1 case of F3 Pylon Signs over Part Lot 100 DP 718558 Freeway Collics Lane, Mardi and Part Lot 5 DP 738176 Freeway Pacific Highway, Padmale	4 That the Committee recommend the General Manager review the legal advice provided and review the process that established the agreement, and investigate any other similar agreements exist.	General Manager	12/05/10	That a brief statement be provided following Council's consideration on 24 February 2010.
04/11/2009	3.2 Protected Disclosures Designated Officers to Receive Disclosures	6 That the Committee refer the matter of Officers designated to receive Protected Disclosures be on Manageral level to the Internal Ombudsman	General Manager	12/05/10	Referred to new Internal Ombudsman. Report to 12 May 2010 Governance Committee.
10/02/2010	2.2 Internal Auditor's Report	4 That internal audit, in conjunction with management, discuss further mitigation actions on areas of higher fraud and corruption risk, and any items that need to be monitored by the Committee as raised at the next Governance Meeting.	Internal Auditor	12/05/10	
		2 That a draft protocol be determined for reporting and activities between the Internal Auditor and Ombudsman.	General Manager		
		3 That Council's lawyers be requested to brief Council on the intentions regarding the waste management, investment by March.	General Manager	3/03/10	
		4 That an Independent Certifier be considered to oversee the Mardi to Mangrove project in relation to financial position and project delivery.	General Manager		
		5 That the Internal Ombudsman produce a regular report to the Governance Committee	Internal Ombudsman	12/05/10	
		6 That a summary of each Internal Audit report that is completed in the next quarter be reported to the 12 May Governance Meeting.	Internal Auditor	12/05/10	
		7 That the Balanced Scorecard or Internal Audit Performance include an additional column to indicate responsibility.	Internal Auditor	12/05/10	

## Action Plan 10 February 2010 Governance Committee Meeting

DATE	REPORT	ACTIONS	RESPONSIBILITY	DUE DATE	STATUS
		8 That long dated recommendations be actively addressed and all issues that have been resolved be issued by 17 February 2010.	Internal Auditor	17/02/10	
		9 That a detailed response or Management's Action Plan regarding recommendations outstanding over 2 years be provided to the next meeting.	General Manager	12/05/10	
		10 That the GM's determination on the external Risk Manager role be advised.	General Manager		
10/02/2010	2.3 Budget Process 2010-11	That timelines for the 8 Action Plan items identified in the report be distributed prior to the next meeting and a progress report presented.	Director Corporate Services	12/05/10	
		2 That the use of Excel spreadsheets be reviewed for business critical functions and alternative solutions considered.	General Manager		
10/02/2010	2.1 Water Supply Authority - Statutory Audit for the year ended 30 June 2009	That the External Auditor aim to have a clearance meeting with Council at the same time as clearance with the Auditor General.	External Auditor		
		2 That the Auditor General be invited to sign off on the Water Authority at the same time as General Purpose Funds.	External Auditor		
10/02/2010	2.6 2009-10 Management Plan - December 2009 Quarter Review	That the Committee receive a report to review leave entitlements at the next meeting.	Director Corporate Services	12/05/10	
		2 That the Committee be advised of the decision made in regards to the reserves policy at the next meeting.	Director Corporate Services	12/05/10	
		3 That an update be provided on the strategy around charging and breasting.	Director Corporate Services		
		4 That the Committee receive a one page report on internal processes and the fundamental controls used to manage royalties.	Director Corporate Services		
10/02/2010	2.7 Update on Extreme and High Corporate Risks	That a summary of the new version of the Information Technology strategy document be provided to the next meeting.	Director Corporate Services	12/05/10	

24 February 2010

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **6.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 February 2010**

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TRIM REFERENCE: F2004/06808 - D02138861

AUTHOR: SW

### **SUMMARY**

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 17 February 2010.

### **RECOMMENDATION**

*That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 17 February 2010 and adopt the recommendations contained therein.*

A meeting of the Gosford-Wyong Councils' Water Authority Board was held on 17 February 2010. The minutes of that meeting are enclosed.

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 17 February 2010 | D02157476 |
|---|---|-----------|

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**WYONG SHIRE COUNCIL****MINUTES OF THE  
GOSFORD / WYONG COUNCILS' WATER AUTHORITY BOARD  
MEETING OF COUNCIL  
HELD AT GOSFORD CITY COUNCIL  
ON 17 FEBRUARY 2010  
COMMENCING AT 8:30**

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**PRESENT:**

CR MAHER\*

CHAIRPERSON

**GOSFORD**CR P FREEWATER \*  
CR J STRICKSON**WYONG**CR GRAHAM\*  
CR SYMINGTON\* (arrived at 8.40 am)MR P WILSON\*  
MR R WILLIAMS\*MR K YATES\*  
MR P WISE\***GOSFORD CITY COUNCIL STAFF**MRS P MCCANN  
MS K GILLETT  
MR B KOIZUMI-SMITH**WYONG SHIRE COUNCIL STAFF**MR G MCDONALD  
MS M BRIEGER (arrived at 9.00 am)  
MRS H SCHWARTZ  
MS M REDMOND  
MS S WITT*\* BOARD MEMBERS WITH VOTING RIGHTS AT THIS MEETING.***AUTHORITY STAFF**MR G CASEMENT  
MR B FULLAGAR**APOLOGIES**CR HOLSTEIN  
CR MATTHEWS  
CR SYMINGTON (absent for part of meeting)***RESOLVED unanimously on the motion of Mr Wilson and seconded by Cr Maher:******That Cr Maher be nominated to act as Chairperson in the absence of Cr Holstein.***

FOR: CR GRAHAM, CR MAHER, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL

**APOLOGIES*****RESOLVED unanimously on the motion of Cr Graham and seconded by Mr Yates:******That the apology on behalf of Cr Holstein, Cr Symington and Cr Matthews be accepted and leave of absence from the meeting be granted.***

FOR: CR GRAHAM, CR MAHER, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL



**1.1 Disclosure of Interest**

---

***RESOLVED unanimously on the motion of Cr Graham and seconded by Mr Yates:***

***That the Board receive the report on Disclosures of Interest and the fact that no disclosure was made be noted.***

FOR: CR GRAHAM, CR MAHER, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL

**1.2 Confirmation of Minutes of Previous Meeting**

---

CR SYMINGTON ARRIVED AT 8.40 AM DURING CONSIDERATION OF THIS ITEM AND AS A RESULT TOOK PART IN VOTING.

***RESOLVED unanimously on the motion of Cr Maher and seconded by Mr Wilson:***

***That the minutes of the previous Gosford/Wyong Councils' Water Authority Board meeting held on 18 November 2009 be confirmed.***

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**2.1 Mardi-Mangrove Link Project - Potential Beneficial Legacies for the Yarramalong Valley and Old Maitland Road Communities**

---

***RESOLVED unanimously on the motion of Mr Wilson and seconded by Cr Graham:***

***That the Board recommend to the two Councils:***

- 1 That the information in this report be noted.***
- 2 That the Councils note that water fire hydrants are built into the design of the project and will cost approximately \$50,000 within the existing project budget and this delivers a significant benefit to the affected community.***
- 3 That discussions continue with Telstra to help facilitate further investigations into improved mobile telephone services in the affected community.***

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL

**3.1 Information Reports**

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***The Information Reports were resolved individually.***

**3.2 Mardi to Mangrove Link Project Status**

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***RESOLVED unanimously on the motion of Mr Wilson and seconded by Cr Maher:***

- 1 That the Board receive the report on Mardi to Mangrove Link Project Status.***
- 2 That congratulations be made to the Project Team on the successful negotiations on the majority of properties involved in this Project.***

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS, MR WISE AND MR YATES.

AGAINST: NIL

**3.3 Project Report- Update on Capital Works**

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***RESOLVED unanimously on the motion of Cr Graham and seconded by Mr Yates:***

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

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS,  
MR WISE AND MR YATES.

AGAINST: NIL

**3.4 Regular Information Reports**

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***RESOLVED unanimously on the motion of Cr Graham and seconded by Mr Wilson:***

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

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS,  
MR WISE AND MR YATES.

AGAINST: NIL

**3.5 Communication Update**

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***RESOLVED unanimously on the motion of Mr Wilson and seconded by Cr Graham:***

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

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS,  
MR WISE AND MR YATES.

AGAINST: NIL

**3.6 Budget and Financial Summary**

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***RESOLVED unanimously on the motion of Mr Yates and seconded by Cr Graham:***

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

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS,  
MR WISE AND MR YATES.

AGAINST: NIL

**GENERAL BUSINESS****Funding for The Central Coast Waterwatch Program**

Cr Graham advised that both he and Gosford City Council had meetings with John Asquith from the Community Environment Network (CEN) regarding funding for the Waterwatch Program which they run on the Central Coast. Waterwatch is considered a valuable water related awareness and education program for local student and community groups and testing is carried out by 46 community and school groups. Gosford/Wyong Councils' Water Authority Board support the Program and have contributed funding to the amount of \$10,000 per annum for a number of years. This Program is administered locally by the Hunter Central Rivers Management Authority (HCRCMA) who have now advised CEN that the Federal Government will in future be funding physical works rather than educational programs and this will mean a shortfall in funding for the Waterwatch Program. To allow the program to continue CEN is proposing to run a base program of testing carried out over three days instead of five days per week and is seeking additional funding from both Councils to cover this. Funding will also be requested from other sources.

***RESOLVED unanimously on the motion of Cr Graham and seconded by Mr Wilson:***

***That a report be prepared to investigate the matter of funding for the Central Coast Waterwatch Program and brought back to the Board for consideration at its next meeting to be held on 19 May 2010.***

FOR: CR FREEWATER, CR GRAHAM, CR MAHER, CR SYMINGTON, MR WILSON, MR WILLIAMS,  
MR WISE AND MR YATES.

AGAINST: NIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.05 AM.

## **7.1 Information Reports**

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TRIM REFERENCE: F2010/00009 - D02149590

AUTHOR: SW

### **SUMMARY**

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

### **RECOMMENDATION**

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

### **ATTACHMENTS**

*Nil.*

## **7.2 Results of Water Quality Testing for Beaches and Lake Locations**

---

TRIM REFERENCE: F2004/06822 - D02145063

AUTHOR: JS

### **SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire for the month of January 2010.

### **RECOMMENDATION**

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

#### **Primary Recreation Water Quality Monitoring Program**

Wyong beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still 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 Climate Change and Water (DECCW) in implementing the "Beachwatch" program during the bathing season of summer, October through to April. This involves the sampling of 26 monitoring locations, once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and nine coastal lake sites in the Tuggerah Lakes catchment.

However, Beachwatch have now updated their program to bring it in line with NHMRC (2008), which are based on the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments, 2003*. The new guidelines, NHMRC (2008), have lead to a change in acceptable faecal indicator levels and how they are reported as part of the Beachwatch partnership program.

The acceptable level for the faecal indicator *enterococci* has now been elevated to 200cfu/100mL, compared with 33cfu/100mL (Nb: cfu= colony forming units). This change is based on studies conducted by the WHO and relates to a health based risk of contracting an illness due to swimming in potentially contaminated waters.

Another change that has been brought in by Beachwatch is that Star Ratings are now reported weekly, based on one result. This is a big difference to NHMRC (1991), as that guideline recommended that the star rating be based on five previous results with a star rating being given for the month. This now means that each site can be rated weekly with the results being placed on the Beachwatch website.

During the winter season the Beachwatch program becomes inactive, sampling is conducted once a month to assess any changes in water quality. 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 five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

### Summary of results for January 2010

As Wyong Shire Council no longer recognises or encourages swimming at Tumby Creek, Wyong and Ourimbah River it has been determined that the inclusion of the water quality analysis for these sites are not relevant to this reporting program. Notwithstanding this decision to remove these sites from the reporting program, Council will continue to monitor these locations, so that the status of their health can be monitored overtime and reviewed in conjunction with the Estuary Management Plan.

For the month of January all ocean beach sites achieved a 3 or 4 star rating as defined by NHMRC 2008 on each of the sampling days.

The estuary beach sites also had good water quality for the month of January, with all sites achieving a 3 or 4 star rating as defined by NHMRC 2008 on each of the sampling days.

### Star Ratings for January 2010

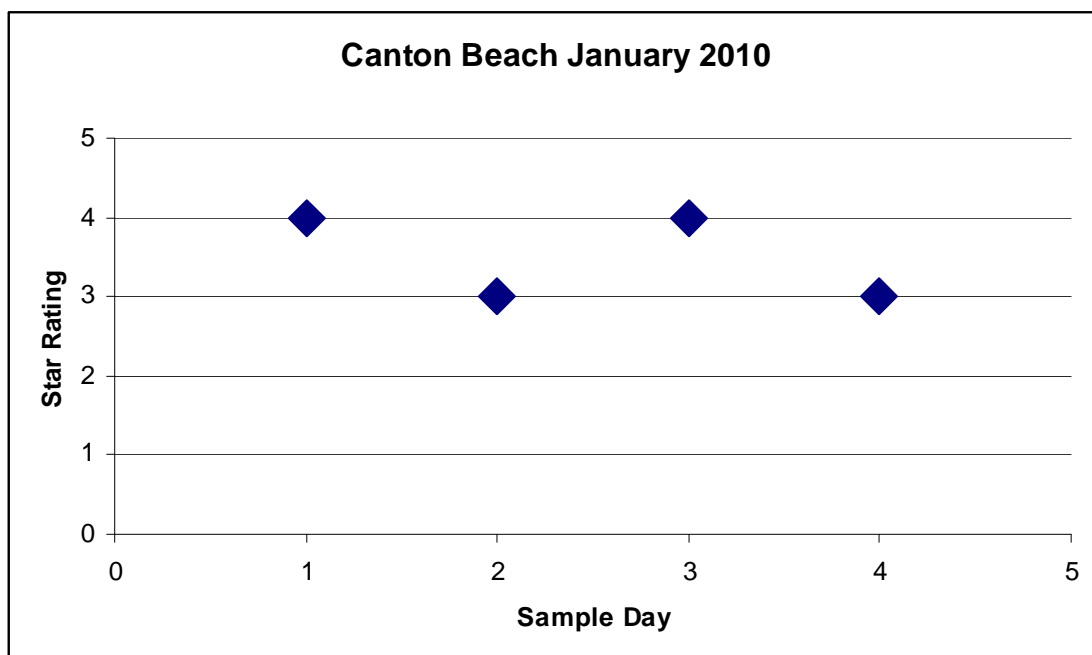


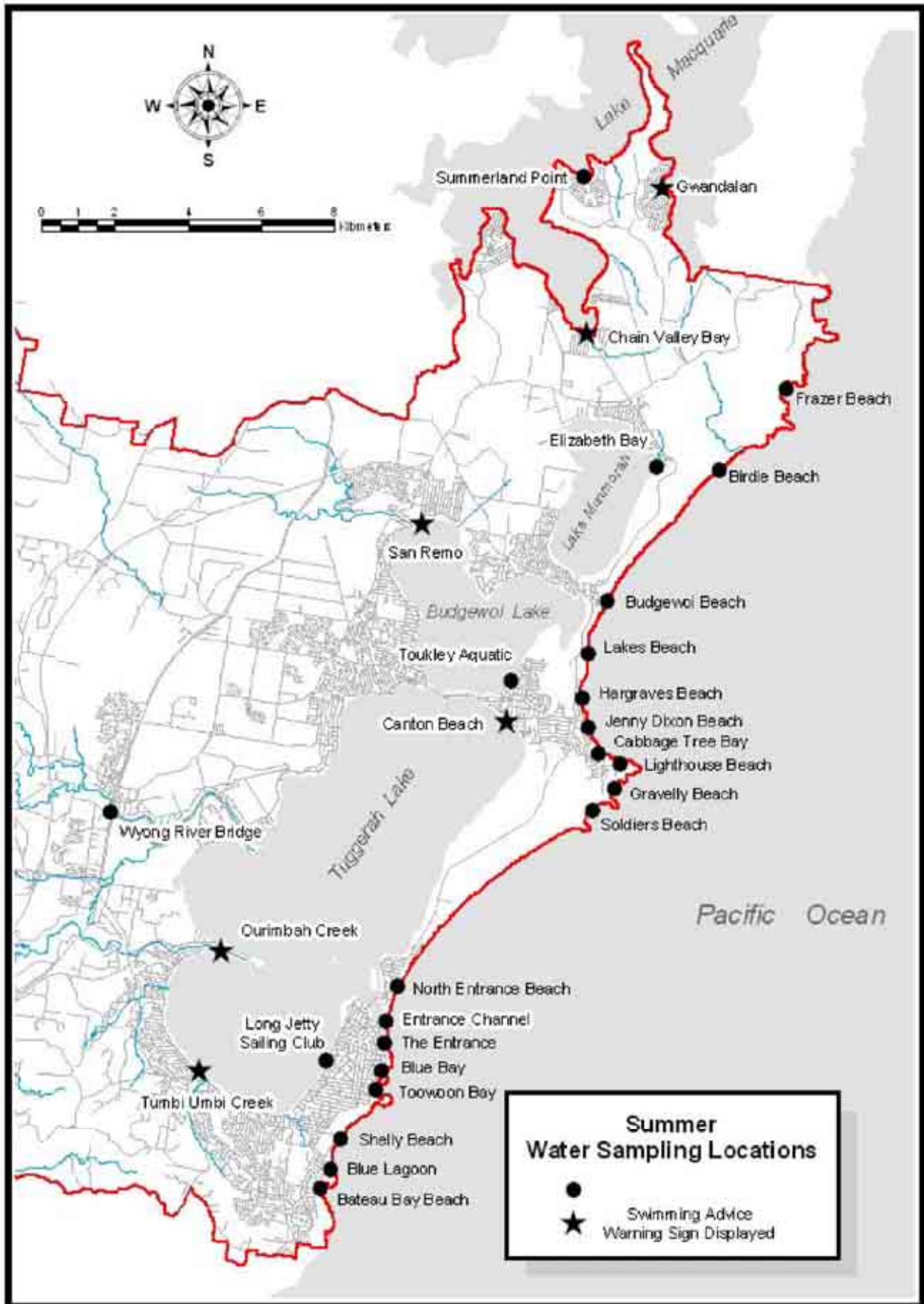
Table 1: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site safe for swimming
***	Fair	41 – 200	NHMRC indicates site is safe for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

**ATTACHMENTS**

- 1 Summer Water Sampling Locations D01539377





### **7.3 Concept Planning for the Central Coast Highway through Long Jetty and The Entrance**

TRIM REFERENCE: CPA/105639 - D02145443

AUTHOR: SA

#### **SUMMARY**

Reporting on the response received from the Chief Executive of the Roads and Traffic Authority (RTA) to Council's letter to the Minister for Roads requesting the preparation of concept designs for the upgrading of the Central Coast Highway through Long Jetty and The Entrance.

#### **RECOMMENDATION**

***That Council receive the report on Concept Planning for the Central Coast Highway through Long Jetty and The Entrance.***

#### **BACKGROUND**

Council at its meeting held on 8 July 2009, resolved as follows:

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

- 1 That Council adopt the draft The Entrance Peninsula Planning Strategy subject to amendment in Precincts 3 and 6 resulting from detailed masterplan adoption in these Precincts.*
- 2 That Council advise the Department of Planning of its decision and forward a copy of the adopted Strategy for information.*
- 3 That Council include the above rezonings in the draft Wyong Local Environmental Plan 2011.*
- 4 That Council write to the NSW Minister for Roads requesting immediate action **on** the preparation of concept design plans for the upgrading of the Central Coast Highway through Long Jetty and The Entrance.*
- 5 That Council write to the Members for Wyong and The Entrance seeking their support for a ferry link between Wyong township and The Entrance township and a variation of speed limit on Wyong River to facilitate ferry operation with an appropriately designed low wake vessel.*

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

AGAINST: NIL."

**7.3 Concept Planning for the Central Coast Highway through Long Jetty and The Entrance (contd)**

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In response to Resolution No 4 above, Council has received a letter from the Chief Executive of the RTA, confirming that the RTA will commence planning for the Central Coast Highway (The Entrance Road), through Long Jetty, to assist planning and development of the Long Jetty and The Entrance area. A copy of this letter is attached. Council was also advised to contact the RTA's Central Coast Manager to ascertain details.

The RTA's Central Coast Manager has advised that strategic design work for the Central Coast Highway, between Wyong Road and The Entrance Bridge is to start in February 2010.

**ATTACHMENTS**

- 1 RTA response re upgrade of Central Coast Highway through Long Jetty D02116614



M09/6249

Mr Kerry Yates  
General Manager  
Wyang Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Mr Yates

Thank you for your letter to the former Minister for Roads about the upgrading of the Central Coast Highway through Long Jetty. The Minister for Transport and Roads now has responsibility for this portfolio, and has asked me to respond on his behalf. I apologise for the delay.

Although the Central Coast Highway through Long Jetty experiences some congestion at peak periods, it is operating satisfactorily following \$2 million of traffic management works completed by the Roads and Traffic Authority (RTA) in recent years.

The Toowoan Bay Road intersection is currently being investigated for improvements.

The RTA is working with Wyong Shire Council to better understand future traffic demands. The RTA is reviewing its traffic model for the entire Central Coast, which will help to identify future priorities in the Long Jetty area. The RTA will commence planning for the Central Coast Highway through Long Jetty, to assist planning and development of the Long Jetty and The Entrance area.

As you are aware, the NSW Government has a significant program of upgrade works on key State Roads on the Central Coast. This \$300 million commitment is for major routes that serve residential and business activity, and provide connections to the National Highway (F3 Freeway). It includes \$85.3 million in 2009/2010 for major infrastructure upgrades.

Again, thank you for taking the time to write to the former Minister with your views. The action officer for this matter in the RTA is Mr Glenn Weymer, Central Coast Manager, who can be contacted on (02) 4379 7001.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MB', followed by a horizontal line and a small flourish.

Michael Bushby  
Chief Executive  
21 DEC 2009

## 7.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02145877

AUTHOR: CC

### SUMMARY

Report on status of Mardi to Mangrove Link Project.

### RECOMMENDATION

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

### PROJECT SCOPE

- Wyong River off-take structure and pumping station
- Wyong River to Mardi-Dam 2.1 kilometre pipeline
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline

### CURRENT STATUS

<b>Expenditure to date</b>	\$26.0m
<b>Project Estimate</b>	\$120.6m

### Construction Status

	<b>Scheduled Start</b>	<b>Scheduled Completion</b>	<b>% Complete</b>
Pre-construction – Management Plans & Approvals	4 January 2010	2 June 2010	10%
Site Possession	18 January 2010		
Work Package 1 – Wyong River Off-take	7 April 2010	14 January 2011	
Work Package 2 – Wyong River Pump Station	19 February 2010	16 January 2011	
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010	3 August 2010	
Work Package 4 – Wyong Mardi Inlet	6 May 2010	2 December 2010	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010	14 January 2011	
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010	12 January 2011	
Work Package 18 – Wyong Weir, Fishway & Gauging	4 August 2010	25 November 2010	
Commissioning	17 January 2011	19 April 2011	

## 7.4 Mardi to Mangrove Link Project Status (contd)

### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	<input checked="" type="checkbox"/>
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	<input checked="" type="checkbox"/>
EOI closes	30 July 2009	30 July 2009	<input checked="" type="checkbox"/>
Determination Approval	14 October 2009	23 September 2009	<input checked="" type="checkbox"/>
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	<input checked="" type="checkbox"/>
Tenders close	12 November 2009	12 November 2009	<input checked="" type="checkbox"/>
Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010	27 January 2010	<input checked="" type="checkbox"/>
Pipeline Construction	12 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	14 January 2011		<input type="checkbox"/>
Commissioning	19 April 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

### Land Matters

- 55 privately owned properties require easements.
- 5 out of 6 agreements signed for additional land required for construction.
- Application notices for compulsory acquisition of easements issued to 22 landholders.
- Compulsory application notices lodged and approved by the Minister on 22 January, approved by the Governor on 27 January and gazetted on 29 January.
- 3 private and 1 Crown landholder easements have been compulsory acquired. For the remaining privately owned property requiring an easement, Council is continuing to negotiate an appropriate resolution, and will be seeking compulsory acquisition if an agreement cannot be reached prior to 31 March 2010.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	51	93%	93%

### Stakeholder Liaison

#### Community

- Displays at Erina Fair Shopping Centre (long-term display) and Karingong Tourist Centre. Undertaking discussion with Westfield Tuggerah and Lakehaven Shopping Centres regarding free space for displays during 2010.
- A media alert has been sent out to all local emergency services, schools and bus services advising lane closures associated with the John Holland Group site office works.
- A media announcement about the construction program was held at Wyong River Pump Station on 12 February and attended by the Mayors for both Gosford City Council and Wyong Shire Council and the Federal Member for Dobell.

## **7.4 Mardi to Mangrove Link Project Status (contd)**

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### **Landholder**

- The Stakeholder Communications and Engagement Strategy is being finalised with John Holland Group.
- One correspondence item has been received in February.
- Easement acquisition notices appeared in the NSW Government Gazette on 29 January 2010 and the Central Coast Express Advocate newspaper on 3 February 2010.
- Plans are underway for an Open House to be held on 6 March 2010 at Wyong Creek Hall to inform local landholders and residents of activities during the construction phase.
- The Project Team is currently arranging for 2 electronic message boards along Yarramalong Road to alert residents to lane closures at the entrance to the John Holland Group site office works.

---

### **Government**

- Liaising with New South Wales Department of Environment, Climate Change and Water (DECCW) on finalising water licences upgrade applications.
- A copy of the Project Branding Pack was sent to the Department of Environment, Water, Heritage and the Arts (DEWHA) for their information.
- A letter was sent to all Local, State and Federal Members of Parliament informing them of the construction program and details of the next Open House event.

---

### **Incidents**

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

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### **Major Achievements / Issues**

- The first Monthly Contract Evaluation Meeting between John Holland Group and Council was successfully held on 11 February.

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### **ATTACHMENTS**

*Nil.*

## 7.5 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02145888

AUTHOR: ML; AP

### SUMMARY

This report shows the current status of completed significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of January 2010. Water and Sewerage services are not included.

### RECOMMENDATION

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

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Brush Road	1,335,464	10	April 2010	Widening of existing unsealed road, retaining wall, kerbing, pavement construction Tree removal commenced
Bush Street Stage 1 Drainage and Roadworks	639,664	30	March 2010	Drainage upgrade to pipelines in and between Bald St and Young St. Also includes pavement/road works, driveways, traffic facilities, footpath and kerb and gutter Drainage works complete. Roadworks re-commence in February.
Delia Avenue Stage 3 Drainage Upgrade.	706,000	95	February 2010	Drainage upgrade to pipelines in and between Delia Avenue and Manoa Road to alleviate flooding of houses. Also includes some pavement works, driveways and kerb and gutter. Drainage and kerb & gutter complete, driveways and pavement under construction



## 7.5

## General Works in Progress (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
George Evans Rd, Killarney Vale Drainage and Pavement Upgrade.	322,000	95	January 2010	Works to alleviate flooding of houses include upgraded drainage pipes, road reconstruction including changes to pavement levels and geometry, and kerb and gutter.  Asphalt wearing course complete, pedestrian refuge and linemarking outstanding
Fortune Crescent Drainage, Lake Munmorah	113,000	20	February 2010	Drainage upgrade alleviate hazardous drainage problems at 11 Fortune Cr and adjacent properties. Works will involve construction of an upgraded stormwater drainage system and replacement of kerb and gutter.
Kaye/Minna murra Retaining Wall	87,000	15	February 2010	Replacement of existing, rapidly deteriorating and unsafe bank and retaining wall with sawn sandstone stacking rocks

**General Maintenance Work**

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

	North	South
Drainage Maintenance	Budgewoi Ravensdale San Remo	Killarney Vale Wyang Long Jetty The Entrance Tuggerah Berkeley Vale
Replacement of Damaged Foot paving	Tuggerawong Toukley	Long Jetty The Entrance Nth

	North	South
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Yarramalong Dooralong	Nil
Heavy Patching	Yarramalong Jilliby Kiah	Nil
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Glennings Valley
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
Fencing	Nil	Nil
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty

**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

<b>Item Description</b>	<b>Estimated Cost</b>	<b>% Completed</b>	<b>Estimated Completion Date</b>	<b>Comments</b>
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	25	April 2010	The Deed of Agreement for the power line easement has been executed. It is anticipated the extraction system and power plant will be operational by April 2010. The Deed of Agreement provides for 15% of any Royalties from the generation of electricity to be returned to Council.
CPA/94559 Design and Documentation of Woongarra Sports fields	\$350K	99	November 2009	Claim to finalise earlier commission work resolved and paid. There will be minor ongoing work required as the construction contract continues.
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	85	February 2010 for turf placement at all new sportsfields. Use of fields towards end 2010	Construction works are proceeding under Council's direct management. Delays in delivery of gravel and growing medium under turf mean playing fields unlikely to be available for use until end of 2010. Turf expected to be completed for all fields by mid-February 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$670K	85	March 2010	Contract awarded to Bonacci Group Pty Ltd January 2008. Design finalisation expected in March 2010. Commencement of construction for Stage 1 to service southern section of the Warnervale Town Centre is being scheduled to meet the development demand and construction schedules of the relevant landowners. Estimated project construction cost \$9M, with this consultancy costing \$670K.
CPA/130591 Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	\$370K	90	March 2010	Contract awarded to SMEC Australia Pty Ltd April 2008. Completion of design and tender documentation by end of March 2010. Commencement of construction of the water mains is being scheduled to meet the development demand and construction schedules of the relevant landowners. Project construction cost \$3M, with this consultancy costing approximately \$370K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour Norah Head	\$296K	70	June 2010	Contract awarded to Shirley Consulting Engineers. Notice of Determination under a Part 5 assessment has been obtained. A Licence Agreement from the Department of Lands has been obtained. Approval from the Department of Environment, Climate Change and Water has been received. This consultancy \$296K including all variations to date. Project budget for construction reviewed based on final design with costs increasing from \$1.3M to \$2.9M. Briefing on liability issues held 27 January 2010. Project budget prepared based on final design is indicating costs could be in order of \$2.9M. Additional funding is being requested from DECCW.
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$360K	75	May 2010	Contract awarded to Storm Consulting Pty Ltd for design of constructed wetland. Seeking approvals to commence work to allow completion by May 2010 to satisfy Federal Grant conditions.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/136020 (complete) and CPA/162445 Gwandalan Landfill Remediation – Investigations Only	\$152K	65	March 2010	Preliminary site investigation (CPA/136020) completed (cost \$42K). Detailed site investigation (CPA/162445) field work and analysis have been completed. Initial results necessitated further fieldwork for investigations – that has been completed. Draft investigation report expected by February 2010 (cost of this consultancy is \$110K).
CPA/136021 (complete) and CPA/168802 Tumbi Landfill Remediation – Investigations only	\$73K	60	March 2010	Preliminary site investigation (CPA/136021) completed (cost \$30K). Detailed site investigation (CPA/168802) commenced. Draft investigation report expected in February 2010 (cost of this consultancy is \$43K).
CPA/136486 Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	\$164K	99	April 2010	Contract awarded to Maunsell Australia Pty Ltd April 2008. Construction has commenced. This consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$80K	60	April 2010	Preliminary investigation (CPA/142750) completed (cost \$30K). Tenders for detailed site investigation (CPA/173290) have been invited and closed. This tender is estimated at \$50K and is expected to be completed by May 2010.
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section).  Construction of Buff Point Shared Pathway  (includes the Kemp Close section which has attracted a Federal grant)	\$250K per year x 3 years (EMP funds – holiday parks)+ \$250K Federal grant = \$1m + future \$300K for completion to Sonoma Road.	80	June 2010 (current funds)	Construction complete from Edgewater Park to opposite Nacooma Road – approx. 1.9km of total approx .3km of pathway, incl. the steep section at Kemp Close. Estimated overall cost of construction for all Buff Point pathways is \$1.3M Construction for next (200m) portion at eastern end planned for March to June 2010. EMP funds of about \$100k remain available to 30 June 2010.
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	95	April 2010	Contract awarded to Cardno (QLD) Pty Ltd October 2008. Final design documentation is being checked. Odour control unit has been added to scope. Estimated project cost \$11M, with this consultancy costing \$190K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/149519 Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	\$170K	40	March 2010	In progress. Manufacture of new roof structure nearing completion. Associated miscellaneous civil work 50% complete. Demolition (by in-house resources) completed with new roof erection planned for February.
CPA/164637 (awarded) Toukley Landfill (Sewage Treatment Plant and Transfer site) Remediation – Investigations only	\$250K (two contracts)	20	March 2010	The preliminary investigation (CPA/164637) has been awarded to Douglas Partners (cost \$40K). Site investigation works completed in January 2010. Tenders for the detailed site investigation to be called after the completion of the preliminary investigation works (March 2010).
CPA/149979 CPA/151861 Warnervale Town Centre Stage 2 Environmental Site Assessment and Remediation Action Plan	\$229K (two contracts)	88	March 2010	Consultancy and the Independent Auditor awarded to WSP Environmental Pty Ltd and ENVIRON Australia Pty Ltd respectively. WSP has commenced the final stage (Remedial Action Plan) expected project will reach completion by March 2010.



Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	\$148K	70	April 2010	Contract awarded to GHD Pty Ltd January 2009. Detail design commenced on preferred option. Construction expected to commence July 2010 and be completed December 2010. Estimated project cost \$3M, with this consultancy costing \$148K.
CPA/153228 Construction of Woongarra Sports Facility	\$6.1M	90	May 2010	Contract awarded to Maincon Pty Ltd April 2009. Target is for playing fields to be ready for the winter 2010 season. All turfing complete as at 22 January 2010. Building, walls & paths well advanced and completion target remains achievable. Works anticipated to be completed in April - May 2010.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	10	August 2010	Contract awarded to Process Engineering Technologies Pty Ltd on 20 October 2009. Pre-commencement documents accepted. Construction to commence early February 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$9.7M	2	April 2011	Tenders for construction called and will close February 2010. Anticipate construction to commence April/May 2010 with completion by April 2011.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/157278 Replacement of 600 metre length of 250mm water main – McDonagh Rd	\$380K	98	January 2010	Contract awarded to Mudix Pty Ltd on 4 June 2009. Water main alignment modified to suit environmental concerns. Construction now completed. Defects Liability period has commenced.
CPA/159872 Surf Clubs Upgrade Works Needs Analysis & Concept/DA Designs - Investigation	\$80K	98	January 2010	Estimated project construction cost is \$5.75M (WSC funding \$3.0M), with current consultancy \$80K. DA design for 2 new clubs complete and lodged for DA approval. Federal grant application made before 15 January 2010 deadline for new clubs at Shelly Beach and Soldiers Beach. State grant application made before 18 December 2009 for club refurbishments.
CPA/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	55	June 2010	Contract awarded to Eire Contractors Pty Ltd on 28 July 2009. Progressing well. Expected completion May 2010.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	15	March 2010	Contract let to Trehy Ingold Neate Pty Ltd in March 2009. Initial surveying work and preparation of application to allow staging of the development being undertaken. Estimated completion date for this contract is March 2010. Target date for land to be available for sale off the plan is March 2010. Consultancy value \$95K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/160794 Construction of the Northern Section of the Link Road.	Construction cost \$8.7M	25	November 2010	Civil construction by Robson Civil Projects Pty Ltd progressing well. Electrical design continuing for street lighting. Relocation of gas main by Jemena complete. Closure of Albert Warner Drive now in place to facilitate upgrade of Sparks Road intersection.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	50	July 2010	Tender for construction awarded to Robson Civil Projects Pty Ltd on 20 October 2009. Contract progressing ahead of schedule. Earthworks due for completion early February. Installation of cell lining system will follow. Completion due in May 2010.
CPA/166102 CCGT Business Incubator Project – Design and Construct (D&C)	\$3M	1	Dependent on Grant funding	Project is subject to Federal Government grant funding (yet to be confirmed). Estimated project D&C cost is \$3M. Draft documentation developed and currently subject to peer review. A separate application by CCGT for \$2M funding has been made under Round 2 of the funding.
CPA/173286 Remediation of Mardi Landfill – Design only	\$300K	2	December 2010	Expressions of Interest selectively invited for design, closing in February 2010. Tenders for design will follow.

## 7.5 General Works in Progress (contd)

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
F2009/02444 Tunkuwalin (Oval to Primary School) Shared Pathway. (investigation, designs, approvals and construction)	\$170K	10	Target June 2010.	Initial investigations underway to seek approvals for construction.
F2008/02335 Colongra Bay Shared Pathway	\$200K	20	Target June 2010.	Survey & designs complete. Approvals required.
F2009/01909 Mannering park Footpath – Cheryl St & Warwick Ave Shared Pathway – reserve	\$105K	20	Target June 2010.	Construction in Warwick Ave 50% complete. Investigations underway to seek approval for remainder of path in reserve.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/152870	Buttonderry Waste Management Facility Entry Upgrade Works	Practical Completion - Three Portions of the Contract: Portion 1 – 17 September 2009 Portion 2 – 31 October 2009 Portion 3 – 12 November 2009	Portion 1–25 Portion 2-20 Portion 3- 10
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	40
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Practical completion 24 April 2009. Final claim now received.	75
CPA/136398 to CPA/136401	Year 2 Upgrade Works to All Holiday Parks	Practical completion 28 April 2009	75

### ATTACHMENTS

*Nil.*

## 7.6 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02146270

AUTHOR: JD

### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of January 2010.

### RECOMMENDATION

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

#### Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	8	977,750	7	1,334,800
Industrial	3	1,270,000	1	4,500
Residential	74	7,744,602	68	5,660,404
Other	4	45,000	5	25,000
<b>Total</b>	<b>89</b>	<b>10,037,352</b>	<b>81</b>	<b>7,024,704</b>

#### Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	2	62	2	3
Rural	1	-	1	-
<b>Total</b>	<b>3</b>	<b>62</b>	<b>3</b>	<b>3</b>

### Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was 20 days.

There were no priority applications determined during the month.

### Other Approvals and Certificates

Type:	Number Determined:
Tree Permits	12
Section 149 Certificates	12
Section 149 D Certificates	15
Construction Certificates	53
Complying Development Certificates	4

### State Environmental Planning Policy No 1

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

### History of DA Approvals 2005 – 2009 – Refer to Attachment 1.

As we have commenced a new year, a comparison of development applications determined from 2005 to 2009 incorporating a breakdown of application types and values is attached.

### ATTACHMENTS

- |   |  |           |
|---|--|-----------|
| 1 | History of Development Applications 2005-2009  | D02153022 |
| 2 | Graphs - Development Applications, Lodged and Determined, Construction Certificates Determined | D02149150 |

## History of Development Applications 2005-2009

Type	2005		2006		2007		2008		2009	
	No of Apps	Value	No of Apps	Value	No of Apps	Value	No of Apps	Value	No of Apps	Value
Industrial	70	41,082,877	49	13,366,650	52	40,512,927	38	21,212,690	46	18,745,950
Retail/Commercial	324	144,578,753	239	94,940,931	223	68,864,603	169	127,796,905	187	136,775,163
*Residential (Other)	1070	140,946,620	909	79,524,860	732	26,052,345	700	23,692,850	646	22,367,828
Residential (New Houses including Dual Occupancies)	478	103,665,377	432	103,226,257	400	81,084,683	284	60,683,192	386	101,481,700

Type	2005			2006			2007			2008			2009		
	Units	Apps	Value	Units	Apps	Value	Units	Apps	Value	Units	Apps	Value	Units	Apps	Value
Residential Flat Buildings	296	35	39,483,685	94	7	5,250,000	403	17	34,017,730	184	13	12,091,670	148	10	20,430,000

Type	2005			2006			2007			2008			2009		
	Lots	Apps	Value	Lots	Apps	Value	Lots	Apps	Value	Lots	Apps	Value	Lots	Apps	Value
Residential Subdivisions	553	101	2,418,950	658	70	609,000	208	45	521,821	418	35	1,512,921	274	27	1,128,700

\*Residential (Other) includes Awning, Above Ground Pools, Additions and Alterations, Carports, Decks, Fences, Garages, Glass Screen Enclosures, Pergolas, Retaining Walls, Relative Accommodation, and Sheds

**Comments:**

Industrial has seemed to be consistently 40% below 2005 figures.

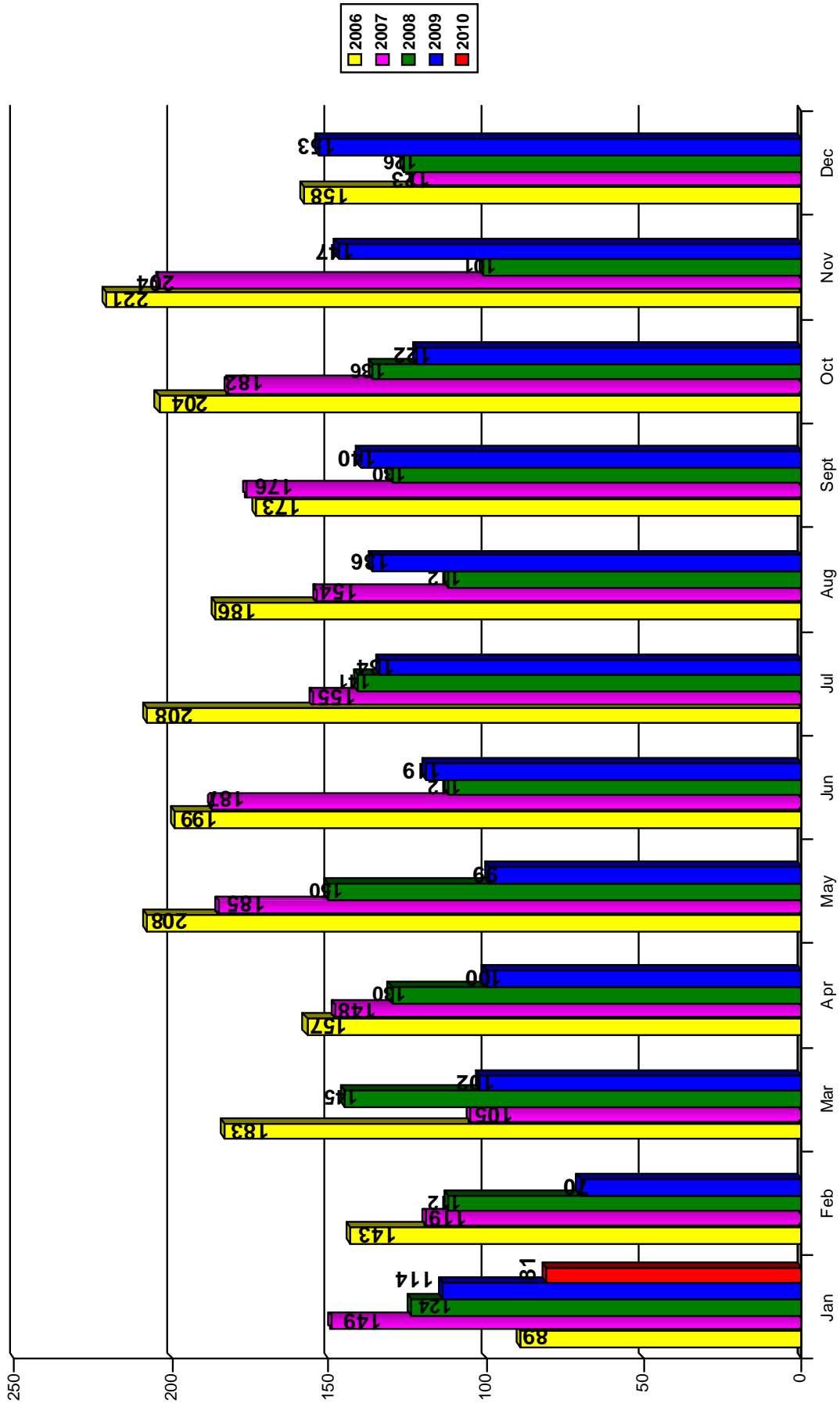
Commercial would appear to have bottomed out.

Residential (New Housing) figures appears to have come back up in 2009

Residential (other) has gone down as previous applications are now assessed under DCP 2005 – Chapter 86 Complying Development

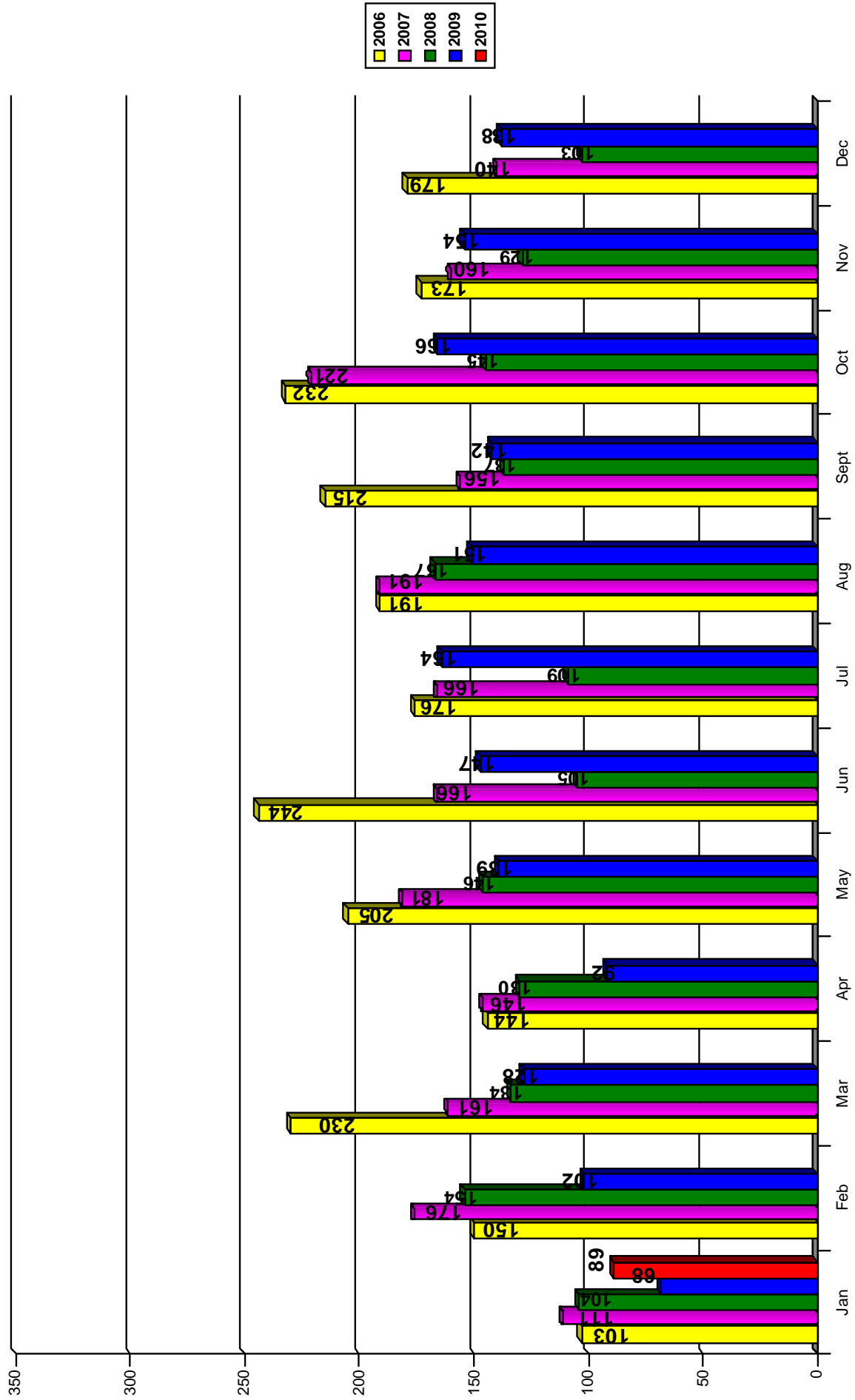
Residential Subdivisions continue to drop in 2009.

**DAS DETERMINED**

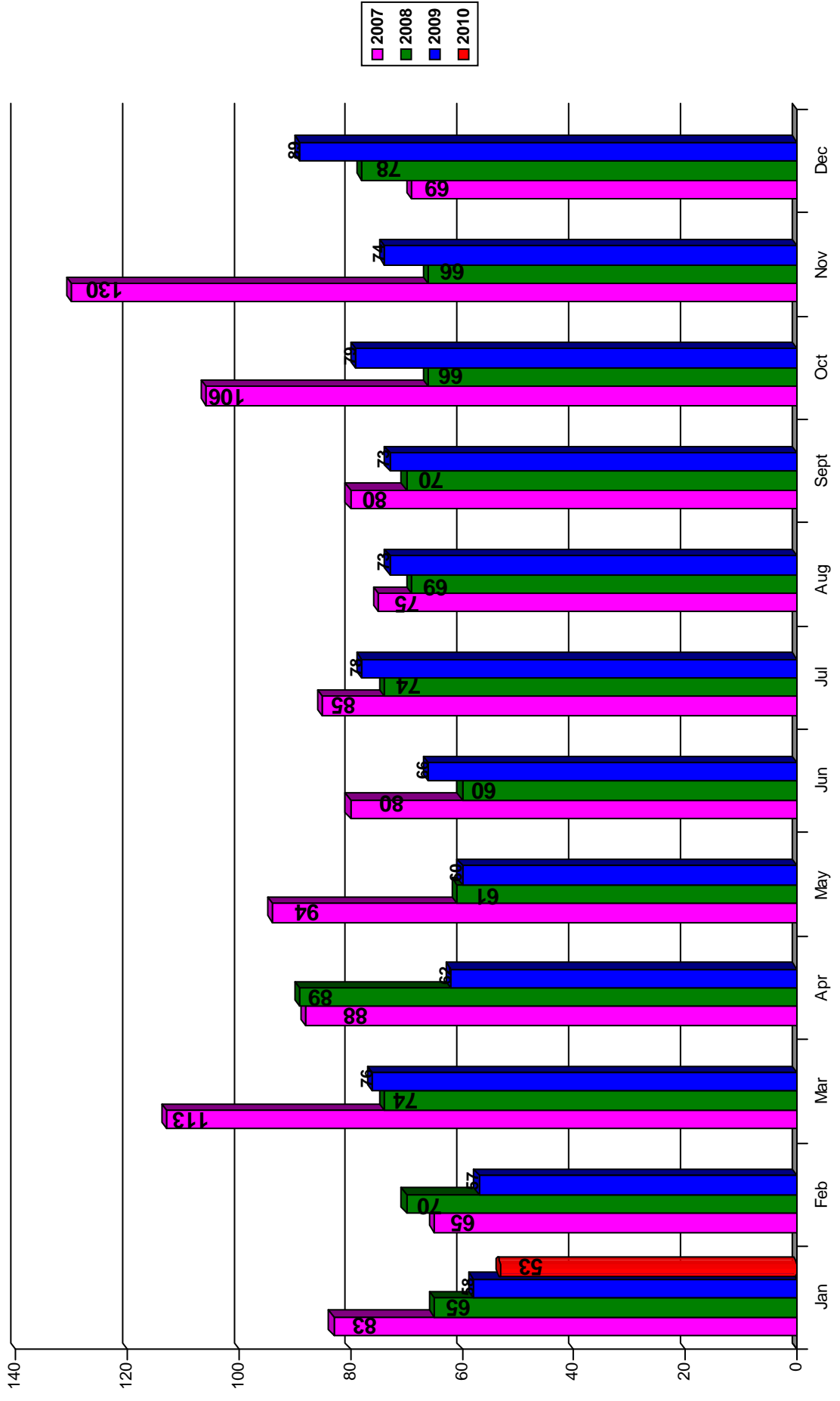




**DAS LODGED**



**CCs DETERMINED**



## 7.7 Water and Sewerage - Works in Progress

TRIM REFERENCE: F2004/07830 - D02118899

AUTHOR: DM

### SUMMARY

Water supply and sewerage works in progress and completed for January 2010.

### RECOMMENDATION

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

### WATER SUPPLY

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Intersection of Albert Warner Dve & Sparks Rd, Warnervale	10,000	90	Jan 2010	Asset condition inspections and confirmation of work as executed are being carried out on the 600mm Hunter to Kanwal water trunk main link and 375mm water main as part of the construction work for the Warnervale link road.  This work is being funded by Contracts and Special Projects.
Shakespeare Ave, Waratah St, Keats Ave & Marlowe Ave Bateau Bay	80,000	70	Mar 2010	Ongoing fittings and replacement works as part of the water fitting replacement and program.  The work is being funded by Water and Sewerage Capital Works Program.
Bateau Bay Long Jetty The Entrance Killarney Vale Berkeley Vale Toukley	20,000	Ongoing	Jun 2010	Ongoing hydrant maintenance work being done in conjunction with NSW Rural Fire Brigade priorities.  The work is being funded by Water and Sewerage Operations and Maintenance Program.
Intersection of Toowoan Bay Rd, Nirvana St and Archbold Rd, Long Jetty	184,000	15	Mar 2010	Relocation of 100mm and 375mm water mains and adjustment of water services in aid of Roads and Drainage works at the intersection of Toowoan Bay Rd, Nirvana St and Archbold Rd, Long Jetty.  This work is being funded by the Roads and Drainage Rolling Works Program.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Bateau Bay Reservoir, Berne St Bateau Bay	7,000	10	Feb 2010	<p>Work has commenced to reinstate vegetation to aesthetically enhance the appearance at Bateau Bay Reservoir.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>

## SEWERAGE

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

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Killarney Vale Berkeley Vale Bateau Bay Long Jetty Lake Munmorah	50,000	Ongoing	June 2010	<p>Ongoing sewer main and manhole replacement and adjustment works.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>
Bateau Bay Treatment Plant	12,000	50	Feb 2010	<p>Work has commenced to replace corroded pipe work and reinstate damaged concrete at the gas bell and chlorine injection shed.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>
Sewage Pumping Station C3, Birdwood Dve, Blue Haven	30,000	80	Feb 2010	<p>Repairs have commenced on the barometric loop located along C3/C6 rising main. The works include sand blasting the pipe work to its original surface coating, repainting the loop with corrosive protection paint, constructing 3 valve pits and installing 2 sampling points. The access road to the loop is also being upgraded for ease of site access.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>

**PROCESS****Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 to 31 January 2010 has met National Health and Medical Research Council Guidelines.

**Sewage Treatment**

All effluent discharged from the sewage treatment plants, for the period 1 to 31 January 2010 has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

Monday, 15 February 2010

## STORAGES

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	53,447	28.1	Up 244 ML
Mardi Dam	7400	3,331	45.0	Up 518 ML
Mooney Dam	4600	2,834	61.6	Up 98 ML
Total	202000	59,612	29.5	Up 860 ML

**CURRENT WORKS:**

- Upgrade works essential for the long term secure operation of Mardi Dam and Central Coast water supply system are being undertaken. The works include the construction of a new intake tower, two pump stations and new pipelines at Mardi Dam.
- These works have been timed to coincide with the seasonal drop in the Mardi Dam levels over summer months. Levels will return to normal once the work is complete.
- The work is on schedule for the new outlet tower.

**STORAGE:**

- Total stored water volume has increased by 0.7% since last month. Mardi Dam storage level has been lowered for the construction of the new outlet tower. Recently Mardi Dam level has been raised to create at least 2-3 week reserve storage buffer. It is planned to recommence lowering of Mardi Dam, by natural demand, from Mid April 2010 to meet the outlet tower construction program. The lowering of the dam will be managed to optimise extraction from the run of the Wyong River.
- This day last year the total stored volume was 1.6% higher.

**HUNTER TRANSFERS:**

- Hunter Water Corporation supplied 20.8ML last week increasing this years supply to 789ML.
- Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this years supply to 0.0ML

**GROUND WATER BORES:**

- Groundwater Bores supplied 6ML last week increasing this years supply to 49ML

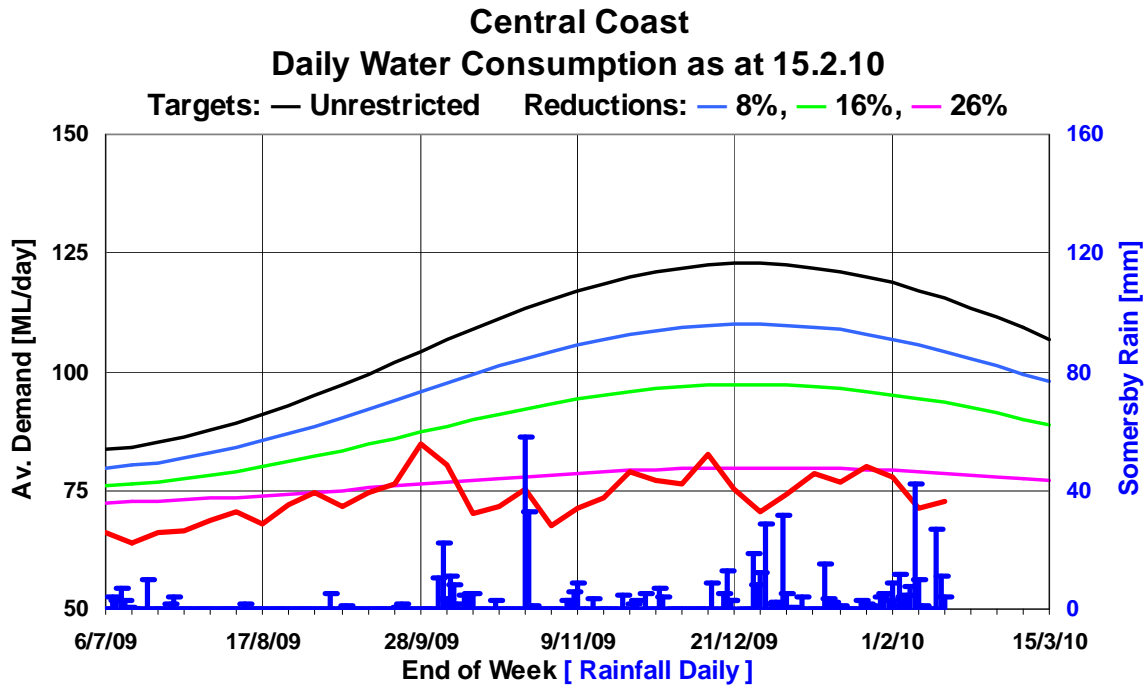
## WATER USAGE &amp; RAINFALL

Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	509	43	51	16
Previous week	498	81	78	146
Current week last year	458	237	126	149
This year to date	3,498	218	226	260
Same period last year	3,527	317	146	189

Week to date consumption was 509 ML, 11.1% more than the same week last year and 2.2% more than the previous week.

Consumption this year to date is 3,498 ML, 0.8% less than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 22 February 2010 is 548 ML



- Black Line:** Central Coast's normal demand when no restrictions are in place.
- Blue Line:** Level 1 restriction (8% reduction (based on the 'black line') over the entire year)
- Green Line:** Level 2 restrictions (16 % reduction (based on the 'black line') over the entire year)
- Pink Line:** Amended Level 3 Restrictions (Current Target, 26 % reduction (based on the 'black line') over the entire year).
- Red Line:** Recorded Water Usage for Central Coast
- Blue Bars:** Recorded Daily Rainfall at Somersby (mm)

**ATTACHMENTS**

*Nil.*

## 7.8 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02149595

AUTHOR: SG

### SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

### RECOMMENDATION

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

Question Asked / Councillor	Department	Meeting Asked	Status
Q61/10 - Progress or non progress of the RTA's upgrade of the Pacific Highway through Wyong township  <i>"Could staff advise on the progress, or non progress, of the RTA's upgrade of the Pacific Highway through Wyong township?"</i>	Shire Planning	27 January 2010 Cr Eaton	A response will be submitted to Council's meeting of 10 March 2010.
Q63/10 – Schedule of Joint Meetings between Wyong and Gosford Councils for 2010  <i>"Can I be advised when the next Joint Council Meeting is proposed and indeed the second meeting for 2010?"</i>	Corporate Services	10 February 2010 Cr Eaton	A response will be submitted to Council's meeting of 10 March 2010.
Q64/10 – Parking Code Review  <i>"Can staff advise if the Parking Code Development Control Plan Chapter is scheduled for review in the near future?"</i>	Shire Planning	10 February 2010 Cr Eaton	A response will be submitted to Council's meeting of 24 March 2010.
Q65/10 – Old Warnervale Public School  <i>"Could staff ask the Department of Education how long it will take to demolish the buildings gutted by fire at the old Warnervale Public School?"</i>	Shire Planning	10 February 2010 Cr McNamara	A response will be submitted to Council's meeting of 24 March 2010.



## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.</p>
<p>298 - The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Staff are prepared to brief Council during the third quarter of this budget year. However, the briefing will be subject to availability of briefing times.

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <ol style="list-style-type: none"> <li>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></li> <li>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></li> <li>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></li> <li>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></li> <li>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></li> </ol>	<p>Shire Planning</p>	<p>25 February 2009 Cr Best / Cr Matthews</p>	<p>Briefing to be held during Councillor weekend workshop.</p>

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.2 – Notice of Motion – Community Gardens</p> <p><i>That Council develop a Strategic Policy for Community Gardens which involves the following:</i></p> <ol style="list-style-type: none"> <li>1 <i>That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:</i> <ol style="list-style-type: none"> <li>a <i>Establish community gardens in new and existing residential areas in partnership with local residents.</i></li> <li>b <i>Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.</i></li> <li>c <i>The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.</i></li> <li>d <i>That clearly identifies Council's roles and responsibilities.</i></li> </ol> </li> <li>2 <i>That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.</i></li> <li>3 <i>That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.</i></li> <li>4 <i>That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.</i></li> <li>5 <i>That the policy be developed in partnership with the Community Development Unit.</i></li> </ol>	<p>Shire Planning</p>	<p>22 July 2009 Cr Wynn / Cr Graham</p>	<p>A report will be prepared for Council's consideration once community consultation has been completed.</p> <p>The draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.</p>

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion – Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	Briefing to be held during Councillor weekend workshop.
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its “Greenfield” urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council’s strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	Briefing to be held during Councillor weekend workshop.
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures for all areas of Wyong Shire has been completed, as advised to Councillors via a business update dated 3 December 2009. A report on the outcomes of the audit will be presented to Council in March 2010.

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p><i>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</i></p> <ul style="list-style-type: none"> <li>• <i>the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council);</i></li> <li>• <i>vehicle and small plant fleet; and</i></li> <li>• <i>Buttonderry landfill site.</i></li> </ul> <p><i>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</i></p> <p><i>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A Councillor briefing followed by a report will be scheduled for the first quarter of 2010.
<p>8.2 - Possibility for the Establishment of an Environmental Committee</p> <p><i>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	Review of form, membership and charter of similar committees in other Councils completed. A report will be submitted to Council in March 2010.

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>U17/09 - Motion of Urgency - Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven</p> <p><i>That Council <u>defer</u> the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;</i></p> <p><i>a the submission of a report by local residents regarding the use of these two blocks;</i></p> <p><i>b an opportunity being given to the local residents to address Councillors at a future resident's forum;</i></p> <p><i>c a report from staff in regard to the submission by local residents. This report is also to include a list (developed in consultation with the broader community of Charmhaven and Lake Haven) of potential projects that could be funded from the proceeds of the sale if it proceeds.</i></p> <p><i>d a report about alternative uses of the land such as the path combined with a park or community garden retaining as much of the old growth as possible.</i></p>	Corporate Services	14 October 2009 Cr Vincent / Cr Symington	Wider consultation to be conducted and reported to Council March 2010.
<p>8.1 - Notice of Motion – Shire Civic Garden</p> <p><i>1 That Council <u>consider</u> the creation of a civic garden within the Shire that consists predominantly of native plantings</i></p> <p><i>2 That Council staff <u>provide</u> a report by March 2010 on the implementation cost, maintenance, including planting and/or maintenance, by local garden clubs and/or land care groups/schools/communities.</i></p>	Shire Planning	11 November 2009 Cr Vincent / Cr Matthews	The project has been incorporated into the Future Planning Works Program, with a report to be submitted to Council in March 2010.

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <p>1 <i>That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i></p> <p>2 <i>That the draft policy be written to apply to major residential, commercial and industrial development.</i></p> <p>3 <i>That the provisions of the policy include:</i></p> <p style="padding-left: 20px;">a <i>objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</i></p> <p style="padding-left: 20px;">b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i></p> <p style="padding-left: 20px;">c <i>a focus on buildings located within town centres and on major roads within the Shire.</i></p> <p>4 <i>That the draft policy be reported back to Council for consideration.</i></p>	Shire Planning	11 November 2009 Cr Best / Cr Webster	Item has been included on the policy works program and will be commenced late 2010.
<p>10.2 - Notice of Motion - Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients</p> <p><i>That Council <u>prepare</u> a report, working within the existing Federal Government framework, for the implementation of a pilot program for the construction of local footpaths using “Work for the Dole” recipients.</i></p>	Shire Services	9 December 2009  Cr Symington/ Cr Wynn	A report will be submitted to Council on 24 March 2010.

## 7.8 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <p>1 That Council <i>recognise</i> in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</p> <p>2 That Council <i>receive</i> a report on the establishment of a Mediation process. The report should include the following:</p> <p>a A review of “best practice” mediation committees / mediation processes operating elsewhere.</p> <p>b A review of practices / procedures / committees operating in adjoining Councils.</p> <p>c The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	A report is being prepared and will be submitted to Council once investigations have been completed.
<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor</p> <p>1 That Council <i>invite</i> tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.</p> <p>2 That Council <i>receive</i> quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	Tender process is underway and a report will be submitted to Council.
<p>5.3 - Notice of Motion – Warnervale Airport and Associated Lands</p> <p>That staff <i>report</i> to Council generally on the history and legal status of the Warnervale airport including the impact of the Warnervale Airport Restrictions Act.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Best / Cr Eaton</p>	A report will be submitted to Council on 28 April 2010.



## **7.8 Outstanding Questions Without Notice and Notices of Motion (contd)**

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

<b>Question without Notice / Notice of Motion</b>	<b>Date Asked / Resolved</b>	<b>Outcome</b>
Q060/10 - List of Council Tenants who are Charitable Organisations and have not had their leases renewed	27 January 2010 Cr Eaton	Report included in this business paper.

### **ATTACHMENTS**

*Nil.*

## **8.1 Answers to Question Without Notice**

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TRIM REFERENCE: F2004/07018 - D02149822 AUTHOR: PF

### **8.1 Q60/10 - Charitable Organisations leases of Council buildings**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 27 January 2010:

*“Could staff briefly report, in table form, on all Charitable tenants of Council properties whose leases have not been renewed in the last 20 years?”*

Lease agreements are those where the tenant has exclusive possession for a defined period subject to the conditions of the lease (eg Oasis Youth Centre premises to Salvation Army).

Hall hire arrangements do not offer exclusive possession and are for indefinite terms (eg Berkeley Vale Rugby League Club) These hire arrangements are not dealt with for the purpose of answering this question.

In respect of Council buildings where leases have been in place now and in the past 20 years to charitable tenants (tenants that provide a Community Service from the leased premises), there has been no circumstance where Council has required the return of the premises (vacant possession) and terminated the lease.

There has been one circumstance where a charitable tenant has either terminated a lease in advance of the expiry date or not sought renewal of a long term lease. In 2009 Family Childcare Services Central Coast relocated from Council premises in Alison Rd Wyong to alternative larger accommodation not owned by Council prior to the lease expiry.

## **ATTACHMENTS**

*Nil.*

## **9.1 Notice of Motion - GOATS Family Festival**

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TRIM REFERENCE: F2008/02419 - D02155663

AUTHOR: LM

Councillor Matthews has given notice that at the Ordinary Meeting to be held on Wednesday 24 February 2010 she will move the following Motion:

*"That Council allocate \$25,000 from the 2009/2010 Community Benefit Grants Program for the GOATS Family Festival to be held 3 and 4 April 2010."*

### **COUNCILLORS NOTE**

The next round of Community Benefit Grants is scheduled to be considered by the Grants Panel on 17 March 2010 and by Council on 24 March 2010. The Festival is being held on the first weekend of April 2010. The organisers of the Festival are seeking a commitment of funding prior to these dates to enable them to successfully prepare for the event.

## **9.2 Notice of Motion - Economically and Environmentally Sustainable Living - Demonstration House**

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TRIM REFERENCE: F2009/02615 - D02155176

AUTHOR: GB

Councillors Best and McNamara have given notice that at the Ordinary Meeting to be held on 24 February 2010 they will move the following Motion:

*“That staff provide an integrated report on the extent of possibilities and overall feasibility of developing and operating a Sustainable Living Demonstration House located in one of the developing areas of the Shire. The Demonstration house would include smart, sustainable technologies and be as close to self sustaining as possible. The House would be used to educate the community on Sustainable Living and to promote the use of innovative and cost effective sustainable features to the local development industry. Further council recognises any such initiative must also be in clear partnership with the broader community and its peak community organisations while leveraging off existing highly successful sustainability programs such as Council’s “Sustainability Street”.*”

### **COUNCILLOR’S NOTE**

The Demonstration House could include but not be limited to a range of features such as remote control operation of household appliances or services using mobile phones to reduce energy consumption, solar power generation and innovative battery storage technology with fuel cells, low energy lighting, water saving appliances and stormwater reuse, solar water heating, heat exchange air conditioner and energy efficient vehicle in the garage. The house could also be used to demonstrate more sustainable building materials, recycling, possibilities and general building practices well in excess of BASIC requirements. In addition, the House could include interactive displays that show cost and efficiency comparisons with less sustainable appliances. The possibility of a joint venture with local builders and / or local landowners should be investigated.

It is important to maintain a clear focus on the critical balance required between environmental sustainability versus financial sustainability. The fiscal and physical balance is critical, particularly with regard to our socio economic demographic.

### **9.3 Notice of Motion - Proposed liquor outlet Norah Head and Toukley**

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TRIM REFERENCE: DA/565/2009 - D02155177

AUTHOR: GB

Councillor Best has given notice that at the Ordinary Meeting to be held on 24 February 2010 he will move the following Motion:

- "1 That Council support the residents and ratepayers in Norah Head and Toukley in their campaign opposing further liquor outlets in these areas.*
- 2 That Council note any such application will be determined exclusively through the State Government's authority (CLGCA) Casino, Liquor and Gaming Control Authority.*
- 3 That having regard to 2 above, Council recognise its role as an advocate / peak body on behalf of the local community.*
- 4 That Council develop a submission in preparation to the pending formal request by the CLGCA for public comment."*

#### **COUNCILLOR'S NOTE**

Attached as a background is correspondence from the President of Norah Head Ratepayers, Residents' and Coastcare Association Inc clarifying the community view on the issue.

#### **ATTACHMENTS**

- 1** Submission objection - DA/565/2009 - 1/69 Bungary Rd Norah Head Lot 1 SP 60458 - Operate a liquor store - Norah Head Ratepayers Residents and Coastcare Association D01993495



**Norah Head Ratepayers, Residents & Coastcare  
 Association Inc.**

PO Box 166

Toukley, 2263

Tel: (02) 4397 5119

Email: garyandgae@bigpond.com

President, Gerry Larkin

Secretary, Gary Dean

Treasurer, Debbie Alexander

The General Manager  
 Wyong Shire Council  
 PO Box 20  
 WYONG NSW 2259

DA 565/09

6<sup>th</sup> August, 2009

Dear Sir

**Re: Proposed Liquor Store – Shop 2 1/69 Bungary Road Norah Head**

Council is in receipt of this Development Application which is currently on public exhibition seeking comment from interested stakeholders. It is understood that Council formally notified some local residents in accordance with Council's 'Notification Policy'. Further to this, the Association inserted an appropriate notice in its current Newsletter which is distributed throughout Norah Head.

It is no secret that there is an alarming increase in anti-social behaviour and crime related incidents in our community today. Assaults, vandalism and robberies are some examples. More often than not these incidents are alcohol fuelled and involve the youth. Also, another disturbing statistic is the increase in under age drinking. Council is acutely aware of the extent of vandalism across the Shire and Norah Head in particular. The Police are often called to Norah Head to deal with any one of these incidents.

The Norah Head residents are gravely concerned about this trend and what they witness on all too frequent occasions.

The Association's August meeting, which was attended by twenty-five (25) residents, discussed this proposed Liquor Store. Apart from one (1) resident and several who did not express an opinion, the remainder of those present was strongly opposed. Their message was clear –Norah Head does not need another liquor sales outlet. They felt that a development of this nature would exacerbate the already unsatisfactory social issues in the community as outlined above. Drink driving was another potential problem to add to that list.

Does the Development Application include a 'Social Impact Statement'? If not, it should.

The Norah Head community is small and one might question the financial viability of this proposed development. Retail outlets in this small neighbourhood centre do struggle.

Whilst it is not the role of the Association to judge the commercial reality of a proposed business, (that is left to the Proponents), the Association does however have an important role in assessing whether or not any new business is good for Norah Head. In the case of another liquor outlet, the Association says NO – it is not in the best interests of the Norah Head community.

In determining this Development Application Council must consider the provisions of the Environmental Planning and Assessment Act, in particular Sec 79(C) (e), relating to "... the public interest..."

The Association's August meeting resolved that I write to you expressing concerns on behalf of the Norah Head community about the proposed development and request that the Development Application be refused for the reason that "...approval would not be in the public interest..."

It was also resolved that because of the emotive nature of the proposed development, that the Development Application be determined by Council, and not under delegated authority.

Should you require any further information, please contact me on 0 [REDACTED]

Yours faithfully

  
Mr. Gerry Larkin  
President

## **9.4 Notice of Motion - "Cabbage Tree Bay" Coastline Management and Climate Change Discussion Paper**

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TRIM REFERENCE: F2004/07782 - D02155643

AUTHOR: GB

Councillor Best has given notice that at the Ordinary Meeting to be held on Wednesday 24 February 2010 he will move the following Motion:

- "1 That further to the continuing deterioration of the Cabbage Tree Bay foreshore area in particular as a result of the weather events of the week of the 8 February 2010. Staff urgently report on the status of works and funding attached to the proposed bay restoration works.*
- 2 That staff also provide an analysis and likely benefits/disbenefits that may affect Cabbage Tree Bay, Council's Coastline Management and the proposed climate change initiative arising from the recent findings in the NSW Land and Environment Court regarding the Byron Bay Councils versus Bellongil resident's action."*

### **COUNCILLOR'S NOTE**

Attached is a copy of local Byron Bay news article for Councillors information and background.

### **ATTACHMENTS**

- 1** 3 February 2010 - Sydney Morning Herald - Beachfront landowners win sandbag decision D02156759





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## Beachfront landowners win sandbag decision

Matthew Moore Urban Affairs Editor  
February 3, 2010 - 12:01AM

Beachfront landowners fighting to protect NSW properties threatened by coastal erosion have won another victory with the Land and Environment Court ordering Byron Bay Council to restore a sandbag wall to keep out the sea.

Despite its "planned retreat" policy under which property owners must leave premises threatened by encroaching seas, the Council has consented to a series of orders which require it to repair a large sandbag wall and rebuild a dune behind it to save a multi-million property owned by John and Anne Vaughan at Belongil Spit, just north of Byron Bay township.

On the eve of a Court hearing over the long running dispute between the Belongil residents and the Council, Byron Council agreed it would "monitor, maintain and repair" the sandbag wall it first approved nine years ago.

The court ordered Council to carry out the works by the end of March or earlier and Council has now agreed the Vaughans are entitled, but not obliged, to themselves maintain and repair the existing sandbag wall and the sand dune behind it so they can save their property.

Geoff Tauber, President of the Byron Preservation Association which supports the Vaughans and other Belongil property owners, praised the Court for requiring Council "to reverse its long-held position and protect the Belongil community from the damaging effects of erosion."

In the increasingly bitter dispute, he called on the Government to sack the Council for its attempts to stop the Vaughans from protecting their property which was at risk of collapsing into the sea after storms last year.

But Byron Bay Mayor, Jan Barham, dismissed the call and claimed the orders simply maintained the status quo.

"The principle of planned retreat stays in place and is not affected by this court case," she said.

"there's no surprises, there's nothing new that changes the current situation beyond where were before we started except for a hell of a lot of misinformation."

Professor of Geosciences at the University of Sydney, Andrew Short, said that while the Court's rulings would not apply to other places on the coast where private property is threatened by advancing seas, the orders further clarified the rights of land-owners to protect their property.

"It means owners will have an opportunity to defend if they choose to...it buys them more time," he said.

Professor Short said the rights of owners to defend properties threatened by rising sea levels would not be completely clear until the State Government produces a new policy later this year clarifying the rights of land-owners to build sea walls to protect their lands.

An interim policy released last year expanded the rights of such property owners and Professor Short said the court orders in the Belongil case reflect that interim policy.

*This story was found at: <http://www.smh.com.au/environment/beachfront-landowners-win-sandbag-decision-20100203-nbbv.html>*

## **9.5 Notice of Motion - Sea Level Rise Notification**

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TRIM REFERENCE: F2009/00067 - D02155647

AUTHOR: DE; BG

Councillors Eaton and Graham have given notice that at the Ordinary Meeting to be held on Wednesday 24 February 2010 they will move the following Motion:

- "1 That Council write to all property owners affected by the State Governments sea level rise policies (ie 40 cm by 2050 and 90 cm by 2100).*
- 2 That the text of the letter be endorsed by Council."*

## **9.6 Notice of Motion - Wyong Freeway Connection**

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TRIM REFERENCE: F2006/01118 - D02155653

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on Wednesday 24 February 2010 he will move the following Motion:

*“That Council write to the Member for Wyong, Minister for Roads and the Federal Member for Dobell seeking their assistance in converting the new emergency access from the Hue Hue Road, Alison to the Freeway to permanent left in left out access.”*

## 10.1 Notice of Rescission - Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong

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TRIM REFERENCE: F2009/02442 - D02155677

AUTHOR: EM; LM; BG

Council, at the Ordinary Meeting held on Wednesday 27 January 2010 gave consideration to a report regarding Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong.

At that meeting, Council resolved as follows:

- “1 That Council decline the application from the Samaritans Foundation, noting that it did not comply with the terms of the Expressions Of Interest.
- 2 That Council demolish the building and replace it with a temporary gravel carpark.
- 3 That Council direct staff to assist the Samaritans Foundation in locating suitable alternative accommodation.”

A Rescission Motion has been received from Councillors McBride, Matthews and Graham to be moved at the Ordinary Meeting of Council to be held on Wednesday, 24 February 2010, as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 27 January 2010 be rescinded:

- 1 That Council decline the application from the Samaritans Foundation, noting that it did not comply with the terms of the Expressions Of Interest.
- 2 That Council demolish the building and replace it with a temporary gravel carpark.
- 3 That Council direct staff to assist the Samaritans Foundation in locating suitable alternative accommodation.”

**10.1 Notice of Rescission - Proposed Lease of the former Wyong Tennis Club,  
Lot 4 DP 614523, 6 Ithome Street, Wyong (contd)**

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Should the above Rescission Motion be carried, further notice is given that Councillors McBride, Matthews and Graham will move the following motion:

*“MOVE*

- “1 That Council approve a lease of Lot 4 DP 614523, 6 Ithome Street, Wyong to Samaritans Foundation for a period of five years for an annual rent of \$5,000.*
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and the Samaritans Foundation.*
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.”*

**ATTACHMENTS**

- 1 Letter to Mayor - Proposed Lease of Wyong Tennis Club - Samaritans D02158805**



09 February 2009

Cr. R.L. Graham  
Mayor  
Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Dear Councillor Graham

We have received notification that our application to lease the former tennis club building at 6 Ithone Street, (lot 4 DP 614523) Wyong has been unsuccessful. The council decision was disappointing for us, as the building under consideration is most suitable for the purposes outlined in our proposal.

I would like to respectfully request that council give further consideration to the proposal. The centre will be particularly important if we are to better meet the needs of people living in the Wyong area. It is our experience from working for many years with local residents in the Wyong shire that there are significant areas of unmet need in the region and we believe we can provide more effective and integrated services from this site.

This is not a complaint but a respectful request for council to reconsider its decision. We have particularly appreciated the support we have received from council over the years and the concern council has to develop inclusive and cohesive communities across the shire. I am making the request because I believe it is critical to establish a firm base for the delivery of integrated services in the shire of Wyong.

Yours sincerely

**Cec Shevels**  
Chief Executive

*Christine Isgrig*  
Samaritans Foundation - Diocese of Newcastle  
36 Warbrock Boulevard, Warbrock NSW 2304  
PO Box 366, Hunter Region Mail Centre NSW 2310  
P: 02 4953 7160 F: 02 4950 7160 E: mail@samaritans.org.au  
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