



Council staff are managing the construction of the new Rural Fire Service building in Ourimbah. Council is a major funder of the project as it seeks to support this important community service.

# Business Paper

ORDINARY MEETING

24 March 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 March 2010 at 5.00 pm,  
for the transaction of the business listed below:**

**OPENING PRAYER**

**ACKNOWLEDGEMENT OF COUNTRY**

**RECEIPT OF APOLOGIES**

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**10 QUESTIONS WITHOUT NOTICE ASKED**

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

Kerry Yates  
**GENERAL MANAGER**

## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2010/00009 - D02175613

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 - D02175623

AUTHOR: SW

### SUMMARY

Inspections proposed to be held on 7 April 2010 are listed as follows:

<i>Date of Inspection</i>	<i>Location</i>	<i>Requested By</i>
7 April 2010	Primo Distribution Centre, Warnervale	Mayor
7 April 2010	DA 1396/2009 - Hospital including Consulting Rooms 85-97 Sparks Road, Woongarra	Director Shire Planning
7 April 2010	Woolworths Rezoning – Corner Tall Timbers Road and Pacific Highway, Lake Munmorah	Director Shire Planning
7 April 2010	Illegal BMX Track – Corner Thomas Mitchell Road and Pendant Street, Killarney Vale	Director Shire Services
7 April 2010	DA 1201/2009 – Dwelling 34 Jane Ellen Close, Chittaway Bay	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 - D02175629

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 Directors 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 - D02175643

AUTHOR: SW

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

1 Minutes - Ordinary Meeting - 10 March 2010      D02179224



**WYONG SHIRE COUNCIL**

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

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Acting Manager Future Planning, Acting Manager Development Assessment and Project Director Mardi to Mangrove Project.

Executive Manager Shire Services, Manager Customer and Community Services, Manager Contracts and Special Projects, Manager Governance and Administration, Senior Planner Legal and Policy and two administration staff.

The Mayor reported on an item that appeared in last week's Express Advocate regarding results of water testing for Tuggerah Lakes. He expressed his disappointment on the reporting of an item which highlighted recent test results in a negative manner and advised that Council is committed to the maintenance of water quality in our lakes and lagoons.

The Mayor, Councillor Graham, 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.

**APOLOGIES**

There were no apologies.

During the course of the Ordinary Meeting a change of meeting practice was made to allow Item no 10.2 to be brought forward for discussion. This item was dealt with, then Item 10.1 and then the remaining reports in order, however for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosure of Interest****3.1 DA/204/2007 – Proposed Development – Use of an existing building for timber product manufacturing / storage, office and amenities**

Councillor Eaton declared a pecuniary interest in the matter for the reason that he is a Director of the applicant company, left the chamber at 5.35 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

**4.1 Renewal of lease to the Lions Club of Toukley Inc for Part of Lot 314 DP 21154 Hedor Street Complex 4 – 16 Ray Street, Toukley**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Lions International Club of Doyalson Wyee Budgewoi and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty as he is not a member of the Lions International Club of Toukley.

**5.1 Contract CPA/168046 – Manufacture, Supply and Delivery of Corporate Uniform**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is Chair of Central Coast Group Training and a tenderer named in the report is a customer of Central Coast Group Training and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because there is no conflict between his various public duties.

**5.1 Contract CPA/168046 – Manufacture, Supply and Delivery of Corporate Uniform**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is the General Manager of Central Coast Group Training who has an apprentice hosted at Good Gear the tenderer recommended in the report and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty as this is a minor issue for CCGT.

**10.1 Notice of Motion – LDO Coal Chain Valley Bay Colliery**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that Rutleys Road is part of the motion and his business premises are located on Rutleys Road, left the chamber at 6.33 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

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

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

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

AGAINST: NIL

**1.2 Inspections**

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

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

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

AGAINST: NIL

**1.3 Address By Invited Speakers**

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

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

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

AGAINST: NIL

**1.4 Confirmation of Minutes of Previous Meeting**

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

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 24 February 2010.**

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**2.1 Trial Year Round Lifeguard Services**

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

- 1 That following this season's successful trial of extended discretionary work hours and water and beach safety awareness program (at a cost of \$17,000/yr) as detailed in Councils resolution of 12 August 2009, Council continue to permanently fund this program**
- 2 That Council trial an extended Lifeguard coverage at Soldiers and Shelly Beach for three months (July, August and September 2010 including weekends), as detailed in Table 3.**
- 3 That at its completion, staff report to Council on the outcomes and effectiveness of the trial in a timeframe that will allow Council to consider continuation of the service in 2011-12.**
- 4 That the funds to implement these additional services be included in the draft 2010-11 Management Plan.**

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

AGAINST: NIL

**2.2 F3 Highway Signs: Proposal to Revise Occupation Agreement with Sports and Outdoor Media**

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The General Manager withdrew this item from the Agenda stating that another opportunity has arisen which he would like to pursue and then report back to Council.

**3.1 DA/204/2007 - Proposed Development - Use of an existing building for timber product manufacturing/storage, office and amenities**

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Councillor Eaton declared a pecuniary interest in the matter for the reason that he is a Director of the applicant company, left the chamber at 5.35 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

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

***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, that consent be granted subject to appropriate conditions.***

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

AGAINST: NIL

**4.1 Renewal of lease to the Lions Club of Toukley Inc for Part of Lot 314 DP 21154 Hedor Street Complex 4- 16 Ray Street, Toukley**

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Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Lions International Club of Doyalson Wyee Budgewoi and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty as he is not a member of the Lions International Club of Toukley.

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

- 1 That Council renew the lease of Part Lot 314 DP 21154 Hedor Street Complex 4-16 Ray Street, Toukley for a period of 10 years at a nominal rental.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and the Lions Club of Toukley Inc.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

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

AGAINST: NIL

## **5.1 Contract CPA/168046 Manufacture, Supply and Delivery of Corporate Uniform**

---

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is Chair of Central Coast Group Training and a tenderer named in the report is a customer of Central Coast Group Training and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because there is no conflict between his various public duties.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is the General Manager of Central Coast Group Training who has an apprentice hosted at Good Gear the tenderer recommended in the report and chose to remain in the chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty as this is a minor issue for CCGT.

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

- 1 That Council accept the schedule of rates tender from Good Gear Pty Ltd for a period of 3 years.**
- 2 That Council note that the three-year total value of the contract is projected to be \$553,000 (ex GST) based on expected uniform usage.**

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

AGAINST: NIL

## **5.2 Contract CPA 170570 - Toowoon Bay Holiday Park Swimming Pool**

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

- 1 That Council accept Tender No 2 from Wright Pools Pty Limited in the lump sum amount of \$474,220.91 excluding GST.**
- 2 That for contract CPA/170570, Council approve a contract budget of \$521,643.00 (excl GST) that provides for a contingency amount of \$47,422.09 (excl GST), representing 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**
- 3 That Council endorse the General Manager's initiative of investigating the possibility of use of holiday park facilities by local residents.**

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

AGAINST: COUNCILLOR EATON

**6.1 Delegations of Authority under the Noxious Weeds Act 1993**

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

- 1 That Council act in these matters as the Local Control Authority for the Shire of Wyong as per Section 35 (1) of the Act.**
- 2 That Council rescind all previous appointments and delegations under the Noxious Weeds Act 1993.**
- 3 That Council appoint the Noxious Weeds & Pest Species Officer as an inspector under Section 41 of the Noxious Weeds Act 1993.**
- 4 That Council delegate to the General Manager, Director Shire Services, Manager Customer & Community Services, the Noxious Weeds & Pest Species Officer and the Natural Areas Co-ordinator authority to carry out Council's duties and responsibilities under sections 12, 18a, 18, 19, 20, 28, 29, 30, 32, 36a, 41, 45, 46, 47, 50, 54, 55 and 64 of the Noxious Weeds Act 1993 outlined in Attachment 1.**

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

AGAINST: NIL

**6.2 Debtor Report**

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

**That Council write off \$29,295.39 monies owed as bad debts as outlined in the confidential enclosure which are considered irrecoverable.**

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

AGAINST: NIL

**6.3 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$5,649.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**7.1 Minutes of the Strategic Finance Committee Meeting - 24 February 2010**

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

**That Council receive the minutes of the Strategic Finance Committee meeting held on 24 February 2010 and adopt the recommendations contained therein.**

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

AGAINST: NIL

**8.1 Information Reports**

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

**That with the exception of report number 8.3 Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

**8.2 Mardi to Mangrove Link Project Status**

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

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

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

AGAINST: NIL



**8.3 Investments for January 2010**

---

Councillor Symington left the chamber at 6.01 pm and returned to the chamber at 6.02 pm during consideration of this item.

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

***That Council receive the report on Investments for January 2010.***

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

AGAINST: NIL

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

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

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

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

AGAINST: NIL

**CHANGE OF MEETING PRACTICE**

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

***That Council change meeting practice to allow consideration of Item 10.2 before Item 10.1.***

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

AGAINST: NIL

**10.1 Notice of Motion - LDO Coal Chain Valley Bay Colliery**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that Rutleys Road is part of the motion and his business premises are located on Rutleys Road, left the chamber at 6.33 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

*It was MOVED by Councillor WYNN and SECONDED by Councillor VINCENT :*

*That Wyong Shire Council:*

- 1 *Take all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas*
- 2 *Request that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.*
- 3 *Seek an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal.*
- 4 *Inform the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan.*
- 5 *Conduct an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal.*
- 6 *Have LDO Coal seek alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road.*
- 7 *Nominate a Councillor delegate as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group.*

*An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor McBRIDE :*

*That Wyong Shire Council:*

- 1 *Take all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas*
- 2 *Request through the Department of Planning that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.*
- 3 *Seek through the Department of Planning an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal.*
- 4 *Inform the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan.*

- 5 *Conduct* an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal.
- 6 Request the Department of Planning require LDO Coal to seek alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road.
- 7 Nominate a staff member as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group.
- 8 That Council conduct an in-house literature review to establish a file on past records relating to mining in the Chain Valley Bay area. In particular staff are requested to identify past surveys or dilapidation reports to both residents' and Council's assets

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

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT.

AGAINST: COUNCILLORS BEST, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

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

**That Council:**

- 1 **Take all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas**
- 2 **Request that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.**
- 3 **Seek an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal.**
- 4 **Inform the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan.**
- 5 **Conduct an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal.**
- 6 **Have LDO Coal seek alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road.**
- 7 **Nominate a Councillor delegate as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group.**

FOR: COUNCILLORS BEST, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MATTHEWS AND MCBRIDE

## 10.2 Notice of Motion - Outstanding Mine Subsidence Claims Chain Valley Bay South

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Councillor Best left the chamber at 6.06 pm and returned to the chamber at 6.08 pm during consideration of this item.

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

***That Wyong Shire Council make urgent and pressing representations to the State Government representatives, the Hon Ian MacDonald, Minister for Minerals and Forest Resources, Minister for the Central Coast, David Harris, Member for Wyong and Parliamentary Secretary for the Central Coast and Robert Coombs, Member for Swansea and the Mine Subsidence Board seeking previously rejected claims to be reopened and resolved.***

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

AGAINST: NIL

## 10.3 Notice of Motion - Fuel Efficient Fleet

---

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

- 1 ***That Council report on current initiatives of moving its motor vehicle fleet towards greater fuel efficiency.***
- 2 ***That, further to Council's policy on the use of new fuel efficient vehicles including, hybrid, electric and diesel and other emerging technologies in its fleet, staff report on running costs, capital costs etc in a publicly accessible way for the benefit of our community.***

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

AGAINST: NIL

## 10.4 Notice of Motion - Amendment to General Manager's delegations

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

- 1 ***That on the basis that individual Councillors have called up a number of Development Applications to Council for determination (19 in total to date) due to those developments being affected by sea level rise benchmarks mandated by the State Government, Council amend the delegations of the General Manager to require that any Development Application affected by those benchmarks be determined by the full Council.***
- 2 ***That this amendment to the General Manager's delegations apply until such time as the Council adopts a Climate change Policy.***

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

**10.5 Notice of Motion - Traffic Gridlock San Remo**

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

- 1 *That Council note the unacceptable traffic congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre as a result of the RTA's recently approved works and that the RTA is the sole consent authority.*
- 2 *That Council as a matter of urgency request the RTA to advise what remedial works they propose to be conducted at the new intersection at the Northlakes shops and the light phasing at the intersection of Goorama and Colorado (Bokhara Avenue) to achieve their original intended design flow objectives.*
- 3 *That to avoid confusion, Council erect appropriate signage in the general vicinity to advise motorists that the Pacific Highway is the responsibility of the RTA.*

*An AMENDMENT was MOVED by Councillor MATTHEWS and SECONDED by Councillor VINCENT :*

- 1 *That Council draw the attention to the Roads and Traffic Authority of the congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre and request that they urgently undertake remedial work.*
- 2 *That staff report on actions taken by the Roads and Traffic Authority and the success or otherwise of these initiatives.*

***The AMENDMENT was put to the vote and CARRIED on the casting vote of the Mayor.***

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

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

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

- 1 *That Council direct staff to report on traffic blackspots and significant traffic congestion points within the Shire in a priority list containing a brief description of the problem and possible solutions.*
- 2 *That Council make this report available within three months.*

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

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

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

- 1 That Council draw the attention to the Roads and Traffic Authority of the congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre and request that they urgently undertake remedial work.**
- 2 That staff report on actions taken by the Roads and Traffic Authority and the success or otherwise of these initiatives.**

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

## QUESTIONS WITHOUT NOTICE

**Q68/10 Street-scaping along Central Coast Highway, Long Jetty**  
**Councillor Webster**  
CPA/105639

*“Could staff advise whether street-scaping is being considered along the Central Coast Highway through Long Jetty?”*

**Q69/10 Playground Proposed for Baker Park Precinct**  
**Councillor Eaton**  
F2008/02697

*Could staff advise of plans (if any) for a playground in the Wyong Sporting Baker Park, Tennis Court/ Pool Precinct and possible construction program?’*

**Q70/10 Date of Commencement of Trial of Road Blisters on Woodbury Park Drive and Coachwood Drive**  
**Councillor Eaton**  
C2008/05521

*“Could Staff advise when the trials of the Road Blisters on Woodbury Park Drive and Coachwood Drive will commence?”*

**THE MEETING** closed at 8.06 pm.

## 2.1 TA/386/2009 - Section 82A for Removal of One Tree at Cams Boulevard, Summerland Point

TRIM REFERENCE: TA/386/2009 - D02140964

AUTHOR: IH

### SUMMARY

An application under Section 82A of the Environmental Planning and Assessment Act (EP&A Act) 1979, has been received for the removal of one tree from a residential allotment block in Summerland Point. The application has been examined having regard to the matters for consideration detailed in section 79C of the EP&A Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Mr R E and Mrs J A Jeffcoat
<b>Owner</b>	Mr R E and Mrs J A Jeffcoat
<b>Application No</b>	TA/386/2009
<b>Description of Land</b>	Lot 263 DP 830759 No 34a Cams Boulevard, Summerland Point
<b>Proposed Development</b>	Removal of one tree
<b>Site Area</b>	520.2 m <sup>2</sup>
<b>Zoning</b>	2A residential
<b>Existing Use</b>	Single residential dwelling

### RECOMMENDATION

***That Council adhere to the previous decision to refuse the application under Section 82(A) of the Environmental Planning and Assessment Act 1979, for the reasons contained in the report.***

### HISTORY

03/08/2009 - Tree application lodged by Mr Jeffcoat. An application was lodged based on the location of the tree on the site, the dropping of debris from the tree and the uneven pavers by the tree roots. The owners have acknowledged that the application for removal is not based on any claims regarding the health of the tree.

14/08/2009 - Visual Tree Assessment (VTA) conducted by Council's Arborist Assessment Officer.

17/09/2009 - Application determined refused, however, recommendations were provided regarding pruning that could be undertaken to assist with the management of the tree.

28/08/2009 - S82A application was lodged by the applicant for a review of Council's refusal.

24/12/2009 - Council received an independent Arborists report acknowledging that the tree is in good health. However, the report also indicated that the location of the tree causes difficulties in accessing the applicant's garage as well as a potential trip hazard to the elderly residents due to the damage to the asphalt and paver caused by a major root travelling towards the garage of the residence.

07/01/2010 Visual Tree Assessment (VTA) also conducted by Council's Tree Assessment Officer.

### **COUNCIL POLICY AND STRATEGIC IMPLICATIONS**

Council's DCP 2005 – Chapter 14 Tree Management provides information on the management of trees and vegetation and defines Council's considerations when determining applications for trees to be pruned or removed. Section 2.6 identifies that Council will consider an extensive list of matters including the health and life expectancy of the tree, its contribution to local ecology, aesthetics and neighbourhood amenity, as well as the potential for hazards to persons or property.

A highlighted note positioned at the end of Section 2.6 identifies a list of 10 instances where, unless a significant hazard or safety issue applies, Council will not consider these matters as valid reasons for removal of a tree. These include:

- i) leaf drop (onto gutters and downpipes, pools, lawns and the like); and
- vii) minor lifting of driveways and paths by tree roots.

It is not considered, in this instance, that variation of this policy is warranted.

### **VARIATIONS TO POLICIES**

Clause	2.6 Notes 1 and 7
Standard	Review of Refused Applications
Council Policy	DCP 2005 – Chapter 14 "Tree Management"
Extent of Variation/Departure	Non numerical variation
Departure Basis	Not supported by Council on the basis that the review of the refused Development Application has not demonstrated appropriate justification to vary Chapter 14.

### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

The retention of the subject tree is supported by Council's sustainability policies due to the benefits the tree provides to local fauna and the landscape amenity of the area. Additionally the retention of trees contributes significantly to the provision of shade and therefore cooling of buildings and hard surfaces.

### **RELEVANT ISSUES**

Having regard to Section 79C of the EP&A Act, it is considered that the following matters require further consideration and are addressed in the following section:



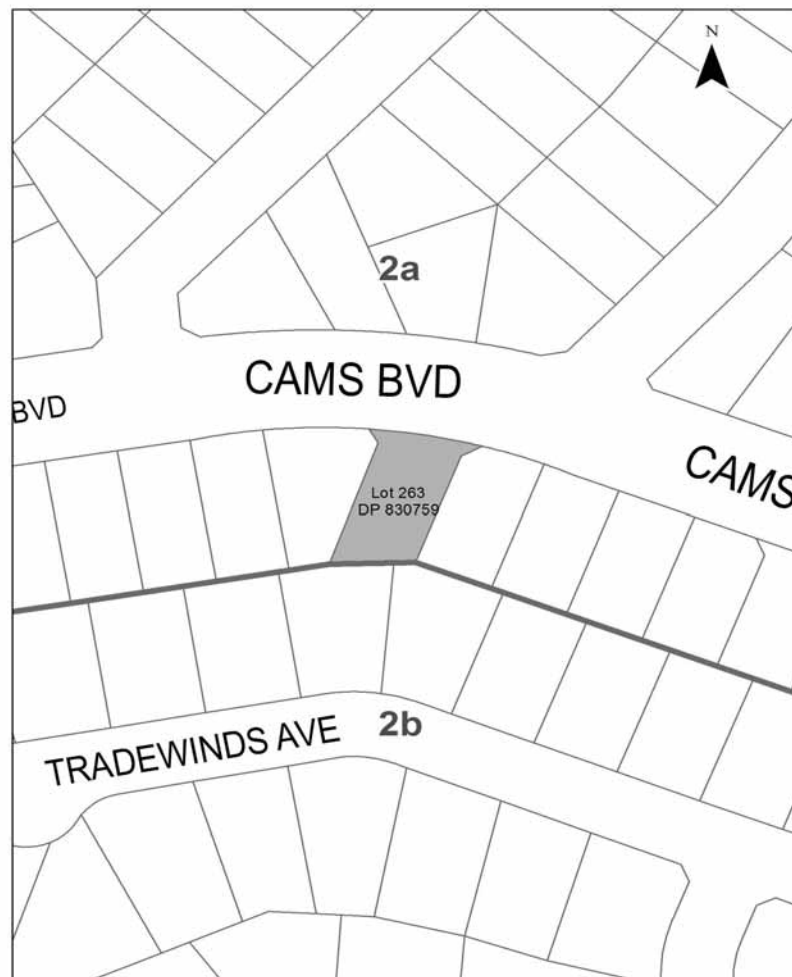
### Flora and Fauna

A visual assessment of the tree undertaken by Council's Arborist determined that the tree appears to be in good health and vigour.

The applicant has argued that the tree needs to be removed to enable better access to the garage. However, an inspection of the site has revealed that to enable access to the garage to be improved the applicant would also need to undertake additional works to remove the timber retaining wall and realign the existing driveway crossing in addition to removing the tree. The applicant also argues that the tree is causing damage to the driveway. However, Council's site inspection revealed that damage to the pavement is considered minimal and does not substantiate any decision to remove the tree.

The applicant has indicated that they are elderly and the dropping of debris creates a substantial risk of slipping. In this regard, it is not considered that the removal of the subject tree would alleviate this issue as there are a number of similar trees growing in the immediate vicinity which contribute to the dropping of debris on the driveway.

The independent Arborists report submitted does not reveal any additional structural faults or symptoms that would lead Council to approve the removal of the tree.



**CONCLUSION**

That the application under Section 82A of the EP&A Act not be supported and Council adhere to the previous decision to refuse the application for the reasons contained in the report. There is no pruning recommendation for this tree as pruning has already been undertaken as a result of the initial assessment of the tree. Further pruning could be detrimental to the health of the tree at this time.



The subject tree  
denoted by arrow

The subject tree is  
complemented by other trees  
of the same species in this  
area, together the trees  
provide almost continuous  
canopy cover.

**ATTACHMENTS**

- 1 Copy of Arborist Report dated 26th October 2009
- 2 Photos

Enclosure D02124892  
D02148470

Adrian Schofield  
Australian Arboricultural  
Contracting  
PO Box 147 Belmont  
NSW 2280  
26<sup>th</sup> October 2009.

Richard Jeffcoat  
34a Cams Boulevard  
Summerland Point  
NSW 2259

Dear Mr & Mrs Jeffcoat,

This report has been prepared on the *Angophora costata* or smooth barked apple in your front yard.



**Photo.1** *Angophora costata* in front of residence

### *Angophora costata*

- **Common name** Smooth barked apple
- **Location** Front left hand side of residence. (see photo.1), the ground level at base of tree is above road and drive way level.
- **Height** 15.5m
- **Radius of foliage** 7m towards residence (1m overhang on roofline) and 8m towards street (southerly and northerly), 2m in a easterly direction and 7m in a westerly direction. (see photo.1)
- **Diameter (1m)** 0.53m
- **Age class** Maturing
- **Description** The tree has a relatively short bole and extended crown that has been suppressed by the surrounding trees to the east and west. The tree's natural form and crown weight distribution has been slightly altered due to these surrounding trees. This genus of tree is characterized by irregular shaped branches and this example is no exception. This smooth barked apple is growing within the natural range of the genus.  
The tree has been previously climbed using climbing spurs, which can allow disease directly into the trees healthy tissue. This type of climbing activity is totally banned on trees that are not being removed. Some lower branches have been removed in the past as can be seen in photo.2.
- **Health** The tree is in good health but has been suppressed on at least one side by the surrounding vegetation. The tree has been pruned before, as previously mentioned, this could possibly affect the tree's health in the future. Soil has been raised around the base of the tree by 30cm to allow for the garden bed beside the driveway, no obvious sign of basal rot was observed at time of the tree inspection.

This genus is well known for its brittle nature of timber, limbs are easily broken by minimal force, and small falling branches have been a continual source of concern to the elderly owners of the property.

There is a major root travelling towards the garage of the residence, which has caused damage to the asphalt and paver driveway. This damage is a very real concern due to the age and health of the owners, a trip hazard definitely exists. Repairs to the driveway have already been necessary to rectify this hazard in the past, but the pavers are lifting up again and more repairs will be necessary in the near future. A hazard exists at present. There is also a concern that there is possible damage to either sewerage or storm water plumbing by the root system.

The position of the smooth barked apple is causing garage access problems for the owners. Time taken in getting the vehicle out of the driveway, to allow a trip to the hospital has been a problem in the past, as both owners are elderly and have health concerns.



This tree could be pruned within Australian Standards to relieve some weight from the branches and deadwood from within the canopy, but this would not alleviate all the hazards that exist in this case.

This tree is healthy and the following option is put forward due to real safety concerns from the owners.

When considering the age and health of the owners the obvious option would be complete removal of the tree and garden bed to allow better access for the owners.

Thereby halting any future damage to the driveway, and removing any hazard that exists. The trees either side which have been suppressing the Angophora, will be given a greater opportunity to fill the space left by the removal.



Photo. 2 The smooth barked apple viewed from the front door of the residence



Photo.3 Showing location of the base of the tree. Note the raised ground level; large surface roots have been raising the present driveway. A trip hazard exists due to these roots when considering the age and health of the occupants. The garden bed is also presenting a hazard when negotiating the vehicle around it.

If you require any future assistance please feel free to contact me on 0405 827 217

Adrian Schofield  
Diploma Horticulture (Arboriculture)  
Bachelor of Science (Forestry)  
Certificate IV Training and Assessment

### 3.1 Sale of Land at Charmhaven

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TRIM REFERENCE: F2008/02625 - D02065173

AUTHOR: PF

#### SUMMARY

This report deals with the resolution of Council made at its meeting held on 14 October 2009 deferring the sale of Lot 83 DP 27286 Charmhaven Avenue and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven for further consultation with the community.

#### RECOMMENDATION

- 1 ***That Council receive the report and note the information.***
- 2 ***That Council authorise the sale of Lot 83 DP 27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven for an amount not less than market value for each parcel as determined by an independent registered valuer.***
- 3 ***That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal the documents for the Sale and Transfer of the land.***
- 4 ***That Council authorise the Mayor and the General Manager to execute all documents.***

#### BACKGROUND

From an initial report requesting authority to sell the properties Council at its meeting of 22 July 2009:

*“RESOLVED unanimously on the motion of Councillor McNamara seconded by Councillor Webster:*

- 1 *That Council authorise the sale of Lot 83 DP 27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven for an amount not less than market value for each parcel as determined by an independent registered valuer.*
- 2 *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal the documents for the Sale and Transfer of the land.*
- 3 *That Council authorise the Mayor and the General Manager to execute all documents.*

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

AGAINST: NIL.”

Community complaints about Council's intended action to sell, resulted in the initial decision being deferred by resolution pending further investigation.

### 3.1 Sale of Land at Charmhaven (contd)

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Council at its meeting of 14 October 2009:

*“RESOLVED on the motion of Councillor Vincent and seconded by Councillor Symington:*

*That Council defer the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;*

- a the submission of a report by local residents regarding the use of these two blocks;*
- b an opportunity being given to the local residents to address Councillors at a future resident’s forum;*
- 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.*
- 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.*

*FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN”*

*AGAINST: COUNCILLORS EATON AND MCNAMARA”*

#### **Resident Forum**

In respect of Item “b” of the resolution, local residents addressed Councillors at a Residents Forum held prior to the Council’s Ordinary meeting held on 11 November 2009.

#### **Submission by Local Residents**

In respect of Resolution Item “a” (a submission by local residents) a submission received on 3 November 2009 was tabled at the Residents Forum for the information of Councillors. The submissions included representations by individuals, the Federal Member for Shortland Jill Hall MP, the State Member for Wyong, David Harris MP, press clippings and a petition with 200 signatories.

A DVD presentation of the earlier submission and including recorded interviews was provided to Council on 8 Jan 2010. These documents have been provided to Councillors under separate cover and are available in WSC corporate records system.

The Lakes Precinct Committee has minuted its support of the submission by local residents opposing the sale of the land.

The issues raised in submissions are summarised below together with WSC comments:

<b>Resident Issue</b>	<b>WSC Comment</b>
<i>In relation to the alternative access available, planning authorities discourage placing pedestrian pathways adjacent to major roads.</i>	A pedestrian pathway has been constructed adjacent to the Pacific Highway between Moala Parade and Charmhaven Avenue approved by Council, the planning authority.



Resident Issue	WSC Comment
	<p>The RTA, the road authority in the case of the Pacific Hwy, does not discourage pedestrian use of walkways adjacent to that road and has advised that the unformed footway on the Pacific Highway between Moala Parade and Lake Haven Drive provides a reasonable level of pedestrian access.</p>
<p><i>The alternate route also moves the bus stop in Moala Parade closer to the Pacific Hwy and further away from the pathway down to Lake Haven and the Area Health facilities. This Pacific Hwy junction is a busy intersection and is hazardous for all pedestrian traffic, not to mention the elderly.</i></p>	<p>Busways has advised the original bus stop was provided to accommodate several local children. It was only used in the mornings by school children whilst in the afternoon they used the formal stop near the Pacific Highway end of Moala Parade.</p> <p>The stop did not have formal approval and it was difficult to access a bus from the ground because of the natural footpath configuration.</p> <p>Busways indicated that it was also exposed to liability by this informal stop and so were comfortable with its removal.</p> <p>The formal bus stops are located towards the top of the hill, west of the vacant Council land in Moala Parade and also along the Pacific Highway.</p> <p>The RTA has advised the intersection of Pacific Highway and Moala Parade is not unlike many other crossing points along the Highway. Pedestrians must take care and exercise judgement when crossing. Adequate sight lines exist in all directions to allow pedestrians to cross with relative safety.</p>
<p><i>Existing access distance is 60m and a 1 to 1-1/2 minute walk; Alternate route is approx 10 times further at 500m and a 12-15 minute walk.</i></p>	<p>The existing pedestrian thoroughfare is, if taken from the end of Alan Ave, approximately 200m further than access taken over Council's land. For pedestrians entering Moala Parade from the end of Alan Avenue that may add up to 5 minutes to the walking time.</p>
<p><i>An RTA report to the Council on the proposed sale advised that it was preferable to link major attractors such as suburbs, schools, community facilities and shopping centres by the most direct route. This minimises vehicle use and promotes walking and cycling.</i></p>	<p>RTA has advised the planning and provision of pedestrian footpaths is a matter for Wyong Shire Council including the footpaths along State controlled roads such as the Pacific Highway.</p> <p>A site inspection noted that a concrete footpath exists on Pacific Highway between the Charmhaven Avenuelaneway and Moala Pd. In addition to this, a new footpath has been constructed on the northern side of Moala Parade connecting to the Pacific Highway footpath .</p> <p>The new footpath in Moala Parade provides partial paved access to the existing footpath further east which provides a connection between Moala Parade and the Lake Haven Drive retail precinct.</p>

Resident Issue	WSC Comment
	The unformed footway on Pacific Highway between Moala Parade and Lake Haven Drive provides a reasonable level of pedestrian access. It is reasonable to assume that as further footpath extensions are made along Moala Parade the level of pedestrian activity along this section Pacific Highway may decrease.
<i>The residents next to the existing access were consulted and confirmed there was no significant concerns with anti-social behaviour and clearly want the access kept.</i>	Noted. Anti-social behaviour was not identified as a contributor to WSC's decision to sell the land, however if the pathway were to be formalised there is evidence that formal paths with lighting in other areas of the Shire have attracted concerns from local residents.
<i>A local resident said the land was zoned as access way on a map they were shown when they purchased their land 30 years ago and another said the same when they put in a development application.</i>	The land is zoned 2(a) Residential.  Access way is not a zoning under Wyong Local Environment Plan.
<i>The existing access is dirt and is eroded from the use it gets, however it only requires 65m of concrete pathway to make it suitable for pedestrians and cyclists of all ages.</i>	The existing access is not formally a public access. Prospects for embellishment of the land are dealt with later in the report.
<i>Public access exposes Council to liability as access is dangerous to negotiate.</i>	Sale of land will mitigate Council's liability in respect of poor quality access. Change in ownership will likely prohibit public use.
<i>Least cost option to provide pathway</i>	Council's options are detailed later in this report. Providing a formal pathway will involve Council expending funds and sale of the land will raise revenue for Council.
<i>Access from Charmhaven Avenue end encourages use of neighbouring driveway</i>	Sale of land will prohibit public use and access of neighbouring driveway will discontinue. In any event the driveway referred to is part of the public road reserve and public use is available.
<i>The pathway is used by many persons in the locality as evidenced by petition, resident usage survey and the DVD that was submitted.</i>	The previous report contained a survey which indicated less usage than that indicated in the submissions. The basis of WSC's decision also takes into account that a reasonable alternative route is available.

### Alternate Route

An alternate route is available via the existing pedestrian walkway at the western end of Charmhaven Avenue (turf with bicycle chicanes), turning left along the Pacific Hwy (paved) turning into the northern end of Moala Parade (paved) and crossing to access the pedestrian pathway to the Lakehaven Shopping Centre. (see Attachment 2).

### 3.1 Sale of Land at Charmhaven (contd)

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A cost to pave those sections of the alternate route that are not currently paved is estimated at a total of \$25,000, being \$8,000 for the pedestrian walkway from Charmhaven Avenue to the Pacific Hwy (A on attached plan) and \$17,000 for the southern section of Moala Parade, including pedestrian refuge, to the walkway leading to the shops (B on attached Plan).

A further alternative is to provide paved pedestrian access along the full length of the Pacific Hwy from Moala Parade to Lakehaven Drive which would link to the major pedestrian access to the both the Bunnings Centre and Lakehaven Shopping centre. This alternative is estimated to cost \$43,000. (C on Attached Plan).

#### **Consultation with the broader Charmhaven and Lakehaven Community**

Item 'c' of the resolution required 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.

Correspondence inviting suggestions for potential projects was sent to those residents who originally made a submission to WSC concerning the proposed sale and the Lakes Precinct Committee. One response was received from a resident suggesting that it was inappropriate to provide input when their only intent is for the land to be retained.

The following Community groups that operate in the Charmhaven and Lake Haven area have been canvassed for their views on the priorities for the allocation of funding in those areas.

These groups were chosen on the basis of their service to their respective communities and/or their use of the facilities in the area (eg sports groups which use Lake Haven oval);

Lakes Precinct Committee
Wallarah North Precinct Committee
Seniors Advisory Council
Wyong Youth Services
Links Youth Services
Warrnervale Cricket Club
Kanwal Soccer Club
Gorokan High School
Toukley Lions Club

The options were based on the Council's identified priority areas of the Shire Strategic Vision:

- A Community Buildings – Maintenance and Upgrade, such as Charmhaven Hall, Toukley Senior Citizens, Youth Centres – eg Gravity.
- B Sports and Recreation Facilities – Maintenance and Renewal such as Lakehaven Recreation Centre, swimming pools, sports fields, tennis courts, parks and playgrounds.
- C Volunteer Community Programs such as Community garden, graffiti removal, landcare, get to know your neighbour, street and park parties and community information.

The resulting response was A - 11%, B – 56% and C – 33%. The majority view was that if additional funds were available for the community of Charmhaven and Lakehaven, the preferred priority for expenditure would be Sports and Recreation Facilities – Maintenance and Renewal.

However, Council will need to consider its Shire-wide priorities in determining if this work or parts thereof were to be undertaken. Council will also need to develop and consider its Shire-wide strategies in respect on capital recovered from the sale of assets.

### **Alternative Uses of the Land**

Item 'd' of the resolution required information regarding alternative uses of the land such as a path combined with a park or community garden retaining as much of the old growth as possible.

#### **Pathway**

A preliminary estimate to provide a 2m concrete pathway, minimal lighting and a ramp onto the road at Moala Parade is \$30,000. There are no funds available to undertake this work.

#### **Path and Playground**

It is estimated that an additional \$95,000 would be needed to provide a path through the property and a small local playground comprising swing set and soft fall and minimum clearing. There are no funds available to undertake this work.

#### **Community Garden**

"Best practice" community gardens to date have evolved from within communities with a champion or champions growing the concept and establishing a group before the garden is planned. Community Gardens are a model for connecting communities and building capacity within that community under the sustainability banner.

Once a community / group has fostered the idea and developed a plan with a parcel of land in mind, the owner of the land is contacted and discussions begin. Gaining permission to use the land is the first step followed by sourcing funding to setup the garden, becoming an incorporated group (if applicable), the development of plans and approvals. The process to setup a garden is quite time consuming and really relies on the community to drive it.

Council plays a significant part in supporting the group in regards to land use approvals, approvals of DA ( if required) and supporting the community involved and connecting the community to existing gardens and support systems.

Community Gardens are cost dependent on the on site - its location, the size of the group and their objectives and aims, the size of site, the type of garden, the maintenance required for the site and the garden, establishing equipment and possible buildings, lighting, fencing, materials etc.

Gardens developed on the Central Coast to date, vary widely in cost and support structures. Some have been developed through grants and Council funding, others from external grants. Depending on the design of the garden and how it functions, maintenance varies also.

Many community gardens are designed to incorporate individual plots for individual people / families (common in large cities where most people live in medium to high density housing and may not have backyards) or general plots dependant on the type of garden (eg: no dig gardens, native gardens, bush tucker gardens, Permaculture gardens). When a community group decides to develop a garden concept design these are the areas the group must decide on.

The community garden established at San Remo was funded via a \$30,000 grant from the Community Drug Action Strategy, Premiers Department as part of the Community Solutions and Crimes Prevention Strategy. The project was co-ordinated by the San Remo Community Centre. It is anticipated that similar costs would be applicable to this site.

### 3.1 Sale of Land at Charmhaven (contd)

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The success of a community garden would be dependent on the support of the local community and volunteers.

No indication was given from any of the residents who made submissions in support of a garden.

#### OPTIONS

- 1 Proceed with the sale of the land in accordance with the resolution 22 July 2009. This option would also require Council to consider whether it wishes to direct proceeds of any sale of assets to local projects in line with its objectives under the SSV. A local approach would likely by-pass Council's planning process and prioritisation methodology which is Shire based.
- 2 Not proceed with the sale of the land and maintain the status quo. Council would need to rescind its resolution of 22 July 2009 thereby retaining its exposure to the risks associated with being a private owner whilst allowing public use.
- 3 Reverse the sale decision and invest in converting the property to a public thoroughfare. The estimates for this option plus the loss of the sale potential make this an expensive proposition in comparison to other options.
- 4 Sell the land and re-direct the cash from the sale to selected projects (above). This option, whilst clearly feasible, is contrary to Council's planning approach and the best principles of strategic finance.
- 5 Subdivide the two parcels reserving an area adjacent to either the western or eastern boundary 3 metres wide for public pathway and sell the residue.

This would have an impact on the sale price for the remaining land as there will be a substantial reduction in width of the lots from 15 metres to 12 metres which will impact on the development potential and the sale price. The sale price may be reduced by between \$20,000 and \$50,000 per lot.

Concern exists based Council's experience that isolated narrow walkways are attractors for anti-social behaviour and has, in the past, in response to community concerns, taken action to close and sell such walkways.

#### CONCLUSION

Informal use of the land is low, rendering further investment a costly option.

Council has no planned use of the land and is currently exposed to risk.

Currently, alternate routes exist for public thoroughfare from Charmhaven Avenue to the Shopping Centre that are recognised as safe and acceptable.

These factors combined suggest a sale of the land to be the best option for the Shire. The land currently represents a surplus asset and its sale would benefit the whole of the Wyong community by releasing funds for better application to the Shire-wide priorities set by Council.

#### ATTACHMENTS

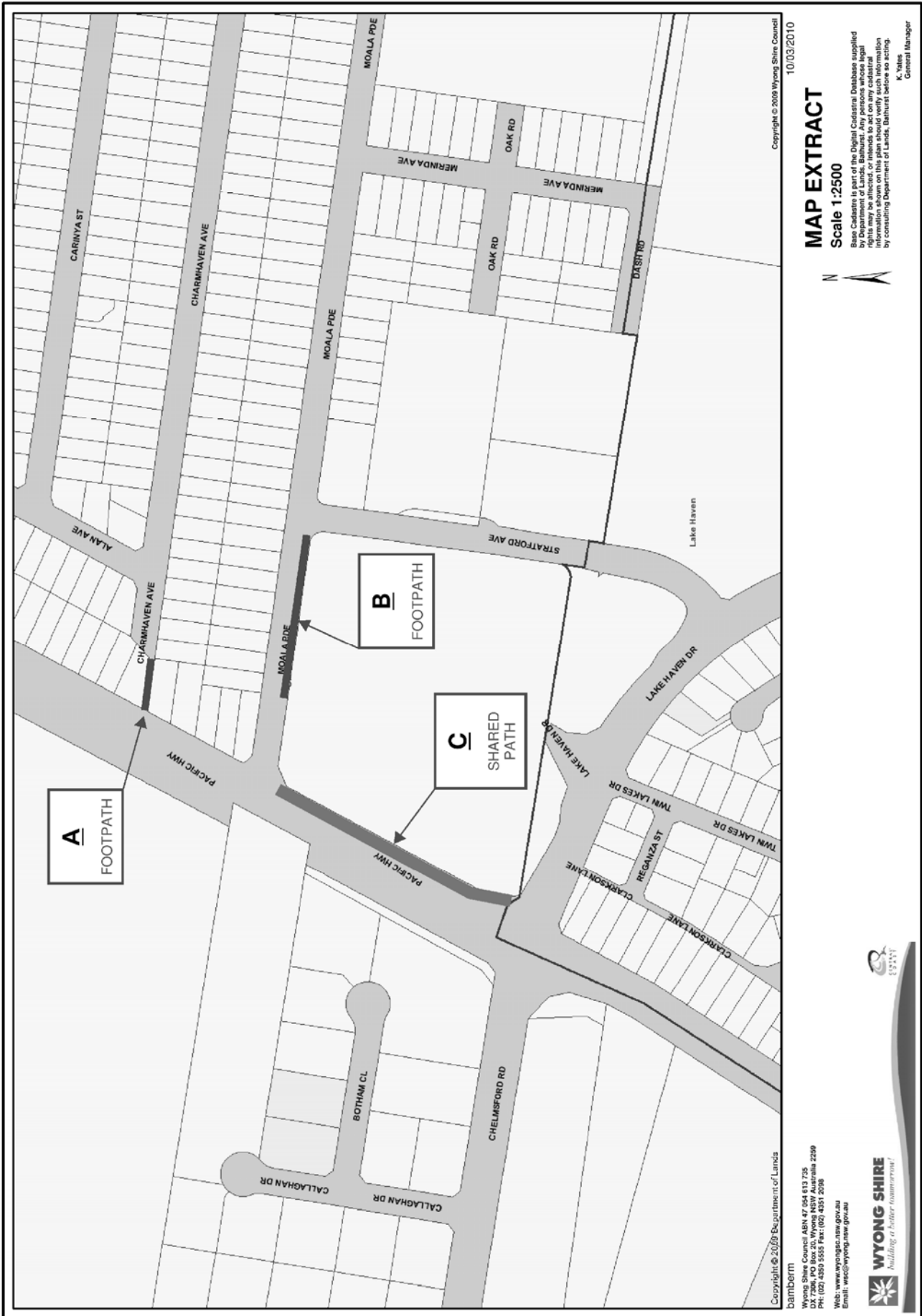
- |   |  |           |
|---|--|-----------|
| 1 | Locality Plan - Lot 83 DP 27286 Charmhaven Avenue and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven | D02124398 |
| 2 | Locality Plan Details of Footpaths   | D02181604 |

Location Plan



FOR INTERNAL USE ONLY Scale 1:2000





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10/03/2010

### MAP EXTRACT

Scale 1:2500

Base Cadastre is part of the Digital Cadastral Database supplied by Department of Lands, Bathurst. Any persons whose legal information shown on this plan should verify such information by consulting Department of Lands, Bathurst before so acting.



K. Yates  
General Manager

bamborn  
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**WYONG SHIRE**  
*building a better tomorrow!*

### **3.2 Proposed Acquisition of Lot 228 DP 1105837 Orchid Way, Wadalba for Environmental Corridor**

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TRIM REFERENCE: F2010/00297 - D02167996

AUTHOR: SB

#### **SUMMARY**

Authority is sought to accept the transfer of Lot 228 DP 1105837 Orchid Way, Wadalba as Community Land for an environmental corridor.

#### **RECOMMENDATION**

- 1 That Council accept the transfer of Lot 228 DP 1105837 Orchid Way, Wadalba as community land.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the property owner.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**
- 4 That Council classify Lot 228 DP 1105837 as Community Land.**

#### **BACKGROUND**

Section 94 Development Contributions Plan 7A – Warnervale East and Wadalba North West, together with DCP 2005, Chapter 49 Warnervale East and Wadalba Northwest and the Management Plan, identify the need to acquire various parcels within Wadalba for the purposes of an environmental corridor, known as the Wadalba Environmental Corridor. Lot 228 forms a significant part of the Wadalba Environmental Corridor.

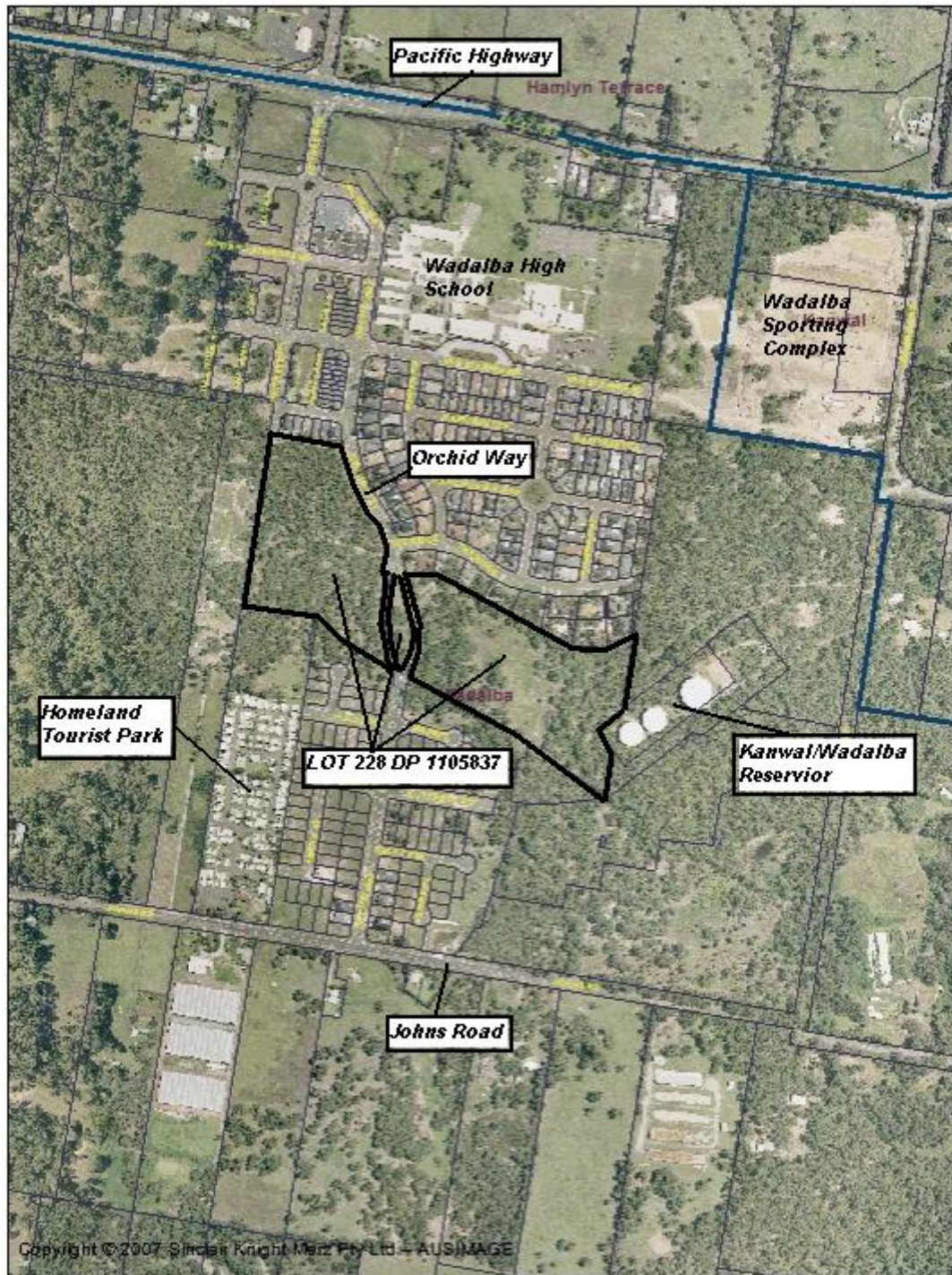
The owner of this land, Wadalba Central Developments Pty Ltd, received approval to subdivide their land in 2003. A further consent was granted for a 5 lot paper subdivision (creating the current Lot 228) in 2005. As part of that subdivision, Lot 228 DP 1105837 was created and is now being dedicated to WSC.

#### **THE PROPOSAL**

WSC proposes to accept the transfer of Lot 228 DP 1105837 Orchid Way, Wadalba for the purposes of an environmental corridor for the Wadalba area.



## Locality Plan



A value for Lot 228 has been identified in Section 94 contributions plan. This amount will be credited against Section 94 contributions owed for subdivisions to be carried out by the owner, rather than a cash payment.

### 3.2 Proposed Acquisition of Lot 228 DP 1105837 Orchid Way, Wadalba for Environmental Corridor (contd)

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#### OPTIONS

- 1 Accept the transfer of the land. This would be in accordance with the adopted Section 94 Contributions Plan and would be fully funded by Section 94 contributions.
- 2 Refuse the transfer of the land. This would not be in accordance with the adopted Section 94 Contributions Plan and development control plan and would result in a missing link of the corridor remaining in private ownership.

#### STRATEGIC LINKS

##### Management Plan

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Environment	Protect and enhance the Shire's natural qualities and move towards a sustainable future.	1.7.6 Open Space Improvements

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

This proposal is linked to the Strategic Direction of WSC's ongoing services to upgrade and maintain the Wadalba Wildlife Corridor as it is transferred to WSC.

##### Financial Implications

A value for Lot 228 has been identified in the Section 94 contributions plan. This amount will be credited against other Section 94 contributions owed for subdivisions to be carried out by the owner, rather than a cash payment. WSC will be responsible for ongoing operational and maintenance costs will be taken on by WSC.

##### Principles of Sustainability

The proposal will have a positive effect on the environment by protecting and enhancing the Shire's natural qualities and will help move towards a sustainable future.

#### CONSULTATION

The owner of the land, Wadalba Central Developments Pty Ltd has been contacted and WSC have been in discussions with the owner of the land, since the late 1990's regarding dedication of Lot 228 as environmental corridor.

**GOVERNANCE**

WSC has the authority to acquire the land under the Local Government Act. Section 31 of the Local Government Act 1993 land acquired by WSC is taken to be classified as community land unless WSC resolves that particular land concerned be classified as operational land.

**CONCLUSION**

Authority is sought to accept the transfer of Lot 228 DP 1105837 Orchid Way, Wadalba as Community Land for the purpose of an environmental corridor within the Wadalba area.

**ATTACHMENTS**

*Nil.*

## 4.1 Contract Variations and Finalisation - February 2010

TRIM REFERENCE: D02169582

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 February 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 February 2010 report.***
- 2 ***That Council approve expenditure above contract estimates but within approved programme budgets for the following contracts:***

<b>2a</b>	<b><i>Rehabilitation Saltwater Creek – Reach 4</i></b>	<b><i>CPA/144337</i></b>	<b><i>6,000.00</i></b>
<b>2b</b>	<b><i>Supply &amp; Delivery Gravel – Bateau Bay Landfill</i></b>	<b><i>CPA/160553</i></b>	<b><i>93,000.00</i></b>

- 3 ***That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – February 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 eight contracts with variations for the reporting period, funds previously approved by Council for six of the eight contracts, 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**

The variations that have necessitated an increase to the contract budget do not have any financial impact on the 2009/10 Management Plan. The following summarises this position.

	<b>Contract</b>	<b>Source of Funds</b>	<b>09/10 Management Plan Budget Impact</b>	<b>Impact \$</b>
2a	Rehabilitation Saltwater Creek – Reach 4 (CPA/144337)	Waterways Environment Levy	Neutral – There are sufficient funds remaining in the Programme original Management Plan Program Budget to cater for the increased contract Budget costs.	-
2b	Supply & Delivery Gravel – Bateau Bay Landfill	Tip Rehabilitation Funds	Neutral – There are sufficient funds remaining in the Programme original Management Plan Program Budget to cater for the increased contract Budget costs.	-

## 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

- |   |  |           |
|---|--|-----------|
| 1 | OM 24-03-10 Attachment 1 Contract Variations February 2010       | D02171863 |
| 2 | OM 24-03-10 Attachment 2 - Finalised Contracts for February 2010 | D02171866 |

### Attachment 1 – Contract Variations for February 2010 Upgrade of Existing Boat Ramp, Seawall and Roadworks at Picnic Point, The Entrance

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
Individual Variations For Reporting Period									
		Description	Value \$			Description	Value \$		
158140	22-07-2009	Bixil Pty Ltd	280,306.36	308,306.36	Nil	16,500.00	16,500.00	296,806.36	40% NSW Gov. Grant Funding 60% Holiday Parks
		Variation 1 – Scope change: The trailer manoeuvring area was widened to ease boat ramp congestion and allow for easier manoeuvring of boats onto the ramp.	10,000.00			Variation 3 – Scope change: Following consultation with local fishermen a dimpled stainless steel top was added to the concrete surface of the fish cleaning table to assist in securing fish while they are being cleaned.		2,500.00	
		Variation 2 – Scope change: To improve disabled access to the floating pontoon a concrete path was constructed from the carpark to the pontoon.	4,000.00						

Work under the contract is estimated at 99% 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 of Saltwater Creek – Reach 4

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
144337	22-10-2008	Total Earth Care Pty Ltd	\$ 176,360.00	\$ 193,996.00	Nil	\$ 23,648.33	\$ 200,008.33	Waterways Environment Levy	
Individual Variations For Reporting Period									
Description					Value	Description	Value		
Variation 1 – Scope Change - When dense weed infestation was removed additional work was directed to remove rubbish and sediment; upgrade existing access ways; and upgrade two earthen channels. Water quality enhanced as a result of the additional works. Represented good value for money.					\$ 23,648.33		\$		

Work under the contract is estimated at 99% complete.

This one-off variation exceeded the contingency approved by Council by \$6K. The timing of the variation was such that it was impractical to delay Contractor while formal approval was sought.

Council's approval is sought to increase the contract budget by \$6,000.00.



### Design & Approvals Consultant – Mardi to Mangrove Transfer Link

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
130386	12-12-2007	GHD Pty Ltd	\$ 5,944,476.36 (initial contract value)	\$ 14,125,476.36 (as amended by Council at meetings of 27-08-08 & 20-05-2009)	\$ 4,953,719.17 (includes all increases over initial contract value)	100,000.00	\$ 5,053,719.17	\$ 10,998,195.53	Federal Grant Funding
Individual Variations For Reporting Period									
Description					Value \$	Description			Value \$
Variation 32 – Costs to provide advice and technical assistance with design elements of the Mardi to Mangrove Link Project during the construction phase. Variation is based on an estimate using time & expense rates.					100,000.00				

The Contractor's pre-construction phase works are complete with the conclusion of work under Variation 32. The consultant has completed the design phase at a cost of \$10.99M.

The Contractor will be continuing during the construction phase through attending to the construction contractor's requests for information, meetings with construction contractor & project team, testing of constructed works and commissioning at completion.

With the information currently available, the contract budget as approved by Council is considered sufficient. 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	\$ 310,984.00	\$ 20,249.00	14,512.50	34,761.50	\$ 290,201.50	Developer Servicing Plan
Individual Variations For Reporting Period									
Description			Value	Description			Value		
Variation 3 – Scope change: Consultant was directed to engage the services of a specialist sub-consultant to provide input and to make a case to the RTA for a possible exemption of the casing pipe for the horizontal directional drilling under the F3 freeway in Sparks Road. Success could result in a saving of drilling and installation costs of the order of \$800,000 for the project.			14,512.50						

Work under the contract is estimated at 90% 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.

### Supply & Delivery of Drainage Gravel for the Bateau Bay Landfill 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
160553	10-06-09	Leckey's Pty Ltd	\$ 1,329,345.45	\$ 1,342,345.00	Nil	\$ 105,957.36	\$ 105,957.36	\$ 1,435,302.81	Tip Rehabilitation Funds
Individual Variations For Reporting Period									
		Description	Value \$	Description	Value \$				
Variation 1 - Additional costs incurred to increase the quantity of gravel to be supplied under the contract from the originally estimated quantity of 16,000 tonnes to 17,326.34 tonnes. The actual quantity required was within the anticipated quantity variance.			109,820.95	Variation 2 – (Deduction Variation) – testing of gravel was originally intended to be carried out by the Contractor. It was however determined that testing would be performed by an independent third party.	(3,863.59)				

Work under the contract is estimated at 99% complete.

The Council report for award of this contract identified an expected contract cost (based upon 16,000 tonnes of gravel and testing) of \$1,329,345.45. The report Resolution only allowed for a contingency sum of \$13,000, or 1% of the contract value due to a transcribing error in the report.

The final quantity of gravel required was 17,326.4 tonnes. This represents an additional cost of \$96,825.92 above the original contingency sum. The quantity of gravel required was, however, within the anticipated variance and was due to minor irregularities across the large surface area of the sports fields.

Council's approval is sought to increase the contract budget by \$93,000 to reflect the higher quantities of gravel used.

### Excavation & Lining of Cell 4.2B – Buttonderry Waste Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	© Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = © + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
164633	14-10-2009	Robson Civil Projects Pty Ltd	\$ 4,198,468.64	\$ 5,000,000.00	Nil	\$ 5,102.00	\$ 5,102.00	\$ 4,203,570.64	Tip Rehabilitation Funds	
Individual Variations For Reporting Period										
Description						Value	Description	Value		
Variation 1 – Latent condition – installation of 60m of subsoil drain to divert groundwater inflow to protect cell liner system.						\$		\$		
Initial geotechnical investigations identified groundwater table at depth and cell design was adjusted to suit. During construction it was observed that after rain, water was entering excavation from what appeared to be old drainage line that was partially cut off when an access road adjacent to new cell was constructed many years ago. A subsoil drain was required to catch and dispose of these intermittent flows.						5,102.00				

Work under the contract is estimated at 60% complete.

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.

### Construction of Mardi Dam Transfer & Highlift System

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	© Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = © + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
127662	13-05-2009	Boulderstone Pty Ltd	\$ 41,464,576.36	\$ 45,664,576.36	\$ Nil	\$ (-162,661.57)	\$ (-162,661.57)	\$ 41,301,913.04	50/50 Gosford & Wyong Councils
Individual Variations For Reporting Period									
		Description	Value \$	Description	Value \$				
Variation 1 – (Deduction variation) Price adjustment on pumps, motors and valves for foreign currency fluctuations. Tender price for these items was reassessed based upon currency exchange rates at date of award of contract and resulted in deduction to contract price due to stronger Australian dollar.			(-113,307.72)	Variation 32 – (Credit Variation) Contractor provided reasonable credit for redesigned route of the reuse pipeline. Original tendered price included a price based on a preliminary design that was refined later by Contractor with a reduced pipe length. Credit also allows for fittings and valve to be added to reuse line to allow scouring of line to sludge lagoons if required in the future.		(-117,387.50)			
Variation 2 – Scope change: At request of the Mardi to Mangrove project the pipe diameter of the tee and stub pipe for the future M2M connection within the Valve House will be reduced. In addition a 750mm diameter branch connection point has been included. These changes will be costed out to the M2M project, and were found to be necessary once final designs were completed for the M2M project.			11,200.00	Variation 33 – The length of some foundation piles at various site locations were found to be longer than allowed in the design. The Contractor was required to use a larger crane to lift and place the longer reinforcement for the piles. While the Schedule of Rates was used to pay for the extra pile lengths, this variation covers the additional costs involved in using the larger crane.		1,174.68			
Variation 5 – Scope Change: a blank bolted flange will be provided into the pipework for High Lift Pump Station to improve future access for maintenance purposes. Original tendered price allowed for all joints to be welded only.			6,036.36	Variation 41 – A chemical spill (alum) at the Water Filtration Plant was unknowingly directed by WSC staff across Old Maitland Road through pipework instead of contained on site. As a result the Contractor was forced to stand down site staff for 2 hours while the spill was identified and ameliorated. Costs are reasonable for delay. WSC staff have ensured that similar incident will not recur.		2,306.26			

<p>Variation 10 - Due to particularly poor ground conditions in a major drainage line, the original design for rock-filled baskets was found to be very difficult and expensive to implement. An alternative grout-filled mattress was proposed by the Contractor and accepted at Nil extra cost. This resulted in estimated savings to the project of \$330K in additional costs had the original design been pursued.</p>	<p>Nil</p>	<p>Variation 44 - Safety Variation: Additional field testing was undertaken, under Council direction and at recommendation of designer's geologist, to confirm amount and potential for water leakage into the excavation area for the intake tower. The Contractor carried out pressure testing of a thin porous rock seam found following initial excavations. Testing gave assurance that proposed excavation procedures would provide level of safety required.</p>	<p>25,919.85</p>
<p>Variation 27 - Additional borehole investigations were directed by designer to be undertaken at site of intake tower and along route of penstock to confirm ground conditions were adequate/safe for excavation following discovery of porous rock seam close to dam. Results gave confidence for work to safely proceed with dam water level also lowered.</p>	<p>21,396.50</p>		

Work under the contract is estimated at 30% complete.

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.

### The Rehabilitation and Redevelopment of Bateau Bay Landfill

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	
115479	13-12-2006	Neumann Contractors Pty Ltd	\$ 10,525,282.34	\$ 11,570,736.89	\$ 857,645.45	\$ 56,743.03	\$ 914,388.48	\$ 11,439,670.82 (includes previous SoP adjudications)	Tip Rehabilitation Funds	
Individual Variations For Reporting Period										
Description					Value	Description				Value
Security of Payments adjudication January 2010 (see below) plus adjudication fees and interest.					\$ 56,743.03					\$

Work was taken out of the hands of the contractor in February 2009 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 \$56,743.03 over and above the contract amount as valued by Council. The Contractor had sought payment of over \$5M, and will not be able to make a further SoP claim on the items included in this claim.

The actual value of payments made under the contract, including SoP adjudication, is \$11,439,670.82 and is within the contract budget.

Council remains in dispute with the Contractor and is taking court action to recover payments made under the various SoP claims. Court hearings are scheduled for March and April 2010. Other matters will also be subject to further litigation.

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

No increase to the contract budget is therefore sought.

## Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – FEBRUARY 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
155267	08-04-2009	Design Documentation – Hamlyn Terrace Sporting Facility	Lump Sum	382,855.00	338,575.00	Work under the contract was completed at the tendered price. There were no variations made to the contract – contingency funds were therefore not drawn upon. Unused funds were retained in the respective operational budget.
162813	08-07-2009	Construction of Six Netball Courts – Baker park	Lump	722,000.00	720,446.50	The original contract budget of \$660K was increased to \$722K through approvals made via the Contract Variation report. The final contract value was within the revised contract budget. Unused funds were retained in the respective operational budget.
107737	15-01-2007	Manufacture, Supply and Deliver to Mardi Water Treatment Plant of Bulk Liquid Aluminium Sulphate	Schedule of Rates	350,500.00	359,462.00	The contract was initially approved using an estimate of 1500 tonnes of product at \$175 per tonne over the three year period of the contract. Based on the tendered rates, a notional budget of \$262K was approved by Council at award and was adjusted to \$350K through approvals made via the Contract Variation report as usage was expected to exceed the pre-award estimate.  Final actual usage of product was 1688 tonnes.  The increased use of product reflects higher use of potable water under reduced water restrictions and less water being drawn from Hunter Water due to increased storage on the Central Coast. The adjustment of rates under the contract has also impacted the notional budget, with a price of \$204.45 per tonne being the final contract rate.  Future supply is to be sourced via the Local Government Procurement Contract. Use of this contract is exempt from the tendering provisions of the Local Government Act.



## 4.2 Contract CPA172849 - Manufacture, Supply and Delivery of Bulk Liquid Chlorine to Mardi Water Treatment Plant

TRIM REFERENCE: CPA/172849 - D02171818

AUTHOR: SM

### SUMMARY

Evaluation and selection of tenders for Contract CPA/172849 - Manufacture, Supply and Deliver to Mardi Water Treatment Plant Bulk Liquid Chlorine for a period of 3 years.

### RECOMMENDATION

*That Council accept the schedule of rates tender from Orica Australia Pty Ltd at the rate of \$2,200 per tonne (exc GST) with an estimated lump sum of \$396,000 for Contract CPA/172849 - Manufacture, Supply and Deliver to Mardi Water Treatment Plant Bulk Liquid Chlorine for a period of three years.*

### BACKGROUND

Wyong Shire Councils Mardi Water Treatment Plant uses an estimated 60 tonnes of bulk liquid chlorine per annum. The bulk liquid chlorine provides an essential, cost effective use as a disinfectant chemical to ensure potable water is produced to a standard that meets NHMRC guidelines. Orica is the only available manufacturer of bulk liquid chlorine on the east coast of Australia. This was emphasised in Orica being the only conforming tender received. They have a current contract with council for the manufacture, supply and delivery of bulk liquid chlorine to Mardi Water Treatment Plant which is due to expire on the 31 March 2010.

### Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 5 January 2010 and the Central Coast Express Advocate on 6 January 2010. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 28 January 2010.

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

Tenders closed at Council Chambers at 2pm on 28 January 2010.

### EVALUATION OF TENDERS

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

- Conformance with the requirements of the tender documents
- Ability to manage financial and safety risk

## 4.2 Contract CPA172849 - Manufacture, Supply and Delivery of Bulk Liquid Chlorine to Mardi Water Treatment Plant (contd)

- Price
- Experience

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence,

The evaluation was conducted according to the following process.

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

### Assessment of Receipt

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

No.	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Orica Australia Pty Ltd	\$396,000 (\$2,200 per tonne)	Submitted on time
2	Price Chemicals Pty Ltd	\$60,000	Submitted on time

\* See Assessment of Conformance below.

### Assessment of Conformance

Tender No 1 from Orica Australia tender contained minor departures and qualifications that modified the General Conditions of Contract. Following consultation with Council's contract systems coordinator, the panel agreed these changes would not result in an increased cost or risk to Council. Orica (previously ICI) have been supplying Wyong Shire Council with bulk liquid chlorine for over 25 years and their product quality and service history has been satisfactory. The tender price submitted by Orica has increased approximately 2% from the current tender price, therefore their tender price submitted in the schedule of rates is considered reasonable. The tender was progressed to the next stage of evaluation.

Tender No 2 from Price Chemicals Pty Ltd did not conform to the requirement of the tender documents as they offered Sodium Hypochlorite in lieu of liquid Chlorine; therefore they were not progressed to further evaluation.

Council's specification called for the supply of pressurised liquid Chlorine, this liquid converts to 100% Chlorine gas upon draw off.

## 4.2 Contract CPA172849 - Manufacture, Supply and Delivery of Bulk Liquid Chlorine to Mardi Water Treatment Plant (contd)

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Sodium Hypochlorite only has 13.5% available Chlorine therefore is much weaker in strength than liquid chlorine. It loses its strength rapidly and its use would make it difficult to maintain the consistent chlorine level required in water treatment. The quantity tendered by Price Chemicals would be insufficient given the strength of the product and the amount that would be required to be dosed to achieve the desired chlorine levels.

### Weighted Evaluation

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

No.	Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
1	Orica Australia Pty Ltd	\$396,000	99

Tender No 1 from Orica Australia Pty Ltd, being the only scoring tender, was progressed to the due diligence stage of the evaluation.

### Due Diligence

Orica have a comprehensive OH&S system. The system shows a commitment to safety on their behalf. This is evident as Council have received bulk liquid chlorine from Orica for over 25 years. During this time, Orica has demonstrated sound safety systems which have resulted in no incidents. The OH&S system submitted by Orica meets the requirements of the tender document.

### Process Review

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

## RISK ASSESSMENT

### General

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

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

**Contract Risks**

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

**Generic Risks**

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

- The Contractor experiences financial difficulties and may enter into liquidation therefore leading to additional project delays and costs. This is mitigated through financial and referee checks before the contract is awarded and through timely progress payments.
- Liability for injury and/or damage to people, property and the environment. This is mitigated through on-going validation of contractor's insurances, safety and environmental management systems along with close supervision including site audits.

**Specific Risks Leading to Contract Variations**

The following are the major risks that may be sustained by Council in relation to this contract:

- The rates and prices tendered shall be fixed for a period of 12 months, from the date of acceptance of tender. On each 12 month anniversary, rates shall be adjusted on the rise and fall formula based on the movements in the consumer price index.
- Orica not being able to supply chlorine due to a force majeure. A forced majeure means an event or cause beyond the reasonable control of either party such as an act of god. Acts that constitute a forced majeure are an earthquake, war, terrorism attack. This is mitigated by the ready availability of less efficient alternative disinfection chemicals that, whilst creating operational difficulties, would still deliver the required disinfection levels.

**Risk Contingency**

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$39,600 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$396,000 (excl GST), which incorporates the contingency allowance, will not be exceeded.

**BUDGET**

Funds are made available for the product under the Mardi Water Treatment Plant Operations Budget 2009/10.

**TIME-FRAME**

The contract will commence from the date of acceptance of tender for a period of 3 years.

**APPROVALS**

No approvals required.

**LOCAL CONTENT**

This product is produced in Australia by Orica Australia Pty Ltd.

**CONCLUSION**

Tender no.1 from Orica Australia Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

**ATTACHMENTS**

*Nil.*

## **5.1 Minutes - Wyong Shire Senior Citizens' Council Meeting - 25 February 2010**

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TRIM REFERENCE: F2008/00407 - D02168834

AUTHOR: ED

### **SUMMARY**

A meeting of the Senior Citizens' Council was held on 25 February 2010.

### **RECOMMENDATION**

- 1 That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 25 February 2010.**
- 2 That Council place a quick reference list of available community services at all libraries and the Civic Centre Reception.**

A meeting of the Wyong Shire Senior Citizens Council was held on 25 February 2010. The minutes of that meeting are attached.

### **ATTACHMENTS**

- 1 Seniors Council - Minutes - 25 February 2010      D02174635**

**WYONG SHIRE COUNCIL****MINUTES OF THE  
SENIOR CITIZENS COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 25 February 2010  
COMMENCING AT 1.09 PM**

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**PRESENT**

Ms June Cross (Chairperson)	Older Women's Network, isolated neighbourhoods
Mrs Juliet Axford	Seniors health & fitness community
Mr Luigi Bruni	Italian community
Ms Maryanne Housham	Aboriginal and Torres Strait Island Communities; grandparents groups
Mr Bruce Pyke	National Seniors Association
Ms Dawn Thompson	National Serviceman's Association

**IN ATTENDANCE**

Ms A Evans	WSC Community Development Worker
Ms E Duncan	Minute Secretary

The Chairperson declared the meeting open at 1.09 pm, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgment of country statement.

**APOLOGIES**

Mr Bruce Kirkness	Toukley Senior Citizens Club
Ms Patricia Parperis	Long Jetty Seniors Choral Group

**SENIOR CITIZENS COUNCIL RECOMMENDATION**

***That the Senior Citizens Council accept the apology.***

**1.1 Disclosure of Interest**

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**RECOMMENDATION**

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

**SENIOR CITIZENS COUNCIL RECOMMENDATION**

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

**1.2 Minutes of Previous Meeting held on 28 January 2010**

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**SENIOR CITIZENS COUNCIL RECOMMENDATION**

*That members confirm the minutes of the previous Senior Citizens Council Meeting held on 28 January 2010.*

**Business Arising**

Annette Evans updated members on:

- 1 The Seniors Council's terms of reference and circulated suggested amendments.
- 2 The advertisement seeking new Seniors Council members and opportunities to target specific community groups such as Men's Shed, Lake Munmorah and Long Jetty Senior Citizens, multi cultural groups through the Northern Settlement group.
- 3 Plans for Seniors Week activities and events and asked that interested members join a planning meeting at Blue Haven at 10.30 am on Wednesday 10 March 2010.

Juliet Axford advised that she would be attending a Performing Arts Centre committee meeting on Monday 1 March 2010.

**2.1 2010 Senior Citizens Council meeting dates**

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Annette Evans pointed out that all dates were Thursday except for 19 March 2010 which was to coincide with the Mayor's lunch.

**SENIOR CITIZENS COUNCIL RECOMMENDATION**

*That members adopt the following as the 2010 Senior Citizens Council meeting dates:*

*25 February 2010  
19 March 2010  
22 April 2010  
27 May 2010  
24 June 2010  
22 July 2010  
26 August 2010  
23 September 2010  
28 October 2010  
25 November 2010*



### **3.1 National Seniors meeting**

---

Bruce Pyke provided a verbal report on his attendance at a recent National Seniors meeting highlighting:

- 1 60 members meet monthly and hope to work cooperatively with the Wyong Shire Senior Citizens Council
- 2 difficulties members have experienced in obtaining relevant information from Council's customer service staff.

#### **RECOMMENDATION**

*That the report on the National Seniors meeting be received and the information noted.*

#### **SENIOR CITIZENS COUNCIL RECOMMENDATION**

- 1 ***That the Senior Citizens Council recommend to Council that a document listing available community services be kept at reception and at libraries for quick reference by affected residents.***
- 2 ***That the listing be available within two months.***

### **3.2 2010 NSW Seniors Card Discount Directory**

---

Bruce Pyke left the meeting room at 2.17 pm, took no part in discussion, did not vote and returned to the meeting room at 2.20 pm.

Annette Evans tabled the Seniors Card Discount Directory for the information of members.

#### **SENIOR CITIZENS COUNCIL RECOMMENDATION**

***That the report on the 2010 NSW Seniors Card Discount Directory be received and the information noted.***

### **4.1 Volunteering Central Coast**

Bruce Pyke returned to the meeting at 2.20 pm during consideration of this item.

Annette Evans advised that interested members could attend a Computer Basics for Seniors training course to be held at Tuggerah Lakes Community College at Tuggerah on Monday 22 March 2010. Luigi Bruni indicated an interest in attending and will be provided with details. Details of more advanced courses would be provided when available.

**4.2 Future speakers at Senior Citizens Council meetings**

Annette Evans will provide to the next meeting a suggested list of speakers to be invited to attend future meetings of the Senior Citizens Council .

**THE MEETING** terminated at 2.30 pm .

## 5.2 Council's Animal Care Facility Review

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TRIM REFERENCE: F2006/01779 - D02023137

AUTHOR: RV

### SUMMARY

This report is in response to Resolutions 3 and 4 of a Council Resolution from the Ordinary Meeting of 25 February 2009 and reflects the outcome of Council's consideration during the weekend workshop held on 19 – 21 February 2010.

### RECOMMENDATION

***That Council endorse the expenditure to a maximum of \$150k, as incorporated in Council's 2009-2010 Management Plan, for the upgrading works required to Council's Animal Care Facility.***

### BACKGROUND

At its meeting held on 25 February 2009, Council:

*"RESOLVED unanimously on the MOTION of Councillor Best and seconded by Councillor Matthews:*

- 1 That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.*
- 2 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.*
- 3 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.*
- 4 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 2009/2010 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review*

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

*AGAINST: NIL."*

**Resolution 3**

Following Council's resolution in 2009, staff formally approached the RSPCA to determine its interest in assuming operational responsibility for Council's Animal Care Facility. The interim response received by Council was that it was still in the throes of its strategic review and until that was complete, it could not respond to Council's approach.

The RSPCA's Executive Officer Ms Sue Hill has now formally advised Council that RSPCA NSW will not enter into any further agreements with Councils to manage animal care facilities.

**Recommendation 4**

In accordance with this resolution, Council voted \$150k for the required capital works within its 09/10 Management Plan. A further amount of \$150k was also included for consideration in the 10/11 Management Plan.

To date, no funds have been spent as Council has been awaiting the formal response from the RSPCA. Now that the outcome of the RSPCA's strategic review is known and it is clear that Council will remain the authority responsible for managing the animal care facility, a number of improvements to the facility must be undertaken to ensure RSPCA, Building Code of Australia (BCA) and OH&S requirements are met.

The following table outlines the required works and the legislative requirements for each:

<b>Improvement:</b>	<b>Reason:</b>
Transition area for incoming & outgoing animals	OH&S and health assessment of incoming animals
Isolation / quarantine room	To comply with RSPCA health requirements and reduce vet fees
Refurbishment of existing toilet facilities	To comply with BCA requirements
Relocation / extension of cattery	To comply with RSPCA direction
Separate area to house juvenile dogs	RSPCA Health requirement and reduce vet fees

**Cost**

Whilst Council had voted \$150k in both the 90/10 and the 10/11 Management Plans to enable these improvements to be undertaken, initial costing carried out by Council's Building Services section indicates that all works can be completed within the 09/10 budget allocation of \$150k. The remaining allocation of a further \$150k in the 10/11 budget is no longer required.

Once these improvements have been completed, the Animal Care Facility will meet all the requirements of the RSPCA and BCA. In addition, Council will be meeting its OH&S responsibilities to staff, volunteer rescue association staff and visitors.

**ATTACHMENTS**

*Nil.*

### **5.3 Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients**

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TRIM REFERENCE: F2004/00289 - D02165624

AUTHOR: AP

#### **SUMMARY**

This report provides information in relation to the Work for the Dole program and operational and budgetary issues that would result from the implementation of a pilot program.

#### **RECOMMENDATION**

***That Council receive the report on the undertaking of a pilot program for the construction of footpaths using work for the dole recipients***

#### **BACKGROUND**

At its meeting held on 9 December 2009, Council:

*RESOLVED unanimously on the MOTION of Councillor Symington and seconded by Councillor Wynn:*

*That Council prepare 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".*

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

*AGAINST: NIL"*

The Work for the Dole (WFD) program aims to provide work experience placements for job seekers in approved activities to improve their employment prospects whilst providing facilities and services to local communities. Work for the Dole placements cover a wide range of activities, such as the environment, community care, providing community services and restoring and maintaining community services and facilities.

The Work for the Dole program is funded by the Federal Government and administered by accredited service providers known as Job Services Australia members (JSA). JSA providers refer and support job seekers in their Work for the Dole activities and work with WFD host employers who are generally community or government organisations.

To become a host employer under the WFD program Council is required to submit a formal activity proposal to a JSA provider. This will include details in relation to the key tasks proposed to be completed, number of participants requested, and project budgets. JSA providers manage persons referred to them by Centrelink and receive funding from the Federal Government for any resulting training and job placements.

### **5.3 Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients (contd)**

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Proposals are then assessed against a number of criteria. These include the community benefit of the work, participant benefit, capacity of the host to support and host the work, value for money, and the host's capacity for participants to be readily trained to complete the work. Any proposal must also meet a number of rules, including that any WFD work must not displace paid workers and the host meeting the necessary insurance requirements.

Staff have consulted with a number of JSA providers with a positive view to participating with the WFD program for footpath construction. A draft program and budget has been developed and Council has received a draft proposal indicating the level of funding support it would receive under a proposed pilot program.

Wyong Shire Council has in the past been involved with several programs similar to and including WFD with mixed results. Between 1998 and 2003 Council participated in the WFD program on various occasions to undertake a number of tasks including construction of a number of shared pathways. A number of supervisory staff involved at that time are still working at Council today and recall many issues with respect to the productivity, quality and value for money of the work undertaken as part of this program.

Council was previously involved with the Red Scheme, which was a Federal Government training program that included funding for both wages and materials associated with various infrastructure projects.

Council also currently runs a Community Service Workers program which involves up to 15 probation and parole persons undertaking low-skilled works such as litter collection and weeding. Costs, including labour and insurance costs, are covered by the State Government Department. This program is considered to be successful.

In 2009 Council submitted an application under the Federal Government Jobs Fund seeking \$1.9M for the completion of a program of concrete footpaths using youth and the long term unemployed. This application was not successful.

Consultation has been undertaken with staff from various Councils involved with the WFD program over recent years. Council's have generally participated in the WFD program to deliver a whole range of activities over extended periods of time rather than a one specific program like footpath construction. Activity areas where host employers were able to demonstrate success included activities such as plant propagation, bush regeneration, fencing, painting, minor construction works, gardening, property maintenance and administration.

#### **THE PROPOSAL**

This report explores the options with respect to Councils participation in the WFD program for the purposes of constructing footpaths.

Council has liaised with a number of agencies involved with administration of the program and worked with them to try and develop a proposal which best meets Councils requirements for the type of work proposed whilst meeting the Federal Government guidelines.

Council as an organisation generally meets the criteria required of a host employer to make use of such a scheme for the purposes of constructing footpaths in the Shire as well as a diverse range of other activities and it is considered that a properly structured application for a pilot program would likely be successful.

There are however a number of budgetary and operational issues which have however been identified and would be required to be addressed prior to Council participating as a host employer under the WFD program to construct footpaths.

## OPTIONS

There is considered to be two practical options available for Council. These include one not participating in the WFD program by maintaining the status quo with respect to funding and resourcing footpath construction works, and two progressing with the implementation program outlined in this report.

### **Option 1: Maintain the Status Quo**

Council continues constructing new footpaths in public road reserves as budgeted. The annual allocation is approximately \$450,000 per annum to construct approximately 2.6 km of footpath and associated works, with the work undertaken predominantly by Councils 3-4 man crew located within Council's Roads and Drainage Unit over a 5-6 month period.

### **Option 2: Participation in the WFD program for the purposes of constructing footpaths.**

Investigations have been undertaken to determine the feasibility and logistics of undertaking a trial within the terms of the WFD program. During the course of investigations a number of significant budgetary and operational constraints associated with participation in the WFD program for footpath construction were identified.

Operational and budgetary issues identified include:

- **Duration** - The minimum period of participation in the WFD program is six months. Following discussions with JSA providers and based on the participation requirements of WFD participants (which varies from 1-4 days per week) it is recommended that any proposal run four days per week for 26 weeks.
- **Number of WFD participants** –.Council's day labour crews generally only operate with three men plus plant and operator/s for footpath projects. In order to receive funding for supervision under the program however it is necessary to have a supervisor ratio of 1:15. It would thereby be proposed to have 30 WFD participants split into two groups of 15 persons working two days per week. It is however unlikely that all participants on a given day will attend as outlined further.
- **Attendance** - Advice received from Councils involved in the WFD program and Job Services Australia providers is that due to inconsistencies with attendance by individuals day to day and the minimum hours of work participants are required to work under the WFD program on a weekly basis, it is unlikely that full attendance of all 15 WFD participants on a given day would be achieved. On this basis the numbers of persons in turning up on given day will be variable somewhere between 0-15 participants thereby impacting on project planning and the capacity to complete the works.

- **Productivity** – It is unlikely that the WFD participants are going to have had experience in such areas as formwork, laying concrete and finishing. They will therefore require direct hands on training and supervision by the Supervisor. Combined with a high turnover rate of participants, there would be a continual cycle of participants of varying skill levels which would limit the efficiency to complete the work in a productive and timely manner. It is estimated that on average that the rate of construction would be half of that of Councils day labour.
- **Training** - All WFD participants would be required to complete Workcover's General Induction for Construction training and Councils own induction training prior to participation. Whilst the costs of providing this training appear to be covered under the program, the large number of participants and high turnover anticipated over the six month period will result in logistical difficulties in delivering this prerequisite training on a continual cycle.
- **Transport** - Given the difficulties in public transport in the Shire, many WFD participants not having their own transport, and the variable work locations, Council is expected to provide a shuttle service for the WFD participants from a nominated transport node to the worksite each morning and afternoon. The fulltime supervisor of the team would also be required to have the use of a vehicle during the day. These costs need to be factored into an assessment of the viability.
- **Quality of Work** – Although the WFD participants would be supervised and receive on the job training by a Council representative, participants are likely to have had little to no previous experience concreting. Work will thereby not be to the standard of that performed by Councils construction staff or a concreting contractor. A number of other Council's, including both Wyong Shire and Gosford City Council's which have previously used WFD participants for concreting, have acknowledged significant issues with the quality of the work and the added expense of repair and replacement. To assist in managing this issue projects chosen should be located on level ground and should not require retaining walls and private driveway reconstructions.
- **Supervision** – The role of the supervisor is critical to the success of the program. The supervisor is responsible for providing practical training and direction to participants, providing instruction on safe work practices, mentoring participants, and completing time sheets and skills records. The supervision of WFD participants to undertake concreting work will thereby require a specialist staff member who has not only experience in the trade of concreting and administration, but also high level interpersonal skills, patience and the capacity to train people. A number of staff within Council were canvassed on their views in participation in the role of supervisor, with no interest received from these staff. It is considered that it will be necessary to externally source a suitably experienced supervisor for the duration of the project.
- **Public perception** – Given the numbers of WFD participants working on a project and the constant cycle of induction, observation, and training, the productivity of the workers is likely to be low. The majority of footpath works are also likely to be undertaken in high profile locations. Based upon experiences realised by both Wyong Shire Council and other Councils consulted, the public generally perceive the WFD participants as Council workers resulting in the need to manage the resulting negative perceptions on Councils existing staff and Council as a whole. Possible management options include the installation of signage on projects and media publicity of the program.



**5.3 Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients (contd)**

- **Budget** – Whilst Council would receive labour at no cost and a contribution towards supervision under the WFD program, Council would still be required to fund such costs as materials (e.g. formwork, concrete and steel), plant/truck, topsoil/turf for restoration, and waste disposal which typically represent around 70% of the costs of a footpath construction project. It would therefore be necessary for Council to allocate a considerable budget to sustain the project over the six months. At present there is no budget allocation. (Further information is contained in the section on Financial implications).

**STRATEGIC LINKS**

**Management Plan**

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Direct link to promotion of walking and improved connectivity of communities if there are formalised footpaths to use.	
Infrastructure	Roads – a safe, economic road transport system and a satisfactory standard of traffic movement. Ongoing service to construct and maintain footpaths and shared pathways.	4.1.4 Secondary Roads Rehabilitation

The option of undertaking a pilot trial of WFD to construct concrete footpaths aligns with the Shire Strategic Vision of connecting communities and ease of travel. The Asset Management Strategy within the SSV however indicates the priorities are to maintain and rebuild instead of constructing new assets. The construction of new footpaths is creating new assets for which funding and resources are being allocated away from maintenance and renewal which is not consistent with the asset management strategy of the SSV.

**Link to Key Focus Areas**

<i>Key Focus Area</i>	<i>How the proposal contributes or links to the Key Focus Areas in Council's Management Plan</i>
Shared Pathways	The proposed footpaths may have linkages with the key focus area of extending the shared pathway system.

**Financial Implications**

The major financial implication associated with Council participating in the WFD program for footpath construction is that no funding source is currently identified.

**5.3**

**Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients (contd)**

Under the program the provision of WFD labour is at no cost to Council while funding is available to cover many of the direct costs associated with the approved activity including supervision, training and protective clothing. For a typical footpath project however the costs of plant/trucks and materials represents an estimated 70% of the total costs of a project. Council will be required to fund the difference. There is also a number of additional costs to be incurred such as administration and the transport of participants.

While some JSA providers have indicated some funding may be available for materials, it is the experience of other Councils consulted who have done construction projects that this is not the case. A draft budget proposal compiled by a local provider indicates that only \$2,000 would be available under the program over the 6 month period for materials.

Table 1 provides summary estimates for comparative purpose of undertaking concrete footpath construction between day labour and WFD participants. From this analysis the full cost of the construction of footpaths under the WFD program is considered to be comparative to the cost of using Councils day labour.

Table 1: Comparison between Councils day labour and WFD participants undertaking footpath works.

	<b>Day Labour</b>	<b>WFD</b>
<b>Number of workers</b>	3-4	5-15
<b>Supervision</b>	0.2 EFT	1 EFT
<b>Estimated lineal distance of footpath completed per week</b>	100m	60m
<b>Program period</b>	5-6 months	6 months
<b>Lineal distance over program period</b>	2.6 km	1.5km
<b>Cost per lineal metre *</b>	\$169m	\$160m
<b>Total Cost over program period</b>	\$439,000.00	\$240,000.00
<b>Residents contribution</b>	\$105,000.00	\$56,000.00
<b>Net cost to Council</b>	\$334,000.00	\$184,000.00
<b>Net cost per lineal metre*</b>	\$128.00.00	\$123.00.00

\*Cost includes establishment, provision of onsite site facilities, plant, supervision, transport, materials, tools, waste disposal, and restoration (topsoil, turf, water cart).

### **5.3 Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients (contd)**

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Based on a WFD team working under fulltime supervision completing 60m of retrofitted footpaths in a 4 day week, it is estimated that they could complete 1.5 km of footpaths over a 6 month period. The actual rate will be depending on the resources and skill levels and attendance of participants over the period. Based on this level of work, it is estimated that a budget allocation of approximately \$240 K would be required to sustain the program. This expenditure would be offset by approximately \$56K in income received from residents as a contribution to footpath installed in front of properties in accordance with Councils revenue policy. The net cost to Council is estimated at \$184,000.

Should the current footpath funding source be reallocated to the WFD program, then Councils dedicated concreting crew would be required to be reallocated to alternative works for 5-6 months of the year. This is considered not to be consistent with the project criteria of not displacing existing paid workers.

#### **Principles of Sustainability**

Environmentally none of the options have a positive or negative impact.

Socially there will be positive benefits though additional footpaths promoting walking and improved connectivity between communities.

The project is currently economically unsustainable having no current budget allocation.

#### **CONSULTATION**

Consultation has been undertake with a number of staff within Wyong Shire Council who have been involved with previous WFD programs and staff at a number of Councils which have participated in the WFD program in recent years. These include Gosford City, Ballina Shire, Coffs Harbour City, Greater Taree City, Ipswich City, and Randwick City Councils.

Staff have also consulted with Centrelink and two JSA participants whom have worked with Councils under the WFD program.

The establishment of WFD crews is a potential industrial relations issue, which will require careful negotiation and consultation with the respective unions ensuring there is no perception that any existing employees are being displaced as part of the program.

#### **GOVERNANCE**

Neither the recommendation nor any of the tabled options will require any of Council's policies to be changed.

**CONCLUSION**

Investigations have been undertaken with a view to Council participating in the WFD program for the purposes of constructing footpaths. There are a number of issues which have arisen which need to be balanced against the community benefit and positive perception of Council in the community. Many of these issues arise as a result of the nature of concrete footpath construction works requiring skilled labour and considerable plant and materials costs. Implementation of a pilot program for footpaths will require a significant allocation of resources and an estimated net budget of \$183,000 over the minimum six month period. It has been recognised that there is potential benefits of involvement in the WFD program across a wider range of activities and it is proposed that further consideration be undertaken towards participation in the WFD where there is adequate provision in existing budgets.

**ATTACHMENTS**

*Nil.*

## 5.4 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02162951

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 \$5,310.00 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 More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

#### Contribution of Proposal to the Principal Activity

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

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

### 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 10/03/2010	6,437	6,450	7,048	6,499	6,441	3,650	2,934	8,275	10,070	10,425	68,229
Available allocation as at 10/03/2010	8,563	8,550	7,952	8,501	8,559	11,350	12,066	6,725	4,930	4,575	81,772
Proposed Allocations for March 2010	24										
A Classified Weekend - a Festival of square dancing (\$1,200) (\$250 already allocated)								350			350
Australian -Filipino Assoc of the Central Coast Inc (\$400)		400									400
Berkeley Vale Public School P&C (\$3,000)	300	250		300	300	300	500	300	750		3,000
Warnervale Family & Community Centre (\$560)	160					400					560
Wyong RSL Sub Branch (\$3,000)	300			200		500					1,000
<b>Total Proposed Allocations for 24/03/2010</b>	<b>760</b>	<b>650</b>	<b>0</b>	<b>500</b>	<b>300</b>	<b>1,200</b>	<b>500</b>	<b>650</b>	<b>750</b>	<b>0</b>	<b>5,310</b>
<b>Total Accumulated Allocations as at 24/03/2010</b>	<b>7,197</b>	<b>7,100</b>	<b>7,048</b>	<b>6,999</b>	<b>6,741</b>	<b>4,850</b>	<b>3,434</b>	<b>8,925</b>	<b>10,820</b>	<b>10,425</b>	<b>73,539</b>
<b>Balance Uncommitted as at 24/03/2010</b>	<b>7,803</b>	<b>7,900</b>	<b>7,952</b>	<b>8,001</b>	<b>8,259</b>	<b>10,150</b>	<b>11,566</b>	<b>6,075</b>	<b>4,180</b>	<b>4,575</b>	<b>76,462</b>

### ATTACHMENTS

Nil

24 March 2010

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **6.1 Minutes - Wyong Shire Grants Committee Meeting - 17 March 2010**

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TRIM REFERENCE: F2008/02110 - D02180751

AUTHOR: SG

### **SUMMARY**

A meeting of the Wyong Shire Grants Committee was held on 17 March 2010.

### **RECOMMENDATION**

*That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 17 March 2010 and adopt the recommendations contained therein.*

### **BACKGROUND**

A meeting of the Wyong Shire Grants Committee was held on 17 March 2010. The minutes of that meeting are attached.

### **ATTACHMENTS**

- 1 Minutes of the Wyong Shire Grants Committee Meeting - 17 March 2010 (distributed under separate cover)

## **7.1 Information Reports**

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TRIM REFERENCE: F2010/00009 - D02175656

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 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02173148

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 February 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	13	477,400	11	5,872,000
Industrial	2	728,000	2	310,000
Residential	106	10,670,666	71	8,771,050
Other	17	6,747,250	8	338,000
<b>Total</b>	<b>138</b>	<b>18,623,316</b>	<b>92</b>	<b>15,291,050</b>

*Note: Included in the number of development applications received in the "Other" category was a Designated Development for \$6M for a Chemical Storage Facility at Wyong. Included in the number of development applications determined within the Commercial category was alterations and additions for Doyalson RSL Club.*

#### Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	1	6	-	-
Residential	5	21	5	6
Rural	1	1	2	2
Other	1	9	-	-
<b>Total</b>	<b>8</b>	<b>37</b>	<b>7</b>	<b>8</b>

**Net Median Turn-around Time**

The net median turn-around time in working days for development applications determined during the month was 16 days. There were no priority applications determined during the month.

**Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined:</b>
Trees	31
Section 149 D Certificates ( <i>Building Certificates</i> )	16
Construction Certificates	53
Section 149 Certificates	17
Complying Development Certificates	19

**State Environmental Planning Policy No 1**

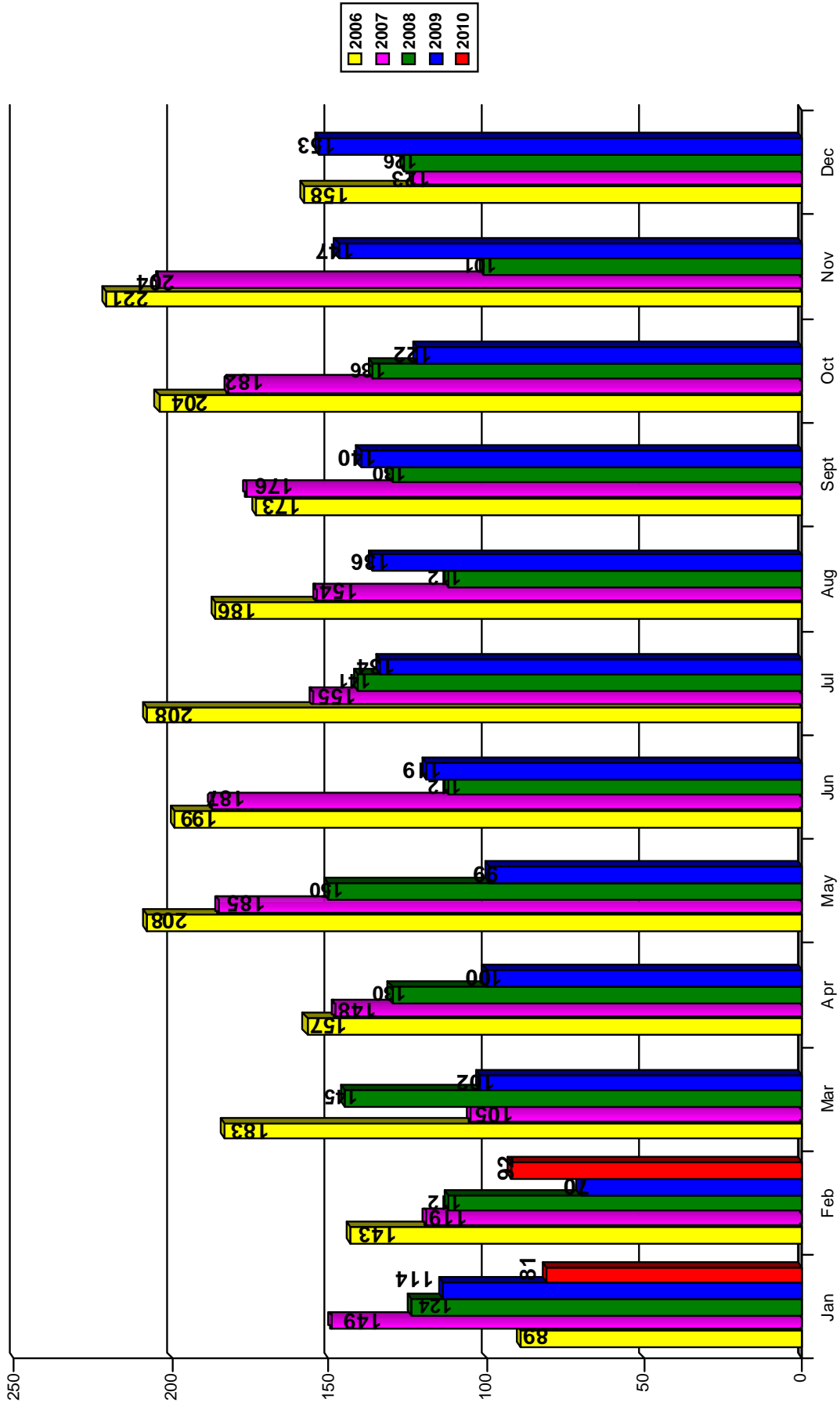
There were no applications that relied on SEPP 1 variations during the month.

**ATTACHMENTS**

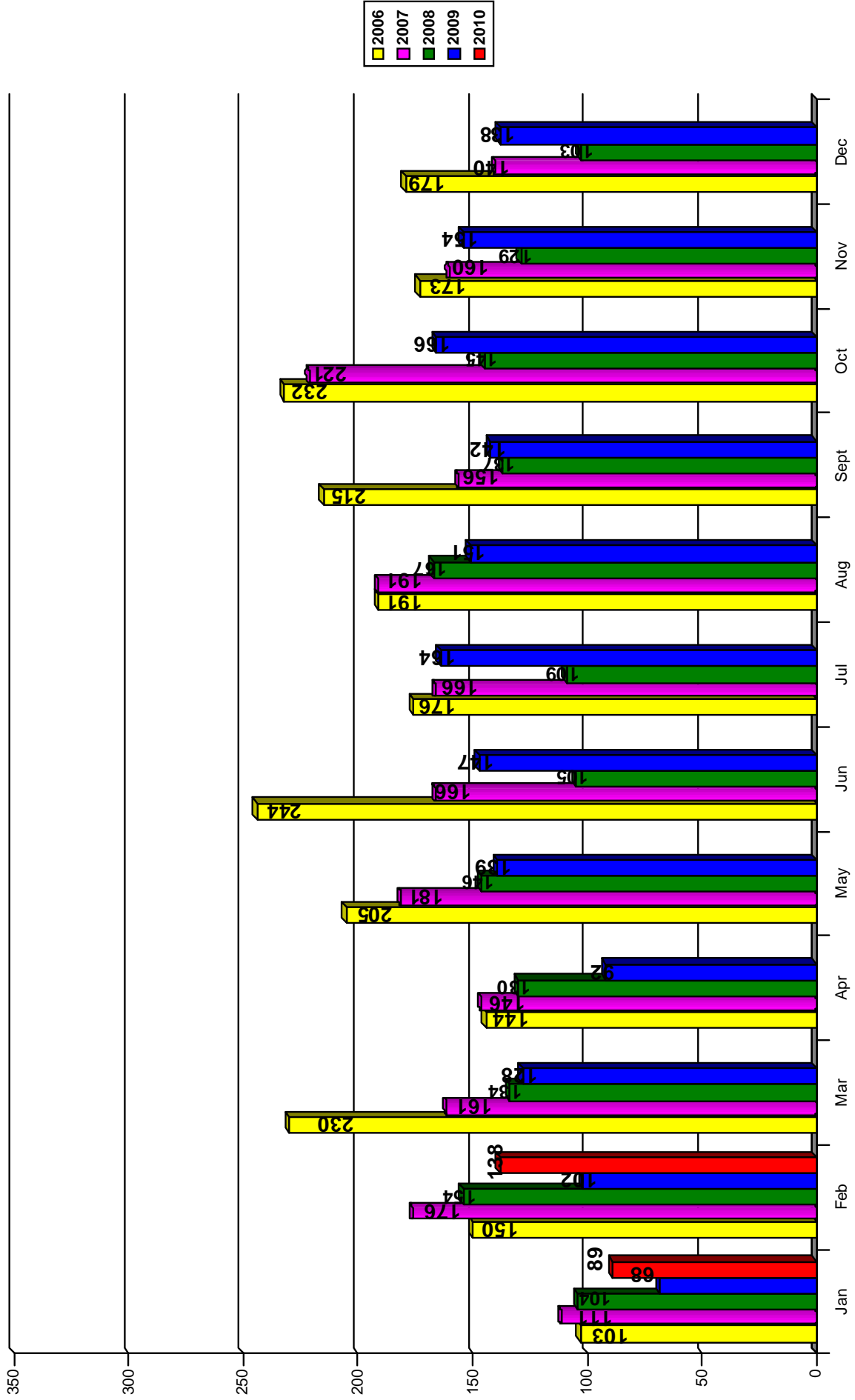
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined

D02178351

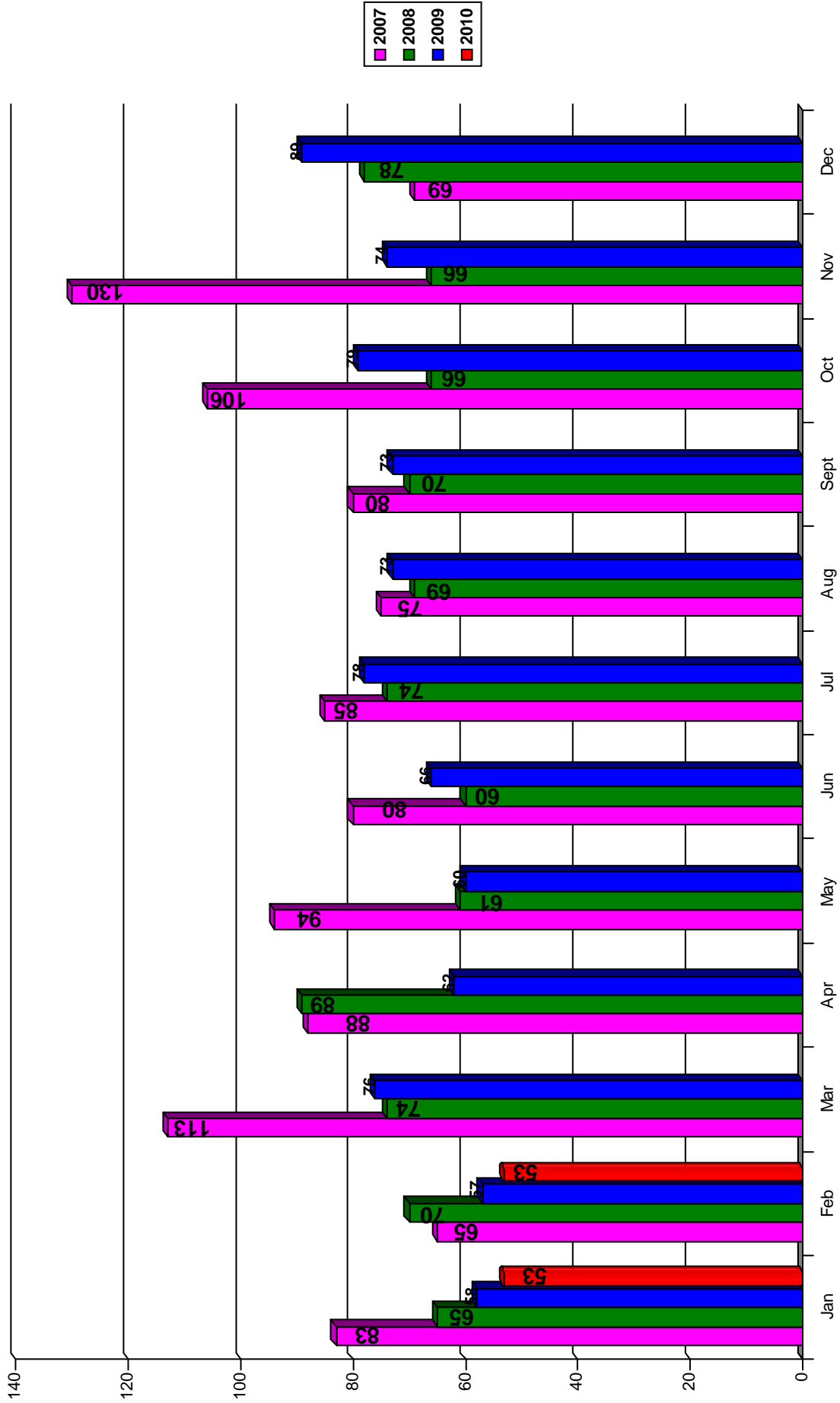
**DAS DETERMINED**



**DAs LODGED**



**CCs DETERMINED**



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

TRIM REFERENCE: F2004/11324 - D02175469

AUTHOR: DK

#### **SUMMARY**

Results of an audit on Council's compliance with the Department of Water and Energy (DWE) Best Practice Management of Water Supply and Sewerage Services guidelines for the year ending 30 June 2009.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

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

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

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

As part of the audit, the auditor has reviewed Council's SBP and other associated documents such as financial plans, asset management plans, drought management and demand management plans. The auditor concluded that Council has demonstrated substantial compliance with Best Practice Management Guidelines for water supply and sewerage services in line with the Department of Water and Energy Guidelines for the year ended 30<sup>th</sup> June 2009".

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

In Items 8 (Water) and 6 (Sewerage) of the Audit Findings the auditor has drawn attention to a non compliance issue relating to performance reporting. The auditor has identified that Council did not fully comply with a NSW Office of Water (NOW) September 2009 reporting deadline for performance data.

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

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While Council did submit a portion of the required data to NOW before the deadline there was an amount of outstanding data that was required to be collated and checked. This outstanding data was finalised by Council and submitted to NOW in time for NOW to meet it's reporting deadlines.

NOW was regularly kept updated of the status of these actions by Council.

Notwithstanding the above and to avoid this situation in 2010 an improved data facilitation process has been implemented to meet the September 2010 NOW deadline.

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

**ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Final Audit Report for Best Practice Management of Water Supply and Sewerage - January 2010 | D02177203 |
| 2 | Comments on Audit for Best Practice Management  | D02175607 |



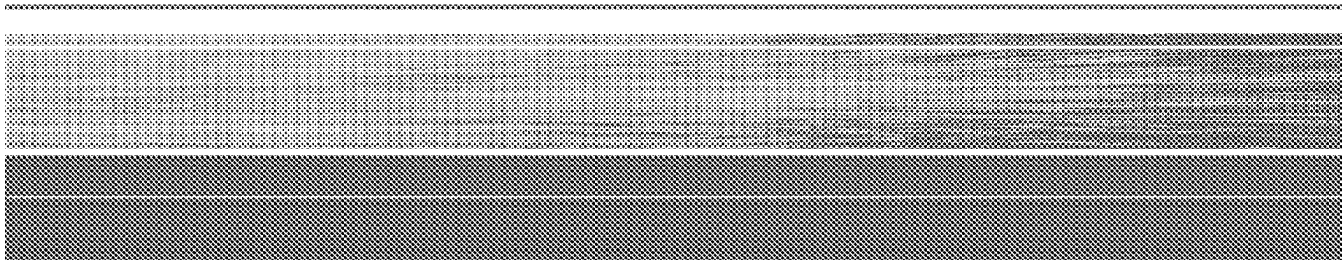
Public Works  
NSW Water Solutions



Report on Audit of  
**Wyong Shire Council**  
for Best Practice Management of  
Water Supply and Sewerage Services

January 2010

Contact Name: Chris Jefferd  
T 02 9372 7387  
F 02 9372 7844  
E [chris.jefferd@services.nsw.gov.au](mailto:chris.jefferd@services.nsw.gov.au)





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## REPORT OF COMPLIANCE

### With NOW Guidelines for Best Practice Management of Water Supply Services for Wyong Shire Council in Year 2008/09

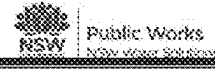
#### Scope

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

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

1. We reviewed the current **Strategic Business Plan (updated June 2008)** to ensure that it included an:
    - Operating environment review;
    - Asset management plan - operation, maintenance, capital works;
    - Performance indicators;
    - Customer service plan;
    - Levels of service;
    - Human resources plan.
  2. We reviewed the **financial plan** to ensure that it covers a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB).
-

## Wyong Shire Council Best Practice Management Audit Report



3. We have not reviewed **full cost recovery** and the projected total annual income to ensure it was consistent with the above financial plan as IPART administers Council's pricing/ revenue policy and Council is exempt.
4. We have not reviewed **water supply tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines as IPART administer Council's pricing policy and Council is exempt.
5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We reviewed the **Demand Management Plan** to confirm that it included the outcomes listed in column (3) of Table 1.
7. We reviewed the **Drought Management Plan** to confirm that it included the outcomes listed in column (3) of Table 1.
8. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to NOW by 15 September 2009 and the latest NOW review (2-page TBL Report) reported back to Council.
9. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

## Findings

We report as follows:

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

## Wyong Shire Council Best Practice Management Audit Report



5. Council is exempt with respect to 5 above.
6. With respect to 6 above we found that the Demand Management Plan (updated in 2007) made provision for the outcomes listed in column (3) of Table 1.
7. With respect to 7 above we found that Drought Management Plan considered the outcomes listed in column (3) of Table 1.
8. With respect to 8 above we found that Council *partially* completed the performance reporting forms in the NOW Performance Monitoring Database by September 2009. Council claimed the performance reporting forms were completed later in November 2009 but no documentary evidence provided. We also found that the latest available NOW review (2-page TBL report for 2007/08) along with action plan has been reported to Council in the ordinary Council meeting held on 23 September 2009.
9. With respect to 9 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting an IWCM Strategy Plan in August 2007.

## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated ***substantial compliance with Best Practice Management of Water Supply Services*** in line with the NOW Guidelines as applicable for year ended 30<sup>th</sup> June 2009.

## Definition

We have adopted the following definition for this engagement:

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

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

## Wyong Shire Council Best Practice Management Audit Report



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**Disclaimer**

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

Signed:

Date signed: 27 January 2010

A handwritten signature in black ink that reads "Chris Jefferd". The signature is written in a cursive style and is underlined with a long horizontal stroke.

**(Chris Jefferd)**

**Manager, Strategic Water Management Unit**

NSW Public Works - Water Solutions

Level 14E, McKell Building

2-24 Rawson Place

Sydney NSW 2000

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## REPORT OF COMPLIANCE

### With NOW Guidelines for Best Practice Management of Sewerage Services for Wyong Shire Council in Year 2008/09

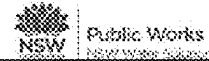
#### Scope

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

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

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

## Wyong Shire Council Best Practice Management Audit Report



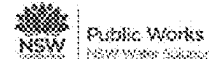
4. We have not reviewed **sewerage tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines as IPART administer Council's pricing policy and Council is exempt.
5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to NOW by 15 September 2009 and the latest DWE review (2-page TBL Report) reported back to Council.
7. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

### Findings

We report as follows:

1. With respect to 1 above we found the Strategic Business Plan is substantially compliant with outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines.
2. With respect to 2 above we found that the financial plan was for 30 years. Wyong Shire Council have reported the average residential bill using their 'in-house' spreadsheet financial model, which is accepted by IPART for their pricing determinations.
3. Council is exempt with respect to 3 above.
4. Council is exempt with respect to 4 above.
5. Council is exempt with respect to 5 above.
6. With respect to 6 above we found that Council *partially* completed the performance reporting forms in the NOW Performance Monitoring Database by September 2009. Council claimed the performance reporting forms were completed later in November 2009 but no documentary evidence provided. We also found that the latest available NOW review (2-page TBL report for 2007/08) along with action plan has been reported to Council in the ordinary Council meeting held on 23 September 2009.
7. With respect to 7 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting IWCM Strategy Plan in August 2007.

## Wyong Shire Council Best Practice Management Audit Report



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## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated **substantial compliance with Best Practice Management of Sewerage Services** in line with the NOW Guidelines as applicable for the year ended 30<sup>th</sup> June 2009.

## Definition

We have adopted the following definition for this engagement:

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

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

## Disclaimer

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

Signed:

Date signed: 27 January 2010

A handwritten signature in black ink that reads "Chris Jefferd". The signature is written in a cursive style and is underlined with a long horizontal stroke.

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

NSW Public Works - NSW Water Solutions  
Level 14E, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000

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AUDIT OF WYONG SHIRE COUNCIL FOR BEST PRACTICE MANAGEMENT OF WATER SUPPLY AND SEWERAGE SERVICES IN 2008-09  
(January 2010)

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

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

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

Criterion	Required Outcome (Table 1 of NOW Best Practice Guidelines, August 2007)	Indicators to Demonstrate Achievement of Outcome	Comments on Current Status (Assessed in January 2010)
TABLE 1	<b>(01) STRATEGIC BUSINESS PLANNING:</b> A current, sound Strategic Business Plan (SBP) and financial plan.  (A current SBP and financial plan is one which has been prepared or updated within the last 3 years)	Operating environment review Asset management plan (operation, maintenance, capital works) Performance indicators - LWU's latest TBL performance report included - Review of LWU's latest TBL Performance Report included, together with proposed corrective actions. This review should be consistent with the SBP Customer service plan Business objectives for each key result area. Key result areas are taken to be at Ref.1 i.e. LOS, areas serviced, demand manag., service pricing ind., developer charges, customer/community consultation, environmental protectn., & sustainable development. Address also NOW BPM WS & S Guidelines, App.A - topic 6. Levels of service - Are clear, meaningful and measurable - A compliance monitoring and reporting system is in place - Target LOS have been identified Human resources plan - Organisation chart is included Address issues in Ref.1 and the Check List in Appendix A. Additional items in App.A are - Service delivery, Customer Service Plan @6.1,6.2,6.3,6.4,6.5,6.6,6.7,6.8 and Action Plan.	Included Separate documents exist as cross referenced in the SBP Included Included.
TABLE 1	<b>(01) FINANCIAL PLANNING:</b> A robust financial plan which includes a capital works plan	A robust minimum 20 year financial plan which identifies the lowest required stable typical residential bill (TRB)  Address issues in Ref 2(FINMCD) and the Check List in Appendix A (checklist items from 10 through 18). "Each check list is essentially a road map to assist LWUs to quickly address the issues covered by the relevant guidelines as well as any developments since publication of the guidelines Appropriate tariffs without significant cross-subsidies Total annual income and projected TRB should be consistent with above financial plan. This generally results in a positive economic real rate of return (ERRR). Appropriate water usage charge/kL based on long-run marginal cost. Access charge relative to a customers capacity requirements No land value based charges (i.e. rates) No "free" or "pre-paid" water allowance Any large increases in non-residential customer bills phased in over 5 years To encourage water conservation, high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold. This threshold should not exceed 450 kL/a per household, except for LWUs outside the NOW Coastal and Tablelands Zone with a high incidence of evaporative air coolers, where a threshold of up to 800kL/a per household may be used. LWUs with 4,000 or more connected properties to have at least 75% of residential revenue generated through usage charges by June 2008 (at least 50% required by June 2006 and at least 60% required by June 2007) LWUs with under 4000 connected properties to have at least 50% of residential water revenue generated through usage charges.	In-house spreadsheet model is used by Council for this purpose. This model is reviewed and accepted by IPART for their water supply and sewerage pricing determinations. 30-year capital works program exists; the spreadsheet financial model uses 20-year capital works program.  As determined by IPART As determined by IPART As determined by IPART As determined by IPART Yes Yes As determined by IPART Yes  As determined by IPART (73.57% of residential revenue generated through usage charges in 2008-09)  Not applicable
TABLE 1	<b>(02a) PRICING &amp; DEVELOPER CHARGES:</b> Full cost-recovery for each of water supply and sewerage businesses	Appropriate residential tariff No land value based charges (i.e., rates) Non-residential - Two-part tariff Non-residential - Appropriate sewer usage charge/kL Non-residential - Access charge that is reflective of the cost of providing these sewerage services Any large increases in non-res. customer bills phased in over 5 years	Yes. As determined by IPART Yes Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART As determined by IPART Yes. As determined by IPART Yes
TABLE 1	<b>(02b) PRICING &amp; DEVELOPER CHARGES:</b> Complying water supply tariff	Annual trade waste fee for all liquid trade waste dischargers Trade waste usage charge for dischargers with prescribed pre-treatment Excess mass charges for large dischargers and industrial waste Development Servicing Plan in accordance with Ref 6, with commercial developer charges Liquid Trade Waste Policy approved and implemented in accordance with Ref 5 Liquid Trade Waste Policy adopted and implemented in accordance with Ref 5	Yes. As determined by IPART Yes Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART. Yes Yes. Council's Liquid Trade Waste Policy needs to be cross referenced in the appropriate section of the SBP. Yes
TABLE 1	<b>(02c) PRICING &amp; DEVELOPER CHARGES:</b> Complying sewerage tariff	The potable water supply tariff in dual water supplies to comply with 2(b) above, except that step pricing is not a requirement For the non-portable component of dual water supplies: - Water meter for each customer served where practical - Appropriate non-portable water usage charge/kL based on long-run marginal cost - Access charge related to customer's capacity requirements - No land value based charges (i.e. rates) and no "free" or "pre-paid" non-portable water allowance - At least 50% of residential revenue generated through usage charges Refer to the footnote to element 2 (b) above	Any revenue for non-potable (recycled) water supply should be reported separately for compliance with best practice. If 50% or more of RESIDENTIAL customers are serviced by dual water supply
TABLE 1	<b>(03) WATER CONSERVATION:</b> Sound water conservation and demand management in place	Sound water conservation and demand management implemented Identification of most cost-effective demand management initiatives Subsidisation and promotion of at least two of the identified demand management initiatives Include demand monitoring, leakage reduction and community education	Yes (Demand Management Plan June 2005). Review and update will be required for BP Audit next year. Yes. Supplemented by WCM Yes. Rainwater tank rebate and water efficient appliances retrofit and rebate programs. Yes
TABLE 1	<b>(04) DROUGHT MANAGEMENT:</b> Sound drought management in place	Compile data on existing system, your LWUs drought management planning, including adoption of a schedule of trigger points for timely implementation of appropriate water restrictions Sound drought management implemented in accordance with the LWUs adopted schedule	Yes (Drought Management Plan October 2004). Review and update will be required for BP Audit next year. Yes
TABLE 1	<b>(05) PERFORMANCE REPORTING:</b> Completed performance reporting forms to NOW Review 2-page LWU Performance Report, prepare Action Plan	Reporting forms provided to NOW by 15 September each year  Draft of special Schedules 3 to 6 and Nines 2 and 3 of the LWUs Special Purpose Financial Reports provided to NOW by the 15 September each year LWUs with over 10,000 connected properties to arrange auditing of their core performance indicators in accordance with the auditing requirements of the National Performance framework Action Plan provided to Council following review of your LWU's 2 page performance report (water, sewerage) Statement of Compliance to be submitted to NOW prior to payment of dividend from surplus (including Dividend Payment Form, Statement of Financial Performance of Business Activities, a Compliance Audit Report and an unqualified independent Financial Audit)	Council partially completed the performance reporting forms by 15 September 09. Council reports completing performance reporting later in November 2009. Documentary evidence not provided. Council reported that final special schedules and special purpose financial reports provided to NOW through DLG Yes. Documentary evidence sighted.
TABLE 1	<b>(06) INTEGRATED WATER CYCLE MANAGEMENT:</b> Sound IWCM implemented	Completion of Integrated Water Cycle Management Evaluation by June 2007 Completion and implementation of Integrated Water Cycle Management by June 2008 Implementation of Integrated Water Cycle Management in accordance with the strategy by June 2008	Yes. Yes. Yes.



## 7.4 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02174318

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>	<b>\$30.3m</b>
<b>Project Estimate</b>	<b>\$120.6m</b>

### 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%
Work Package 1 – Wyong River Off-take	7 April 2010	14 January 2011	3%
Work Package 2 – Wyong River Pump Station	19 February 2010	16 January 2011	3%
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	

**Key Dates**

	<b>Scheduled Completion</b>	<b>Actual Completion</b>	<b>Complete</b>
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.

	<b>Properties</b>	<b>% Complete</b>	<b>Previous Report</b>
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	51	93%	93%
Easements compulsory acquired	3		
Land under negotiation	1		

**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.

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

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- The Mardi to Mangrove Link Project pages of the GWCWA website have had a major upgrade with new pages created and new information available. It now includes details about construction timeframes, project progress, media releases, community fact sheets, traffic updates, the Construction Environmental Management Plan (CEMP), educational information and project background.
- A Project update was provided to the Gosford City Council community newsletter.
- Project signage has been erected in Yarramalong Valley.

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### **Landholder**

- The bulk mailout database was updated to include residents in Ravensdale and Cedar Brush Creek.
- Two traffic emails were sent to some landholders who sought direct traffic updates. Other landholders have been invited to join this email list.
- Two correspondence items have been received in March.

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### **Government**

- Liaising with New South Wales Department of Environment, Climate Change and Water (DECCW) on finalising water licences upgrade applications.
- Invites have been sent to all local MPs, the Department of Environment, Water, Heritage and the Arts (DEWHA) and the Department of Premier and Cabinet (DPC) representatives for a ceremonial sod-turning event to mark the start of construction.
- Information was sent to DEWHA in relation to recent publicity about the Project.

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### **Incidents**

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

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### **Major Achievements / Issues**

- DEWHA has been invoiced for \$10 million as per the agreement to bring forward that funding into the pre-construction phase.
- The Bumble Hill Radio Tower is now operational to provide UHF radio communications for the entire length of the pipeline.
- The Construction Environmental Management Plan (CEMP) and Traffic Management Plan have been approved by Council.
- The main site compound and Wyong River Pump Station and off take structure site compound are now established.
- Rod Kidd, Management Performance Auditor, has been engaged to conduct Project Health Checks for ongoing Project performance.

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### **ATTACHMENTS**

*Nil.*

## 7.5 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02162781

AUTHOR: SK; MC

### SUMMARY

This report shows the current status of significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of February 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
Quinalup Street, Gwandalan Stage 1A	690,000	25	April 2010	<p>Drainage system upgrade involving new pipes and pits, a Gross Pollutant Trap, minor road reconstruction, and kerb and gutter in from the east side of Winbin Cres to the outlet on the corner of Koowong Rd and Noamunga Cres.</p> <p>The proposed works form part of a major project divided into three stages to enable funding to be spread over several years designed alleviate flooding of properties.</p> <p>Gross pollutant trap installed, culverts commenced</p>
Brush Road Ourimbah	1,335.464	50	April 2010	<p>Widening and re-alignment of existing 1 km unsealed road and sealed pavement construction.</p> <p>Excavation, stabilisation, concrete dish and base course have been completed on half length section.</p>

## 7.5

## General Works in Progress (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Bush Street Norah Head Stage 1 Drainage and Roadworks	639,664	60	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-commenced in February.
Delia Avenue Budgewoi Stage 3 Drainage Upgrade	706,000	100	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.  All works have been completed.
George Evans Rd, Killarney Vale Drainage and Pavement Upgrade.	322,000	100	February 2010	Works to alleviate flooding of houses include upgraded drainage pipes, road reconstruction including changes to pavement levels and geometry, and kerb and gutter.  All works have been completed.
Fortune Crescent Lake Munmorah Drainage.	113,000	100	February 2010	Drainage upgrade to 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.  All works have been completed.
Kaye/ Minnamurra Kanwal Retaining Wall	87,000	90	February 2010	Replacement of existing, rapidly deteriorating and unsafe bank and retaining wall with sawn sandstone stacking rocks  Retaining wall has been completed, footpath and turf are outstanding.

**General Maintenance Work**

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

	<b>North</b>	<b>South</b>
<b>Drainage Maintenance</b>	Toukley Noraville	Killarney Vale Long Jetty The Entrance Tuggerah Berkeley Vale
<b>Replacement of Damaged Foot paving</b>	Tuggerawong Toukley	Long Jetty The Entrance Nth
<b>Sign Maintenance</b>	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
<b>Shoulder Restoration</b>	Nil	Nil
<b>Heavy Patching</b>	Jilliby Yarramalong	Nil
<b>Table Drain Maintenance</b>	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Glennings Valley
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	
<b>Fencing</b>	Nil	Nil

	North	South
<b>Vegetation control</b>	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.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	25	April 2010	DA for the methane gas extraction system and power plant is currently being assessed. It is anticipated the power plant will be operational by June 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.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	85	March 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.
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$670K	85	April 2010	Contract awarded to Bonacci Group Pty Ltd January 2008. Design finalisation expected in April 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	April 2010	Contract awarded to SMEC Australia Pty Ltd April 2008. Completion of design and tender documentation by end of April 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.



## 7.5

## General Works in Progress (contd)

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	Under review	Contract awarded to Shirley Consulting Engineers. Approvals and licences obtained. This consultancy \$296K including all variations to date. Project budget for construction was reviewed based on final design with costs increasing from \$1.3M to \$2.9M. Additional funding requested from DECCW.
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$370K	95	May 2010	Contract awarded to Storm Consulting Pty Ltd for design of constructed wetland. Part 5 approval for the works sought with aim of completion by May 2010 to satisfy Federal Grant conditions.
CPA/136020 (complete) and CPA/162445 Gwandalan Landfill Remediation – Investigations Only	\$152K	65	May 2010	Preliminary site investigation (CPA/136020) completed (cost \$42K). Detailed site investigation (CPA/162445) field work and analysis completed. Draft investigation report expected in March 2010. Cost of this consultancy \$110K.
CPA/136021 (complete) and CPA/168802 Tumbi Landfill Remediation – Investigations only	\$73K	60	May 2010	Preliminary site investigation (CPA/136021) completed (cost \$30K). Detailed site investigation (CPA/168802) field work completed. Draft investigation report expected in March 2010 (cost of this consultancy is \$43K).

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
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.
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$50K	60	June 2010	Preliminary investigation (CPA/142750) completed (cost \$30K). Contract for detailed site investigation (CPA/173290) awarded to SMEC Australia Pty Ltd. 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 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 3km of pathway. 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 to fund with \$25K Greenspace Grant.

## 7.5

## General Works in Progress (contd)

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	97	April 2010	Contract awarded to Cardno (QLD) Pty Ltd October 2008. Final design documentation is under review. Odour control unit has been added to scope. Estimated project cost \$11M, with this consultancy costing \$190K.
CPA/149519 Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	\$170K	85	March 2010	In progress. New roof structure nearing completion. Associated miscellaneous civil work 95% complete.
CPA/164637 (awarded) Toukley Landfill (Sewage Treatment Plant and Transfer site) Remediation – Investigations only	\$250K (two contracts)	25	March 2010	Draft report on the preliminary investigations is due March 2010. Tenders for the detailed site investigation to be called in April 2010.
CPA/149979 CPA/151861 Warnervale Town Centre Stage 2 Environmental Site Assessment and Remediation Action Plan	\$229K (two contracts)	99	March 2010	Consultancy and the Independent Auditor awarded to WSP Environmental Pty Ltd and ENVIRON Australia Pty Ltd respectively. WSP has completed the final stage (Remedial Action Plan). Auditor (ENVIRON Aust) has approved the RAP. Completion in 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	80	April 2010	Contract awarded to GHD Pty Ltd January 2009. Detail design nearing completion. 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. All works expected to be completed by May 2010. Ready for Winter 2010 season if turf establishment is satisfactory.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	20	August 2010	Contract awarded to Process Engineering Technologies Pty Ltd on 20 October 2009. Pre-commencement documents accepted. Construction commenced February 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$9.7M	3	April 2011	Tenders for construction closed 11 February 2010, and are being assessed. Anticipate construction to commence April/May 2010 with completion by April 2011.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/159872 CPA/172606 CPA/172609 Surf Clubs Upgrade Works Needs Analysis & Concept/DA Designs - Investigation	\$150K	99	January 2010	Estimated project construction cost is \$8.0M (WSC funding \$3.0M), with current consultancies \$150K. DA design for 2 proposed new clubs complete and lodged for DA approval in Dec 2009. Contract let for documentation for the 2 proposed new clubs at Shelly Beach and Soldiers Beach. Federal Government grant sought. State Government grant applications made before Dec 2009 for club refurbishments. Development Applications have now been issued.
CPA/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	65	June 2010	Contract awarded to Eire Contractors Pty Ltd on 28 July 2009. Progressing well. Expected completion June 2010.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	30	March 2010	Contract let to Trehy Ingold Neate Pty Ltd in March 2009. Initial survey work and preparation of application to allow staging of the development being undertaken. Stage 1 involving fencing installation is expected to commence March 2010. 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	30	November 2010	Civil construction by Robson Civil Projects Pty Ltd progressing. Electrical design continuing for street lighting. Negotiations underway with Jemena for lowering of a branch gas line under Sparks Rd. Replacement of and protection of existing water mains affected by the roadwork underway.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	60	July 2010	Tender for construction awarded to Robson Civil Projects Pty Ltd on 20 October 2009. Contract progressing ahead of schedule. Earthworks completed. Installation of cell lining system to commence in March. Early completion possible 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	5	December 2010	Expressions of Interest selectively invited for design, closed in February 2010 and are being evaluated. Tenders for design will follow.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/176668 to CPA/176676 Year 4 Upgrade Works to all Holiday Parks	\$826K	2	September 2010	Tender recommendation for Toowoomb Bay Resort Pool now complete. Quotation requests out now for jumping pillows & shade sails at all parks.
F2009/02444 Tunkuwalin (Oval to Primary School) Shared Pathway. (investigation, designs, approvals and construction)	\$170K	10	Target June 2010.	Survey work complete. Route confirmed with OS&R. Consultant engaged for REF, target completion mid March. Investigating possibility of Level 2 assessment to save time so that target might be achieved – currently not likely.
F2008/02335 Colongra Bay Shared Pathway	\$200K	20	Target June 2010.	Survey & designs complete. No acid sulphate soils. Consultant engaged for REF, due mid March. Programme is very tight and 30 June target unlikely to be met.
F2009/01909 Mannering park Footpath – Cheryl St & Warwick Ave Shared Pathway – reserve	\$105K	20	Target June 2010.	Construction of 1.2 path in Warwick Ave (160m) complete and work has commenced on the 80m in Cheryl St. Consultant engaged for REF but investigations underway to seek Level 2 approval for remainder of path in reserve. Funds very tight and more may be required to achieve full length of pathway.
F2009/02299 Investigations for Osborne Pk shared pathway, Toukley.	\$50k	20	June 2010	Survey nearing completion. Consultant engaged for REF, due end of March.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
F2009/02359 F2008/01716 Killarney East shared pathway.	\$51k (RTA)	30	June 2010	Part 5 approved and CEMP to be submitted on 23 Feb. Funds likely to cover 3 x 3m span Permatrak bridges only.

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 1–35 Portion 2-25 Portion 3- 15
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	50
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Practical completion 24 April 2009. SOP determination now received and paid.	75
CPA/136398 to CPA/136401	Year 2 Upgrade Works to All Holiday Parks	Practical completion 28 April 2009	80
CPA/157278	Replacement of 600 metre length of 250mm water main – McDonagh Rd	Practical completion 22 January 2010	5
CPA/153765 to CPA/153784	Year 3 Upgrade Works to all Holiday Parks	Practical Completion 30/09/2009	42

## ATTACHMENTS

*Nil.*



## 7.6 Water and Sewerage - Works in Progress

TRIM REFERENCE: F2004/07830 - D02167993

AUTHOR: VT

### SUMMARY

Water supply and sewerage works in progress and completed for February 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
Bateau Bay Reservoir, Berne St Bateau Bay	8,000	80	Mar 2010	Restoration works have commenced at Bateau Bay Reservoir. The work involves planting low maintenance and drought tolerant trees & shrubs as well as installation of adequate site drainage.  The work is being funded by Water and Sewerage Operations & Maintenance Program.
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.
Toowoon Bay Rd, Nirvana St & Archbold Rd Long Jetty	200,000	30	Mar 2010	Work has commenced on the relocation of 100mm and 375mm water trunk main as part of the intersection upgrade for Roads and Drainage.  The work also includes fitting and replacement works and upgrades to existing water services.  The work is being funded by Water and Sewerage Capital Works Program (fitting replacements) and Roads and Drainage Capital Works Program.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Winbin Cres, Gwandalan	60,000	30	Mar 2010	Work has commenced to relocate approximately 30m of 250mm diameter water main as part of drainage upgrade works for Roads and Drainage.  The work is being funded by Roads and Drainage Capital Works Program.
Perouse Ave & Eyre Cres, San Remo	100,000	10	Mar 2010	Work has commenced to relocate a 100mm diameter water main and lower water services in aid of road and drainage upgrade works for Roads and Drainage.  The work is being jointly funded by Water & Sewerage and Roads & Drainage 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.

## SEWERAGE

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

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Kelsey Rd Noraville	150,000	10	May 2010	Work has commenced on the construction of approximately 300m of 300mm diameter OPVC sewer pipe in Kelsey Rd.  The existing 300mm asbestos cement rising main is approximately 36 years old and is being replaced due to delamination on the pipe line. The pipe is also half way through its design life.  The work is being carried out by the Water and Sewerage day labour staff and is being funded from Water and Sewerage Capital Works Program.

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>

## PROCESS

### Water Treatment

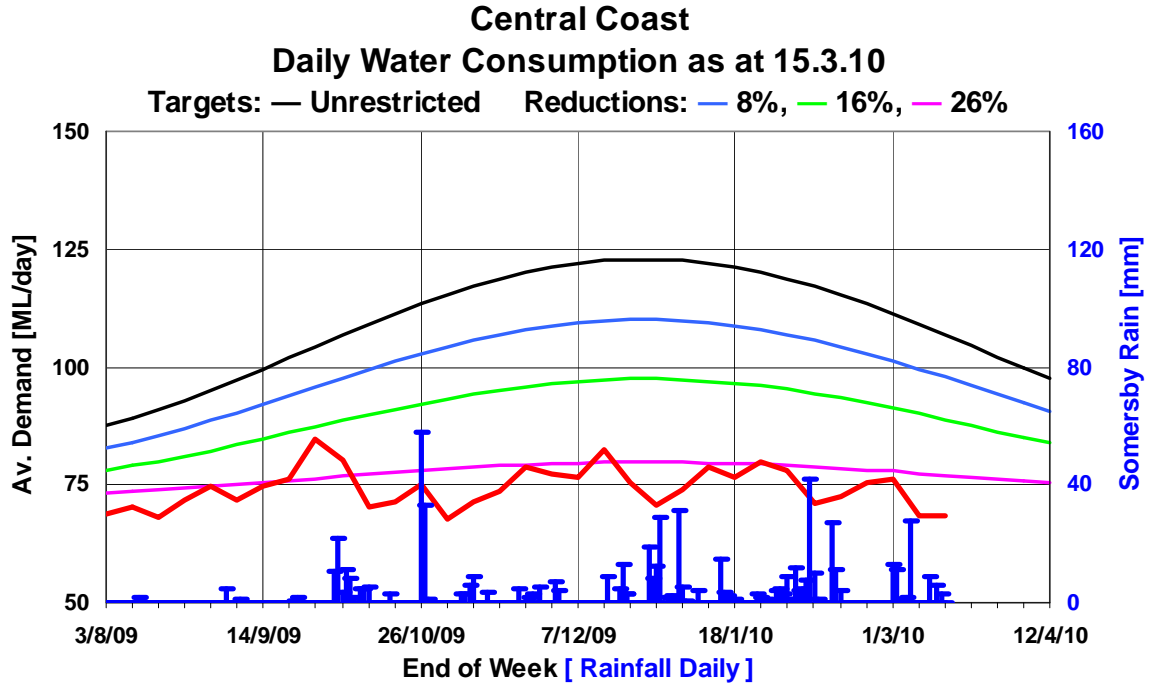
All water produced by the Water Treatment Plant, for the period 1 to 28 February 2010 has met National Health and Medical Research Council Guidelines.

### Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 to 28 February 2010 has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

<b>Monday, 15 March 2010</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	53,410	28.1	Down 56 ML
Mardi Dam	7400	3,239	43.8	Down 39 ML
Mooney Dam	4600	2,809	61.1	Up 9 ML
<b>Total</b>	<b>202000</b>	<b>59,458</b>	<b>29.4</b>	<b>Down 86 ML</b>
<b>CURRENT WORKS:</b>				
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The work is on schedule for the new outlet tower.</li> </ul>				
<b>STORAGE:</b>				
<ul style="list-style-type: none"> <li>• Total stored water volume is the same as month ago. 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.</li> <li>• This day last year the total stored volume was 2.5% higher.</li> </ul>				
<b>HUNTER TRANSFERS:</b>				
<ul style="list-style-type: none"> <li>• Hunter Water Corporation supplied 12.9ML last week increasing this years supply to 841ML.</li> <li>• Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this year's supply to 0.0ML.</li> </ul>				
<b>GROUND WATER BORES:</b>				
<ul style="list-style-type: none"> <li>• Groundwater Bores supplied 6.0ML last week increasing this years supply to 72ML.</li> </ul>				
<b>WATER USAGE &amp; RAINFALL</b>				
<b>Period</b>	<b>Water Usage [MI]</b>	<b>Rainfall [mm]</b>		
		<b>Somersby WTP</b>	<b>Mardi WTP</b>	<b>Mangrove Dam</b>
Week to date	479	18	19	16
Previous week	478	42	42	46
Current week last year	458	8	14	17
This year to date	5,518	290	304	329
Same period last year	5,428	382	192	228
<p>Week to date consumption was 479 ML, 4.6% more than the same week last year and 0.2% more than the previous week.</p> <p>Consumption this year to date is 5,518 ML, 1.7% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 22 March 2010 is 537 ML</p>				



Black Line	Central Coast's normal demand when no restrictions are in place
Blue Line	Level 1 restrictions (8% reduction (based on '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.*

## 7.7 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02178038

AUTHOR: SW

### 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
Q68/10 – Street-scaping along Central Coast Highway, Long Jetty  <i>“Could staff advise whether street-scaping is being considered along the Central Coast Highway through Long Jetty?”</i>	Shire Services	10 March Cr Webster	A response will be submitted to Council's meeting of 28 April 2010.
Q69/10 – Playground Proposed for Baker Park Precinct  <i>“Could staff advise of plans (if any) for a playground in the Wyong Sporting Baker Park, Tennis Court/Pool Precinct and possible construction program?”</i>	Shire Services	10 March Cr Eaton	A response will be submitted to Council's meeting of 28 April 2010.
Q70/10 – Date of Commencement of Trial of Road Blisters on Woodbury Park Drive and Coachwood Drive  <i>“Could staff advise when the trials of the Road Blisters on Woodbury Park Drive and Coachwood Drive will commence?”</i>	Shire Services	10 March Cr Eaton	A response will be submitted to Council's meeting of 28 April 2010.

## 7.7 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.

## 7.7 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>



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

Notice of Motion	Department	Meeting Resolved	Status
<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 report is being prepared for 28 April 2010 Council Meeting.
<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	This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced to ensure that a Councillor Briefing and report can be presented in April.
<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	A report to be submitted to Council's meeting on 14 April 2010.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.1 - Notice of Motion – Shire Civic Garden</p> <p>1 That Council <i>consider</i> the creation of a civic garden within the Shire that consists predominantly of native plantings</p> <p>2 That Council staff <i>provide</i> 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.</p>	Shire Planning	11 November 2009 Cr Vincent / Cr Matthews	A report to be submitted to Council's meeting on 14 April 2010.
<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <p>1 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.</p> <p>2 That the draft policy be written to apply to major residential, commercial and industrial development.</p> <p>3 That the provisions of the policy include:</p> <p>a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</p> <p>b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</p> <p>c a focus on buildings located within town centres and on major roads within the Shire.</p> <p>4 That the draft policy be reported back to Council for consideration.</p>	Shire Planning	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.

## 7.7 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 <u>recognise</u> in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</p> <p>2 That Council <u>receive</u> 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>	This item has been included in the Legal and Policy Works Program to be commenced mid 2010.
<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor</p> <p>1 That Council <u>invite</u> 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 <u>receive</u> 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>	Discussions regarding tender process have commenced. Councillors will be notified via a Business Update when Tenders have been called.
<p>5.3 - Notice of Motion – Warnervale Airport and Associated Lands</p> <p>That staff <u>report</u> 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.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.1 –Notice of Motion – LDO Coal Chain Valley Bay Colliery</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1 <u>Take</u> all steps possible to make LDO Coal Chain Valley Colliery exclude any mine operations under residential and/or commercial areas</li> <li>2 <u>Request</u> that LDO Coal Chain Valley Colliery undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.</li> <li>3 <u>Seek</u> an independent surveyor provide the monitoring data for regular review, to establish that once mining has commenced it is within its bounds and specified extraction amounts in accordance with lease conditions. Results to be reported to the Council and the community. Cost to be borne by LDO Coal.</li> <li>4 <u>Inform</u> the State Government Department of Planning of the LDO Coal Chain Valley Coal Project to take it into account in their proposed North Wyong Structure Plan.</li> <li>5 <u>Conduct</u> an audit and survey of Wyong Shire Council's roads and infrastructure in the affected area in order to be able to assess the impact of LDO Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by LDO Coal.</li> <li>6 Have LDO Coal <u>seek</u> alternative transport for their coal to the Newcastle port due to the safety issues and concerns for damage to Rutleys Road due to the increased volume of coal truck movements on the suburban road.</li> <li>7 <u>Nominate</u> a Councillor delegate as Council's representative on the Chain Valley Coal Project Stakeholder Reference Group.</li> </ol>	<p>Shire Planning</p>	<p>10 March 2010</p> <p>Cr Wynn / Cr Vincent</p>	<p>A letter has been prepared to the LDO informing it of the Council resolution.</p> <p>A further update will be included in the 14 April 2010 Business Paper.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.3 - Notice of Motion – Fuel Efficient Fleet</p> <p>1 <i>That Council <u>report</u> on current initiatives of moving its motor vehicle fleet towards greater fuel efficiency.</i></p> <p>2 <i>That, further to Council's policy on the use of new fuel efficient vehicles including, hybrid, electric and diesel and other emerging technologies in its fleet, staff <u>report</u> on running costs, capital costs etc in a publicly accessible way for the benefit of our community.</i></p>	Shire Services	<p>10 March 2010</p> <p>Cr Eaton / Cr Wynn</p>	A report will be submitted to Council by May 2010.
<p>10.5 - Notice of Motion – Traffic Gridlock San Remo</p> <p>1 <i>That Council <u>draw</u> the attention to the Roads and Traffic Authority of the congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre and request that they urgently undertake remedial work.</i></p> <p>2 <i>That staff <u>report</u> on actions taken by the Roads and Traffic Authority and the success or otherwise of these initiatives.</i></p>	Shire Planning	<p>10 March 2010</p> <p>Cr Matthews / Cr Vincent</p>	<p>A letter has been prepared to the RTA.</p> <p>A report will be forwarded to Council once a response has been received from the RTA.</p>

## 7.7 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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
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>	10 February 2010 Cr Eaton	Response included in this business paper.
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>	10 February 2010 Cr McNamara	Response included in this business paper.
9.4 – Council’s Animal Care Facility Review	25 February 2009 Cr Best / Cr Matthews	Report included in this business paper.
U17/09 – Motion of Urgency – Proposed Sale of Lot 83 DP 27286 Charmhaven Avenue and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven	14 October 2009 Cr Vincent / Cr Symington	Report included in this business paper.
10.2 – Notice of Motion – Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients	9 December 2009 Cr Symington / Cr Wynn	Report included in this business paper.

### ATTACHMENTS

*Nil.*

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

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TRIM REFERENCE: f2008/02357 - D02171724   AUTHOR: PK

### **8.1           Q064/10 - Parking Code Review**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 10 February 2010:

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

DCP 2005: Chapter 61 – Carparking is included in the Shire Planning Legal and Policy Unit work program to be undertaken during the 2<sup>nd</sup> quarter of 2010/2011 with a draft revised Chapter to be prepared by December.

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### **ATTACHMENTS**

*Nil.*

## **8.2 Answers to Question Without Notice**

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TRIM REFERENCE: F2004/07419 - D02171499 AUTHOR: SR

### **8.2 Q065/10 - Old Warnervale Public School**

The following question was asked by Councillor John McNamara at the Ordinary Meeting on 10 February 2010 :

*“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 Department of Education has advised that the buildings damaged by fire at the Old Warnervale Public School will be demolished by the end of March to mid April. It should be noted that should the demolition not take place, Council has no legal power to serve an Order to effect the demolition on a statutory authority.

## **ATTACHMENTS**

*Nil.*



## **9.1 Notice of Motion - Tsunami Warning Effectiveness**

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TRIM REFERENCE: F2004/07080 - D02183230

AUTHOR: GB; LW

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

- "1 That further to the recent Sunday 28 February 2010 eastern seaboard tsunami warning, alerting coastal communities of a pending tsunami at 9.00am on the day, staff report on the effectiveness of any alert system and/or any coordinated plan that was implemented and what agencies/organisations took a lead role of responsibility for any such alert response.*
- 2 That Council recognise the implementation of a coordinated tsunami action plan having regard to the vulnerability of our Coastal communities such as Cabbage Tree Bay, Budgewoi, North Entrance and various lakeside suburbs, that may be devastated in the wake of a tsunami."*

## **9.2 Notice of Motion - Warnervale Town Centre Viability**

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TRIM REFERENCE: F2006/02289 - D02182964

AUTHOR: DE

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

- "1 That Council recognise that costs of development are such that development in the Warnervale Town Centre is presently uneconomic in the current market.*
- 2 That Council in principal agree to a temporary significant reduction in the Warnervale S94 contributions of say \$5,000 per lot as a kick start incentive to Town Centre development provided that the State Government agrees to a matching reduction in its State Infrastructure Contribution (SIC) tax per lot.*
- 3 That Council convey this offer to Mr David Harris, Parliamentary Secretary for the Central Coast and Member for Wyong and ask for his urgent response."*

### **9.3 Notice of Motion - Warnervale GP Super Clinic**

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TRIM REFERENCE: F2004/11290 - D02182966

AUTHOR: DE

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

*“That staff urgently investigate and report on other potential sites for the Warnervale GP Super Clinic that are correctly zoned and in the correct geographic area and particularly include the site on Louisiana Road that reportedly is DA approved for a large medical centre.”*

#### **9.4 Notice of Motion - Costs of the Survey and Preliminary Design to the Entry Road and Intersection at Warnervale Town Centre**

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TRIM REFERENCE: F2004/07288 - D02183810

AUTHOR: DV; BG

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

- "1 That in order to facilitate the development of the Warnervale Town Centre, Council endorse the commitment by staff to meet one third of the cost of the survey and preliminary design of the entry road into the centre from Sparks Road and the intersection on Sparks Road.*
  
- 2 That the Mayor and Deputy Mayor in conjunction with Council staff urgently pursue discussions with the State Government (Landcom) and Woolworths in order to reach agreement on the sharing of the construction costs of the road and intersection in such a way that the ratepayers of the Wyong Shire are not unduly penalised."*