



The beautiful Canton Beach playground in Toukley was opened recently with the community. The \$560,000 all access playground was completed with funding from the Federal Government's Community Infrastructure Grants Program.

# ORDINARY MEETING

25 November 2009



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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 25 NOVEMBER 2009 at 5.00 pm,  
for the transaction of the business listed below:**

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

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**10 CONFIDENTIAL ITEMS**

10.1	Update on the Lake Munmorah Rezoning Request RZ/7/2004
10.2	Joint Notice of Motion - Warnervale Airport Site

**11 QUESTIONS WITHOUT NOTICE ASKED**

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

Kerry Yates  
**GENERAL MANAGER**

## 1.1 Disclosure of Interest

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TRIM REFERENCE: F2009/00008 - D02061368

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**

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TRIM REFERENCE: F2009/00008 - D02061547

AUTHOR: SW

### **SUMMARY**

There were no Inspections scheduled for the 2 December 2009 due to briefings.

### **RECOMMENDATION**

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

# AMENDED REPORT

25 November 2009  
To the Ordinary Meeting

Procedural Item  
Corporate Services Department

## 1.3 Address By Invited Speakers

TRIM REFERENCE: F2009/00008 - D02061562

AUTHOR: SW

### SUMMARY

The following people have been invited to address the meeting of Council:

SPEAKERS	REPORT	PAGE NO	DURATION
Ms Marlene Pennings, Treasurer representing Tuggerah Lakes Reserve – Pioneer Dairy Trust Mr Adrian Gale, Chairperson representing Tuggerah Lakes Reserve – Pioneer Dairy Trust (in favour of the motion)	9.4 - Joint Notice of Motion – Shire Native Botanic Garden	292	5 mins
Mr Steve Garmston, Development Manager representing Woolworths (available for questions)	10.1 - Update on the Lake Munmorah Rezoning Request RZ/7/2004	4	5 mins

### RECOMMENDATION

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

25 November 2009  
To the Ordinary Meeting

Procedural Item  
Corporate Services Department

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

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TRIM REFERENCE: F2009/00008 - D02061569

AUTHOR: SW

#### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 11 November 2009.

#### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 November 2009.*

#### **ATTACHMENTS**

1 Minutes - Ordinary Meeting - 11 November 2009      D02074588



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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 11 November 2009  
COMMENCING AT 5:07 PM

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, L A MATTHEWS, 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, MANAGER FINANCE, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

EXECUTIVE MANAGER SHIRE SERVICES, MANAGER REGULATION AND COMPLIANCE, ACTING MANAGER OPEN SPACE AND RECREATION AND ACTING MANAGER GOVERNANCE AND ADMINISTRATION SERVICES

THE MAYOR READ AN ADDRESS REGARDING REMEMBRANCE DAY AND A SILENCE WAS OBSERVED.

COUNCILLOR EATON REPORTED ON:

- \* THE LOCAL GOVERNMENT AND SHIRES ASSOCIATION CONFERENCE WHICH WAS HELD FROM 25 TO 28 OCTOBER 2009 IN TAMWORTH AND
- \* A FUNCTION HELD BY THE CENTRAL COAST RESEARCH FOUNDATION WHICH HE ATTENDED ON BEHALF OF COUNCIL AND SUBMITTED A PLAQUE WHICH THE FOUNDATION PRESENTED TO COUNCIL IN RECOGNITION OF ITS SPONSORSHIP.

THE MAYOR REPORTED ON THE SUCCESS OF KIDS DAY OUT WHICH WAS HELD RECENTLY AT OURIMBAH. IT WAS A VERY SUCCESSFUL EVENT AND WAS WELL ATTENDED. THIS WILL BE THE LAST YEAR THAT THIS EVENT WILL BE HELD AT THIS VENUE AND AN ALTERNATIVE VENUE IS NOW BEING SOURCED. THE KIDS DAY OUT ORGANISERS PRESENTED COUNCIL WITH A PLAQUE.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.07 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT AND DELIVERED THE OPENING PRAYER.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR MCNAMARA WHO IS CURRENTLY ATTENDING A CONFERENCE AT COFFS HARBOUR.

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

***That Council accept the apology and grant leave of absence from the meeting.***

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

AGAINST: NIL

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 5.1 AND 6.2 , WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

## 1.1 Disclosure of Interest

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### 2.1 – DA 565/2009- PROPOSED LIQUOR STORE AT NORAH HEAD

COUNCILLOR MCBRIDE DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE OWNS PROPERTY IN THE VICINITY.

COUNCILLOR MCBRIDE STATED:

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

### 5.8 – IMPLICATIONS OF THE DELAY OF THE GAZETTAL OF WLEP 2011 IN RELATION TO SPOT REZONINGS

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE SPOT ZONING PROPOSALS IS ON LAND OWNED BY A COMPANY OWNED BY MEMBERS OF HIS FAMILY, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

### 5.8 – IMPLICATIONS OF THE DELAY OF THE GAZETTAL OF WLEP 2011 IN RELATION TO SPOT REZONINGS

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE BOARD OF THE CENTRAL COAST MARINERS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, 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 BEST:***

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

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

AGAINST: NIL

### 1.3 Address by Invited Speakers

---

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

- 1 **That Council receive the amended 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.**

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

AGAINST: NIL

### 1.4 Confirmation of Minutes of Previous Meeting

---

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

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 October 2009 with an amendment to point 5 of the resolution on Item 3.5 Draft Development Control Plan 2005: Chapter 14 – Tree Management to include “Pinus Radiata” in the list of Plants with Undesirable Characteristics Generally.**

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

AGAINST: NIL

### **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

### 2.1 DA 565/2009 - Proposed Liquor Store at Norah Head

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COUNCILLOR MCBRIDE DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE OWNS PROPERTY IN THE VICINITY.

COUNCILLOR MCBRIDE STATED:

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

THE DIRECTOR SHIRE PLANNING ADVISED THAT THE APPLICANT HAS NOW WITHDRAWN THIS APPLICATION FOR CHANGE OF USE TO OPERATE A LIQUOR STORE BECAUSE SINCE THE APPLICATION WAS LODGED CHANGES HAVE BEEN MADE TO THE STATE ENVIRONMENTAL PLANNING POLICY (SEPP) (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 WHICH NOW CLASSIFY THIS USE AS AN EXEMPT DEVELOPMENT AND THEREFORE THIS CHANGE OF USE NO LONGER REQUIRES CONSENT FROM COUNCIL.

THIS ITEM WAS NOT DEALT WITH AT THE MEETING.

### 3.1 Proposed Acquisition of Private Land for a Roundabout - Part of Lot 0 SP 82199, 120 Bay Road, Toowoon Bay

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

- 1 That Council acquire part of Lot 0 SP 82199 at the corner of Bay Road and Toowoon Bay Road, Toowoon Bay as public road.
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owner cannot be satisfactorily resolved.
- 4 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.
- 5 That Council authorise the Mayor and the General Manager to execute all documents.

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

AGAINST: NIL

### 4.1 Contract Variations and Finalisation - September 2009

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

- 1 That Council note the variations to contracts in Attachment 1.
- 2 That Council approve increases to the budgets of the following contracts to provide for further, potential variations:
 

2a	Woongarra Sports Facility	CPA/153228	\$120,000.00
2b	Design Aeration Tank Charmhaven Sewerage Treatment Plant	CPA/145814	\$8,000.00
2c	Six Additional Netball Courts at Baker Park	CPA/162813	\$45,000.00
2d	Coastline Management Plan	2328	\$55,000.00
- 3 That Council note that changes will be made to the Management Plan to reflect revisions to contract budgets.
- 4 That Council note the contracts that reached a finalised status in Attachment 2.

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

AGAINST: NIL

## **5.1 Presentation on 2008-2009 Annual Financial Reports**

---

MR DENNIS BANICEVIC, EXTERNAL AUDITOR, REPRESENTING PRICE WATERHOUSE COOPERS ADDRESSED THE MEETING AT 5.20 PM, ANSWERED QUESTIONS AND RETIRED AT 5.57 PM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 5.32 PM AND RETURNED TO THE CHAMBER AT 5.33 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council present the Audited Financial Reports for 2008-09 in accordance with the Local Government Act 1993.**
- 2 That Council invite the External Auditor, Mr Dennis Banicevic (representing Price Waterhouse Coopers) to present the Auditor's report on Council's Annual Financial Reports for 2008-09.**

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

AGAINST: NIL

## **5.2 Review of Investment Policy**

---

COUNCILLOR MCBRIDE LEFT THE CHAMBER AT 6.33 PM AND RETURNED TO THE CHAMBER AT 6.35 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.49 PM DURING CONSIDERATION OF THIS ITEM.

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

**That Council adopt the Investment Policy detailed in Attachment 1.**

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

AGAINST: NIL

### 5.3 Suspension of Alcohol Free Zone - The Entrance Foreshore Plaza, The Entrance Road

---

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

- 1 That Council suspend that part of the Alcohol Free Zone of The Entrance Foreshore Plaza at The Entrance for the location of the Tuggerah Lakes Mardi Gras - Ball in the Mall as indicated on the attached plan on 28 November 2009 between the hours of 5.30 pm and 12.00 midnight.
- 2 That Council advertise the suspension of part of the Alcohol Free Zone in the local newspaper.

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

AGAINST: NIL

### 5.4 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Ferry Service between Wyong and The Entrance

---

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

- 1 That Council note the report of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.
- 2 That Council again write to the Member for Wyong, Mr David Harris MP, and Parliamentary Secretary for the Central Coast requesting his assistance in facilitating a low wash ferry operation on Wyong River.

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

*That Council adopt the recommendation of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and that NSW Maritime be advised accordingly.*

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

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

AGAINST: COUNCILLORS BEST, EATON, SYMINGTON AND WYNN

**The AMENDMENT then became the MOTION**

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

**That Council adopt the recommendation of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and that NSW Maritime be advised accordingly.**

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

AGAINST: COUNCILLORS BEST, EATON, SYMINGTON AND WYNN

**5.5 Proposed Councillors' Community Improvement Grants**

---

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

**That Council allocate an amount of \$3,650 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**5.6 Charter - Wyong Shire Council Beach Liaison Committee**

---

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

**That Council adopt the amended Charter of the Beach Liaison Committee.**

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

AGAINST: NIL

**5.7 Commonwealth Government Regional and Local Community Infrastructure Program Grant Funding Round 2**

---

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

**That Council approve the community buildings nominated in Attachment 1 being the selected projects for the Allocated Commonwealth Government Regional and Local Community Infrastructure Program (RLCIP) Grant Fund to a total value of \$648,000.**

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

AGAINST: NIL

## 5.8 Implications of the Delay of the Gazettal of WLEP 2011 in relation to Spot Rezoning

---

COUNCILLOR EATON DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE SPOT ZONING PROPOSALS IS ON LAND OWNED BY A COMPANY OWNED BY MEMBERS OF HIS FAMILY, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY SIGNIFICANT INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE BOARD OF THE CENTRAL COAST MARINERS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council note that current spot rezoning proposals that will facilitate significant employment generating developments are being processed as a high priority with the aim to include these as an amendment to Wyong LEP 1991.***
- 2 ***That Council exclude those spot rezoning proposals not included in No. 1 above as an amendment to Wyong LEP 1991 at this stage.***
- 3 ***That Council re-assess this situation early in 2010 following the completion of the North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan.***

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

AGAINST: NIL

COUNCILLOR GRAHAM RESUMED THE CHAIR.

## 6.1 Information Reports

---

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

***That with the exception of report numbers 6.3, 6.4 and 6.6 Council receive the information reports and adopt the recommendations.***

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

AGAINST: NIL



## **6.2 Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility**

---

MS LOUISE GREENAWAY REPRESENTING BATEAU BAY SHELLY BEACH PROGRESS ASSOCIATION ADDRESSED THE MEETING AT 5.58 PM, ANSWERED QUESTIONS AND RETIRED AT 6.15 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.58 PM AND RETURNED TO THE CHAMBER AT 6.00 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on Management Plan Fees in Respect to the Surrender of Cats and Dogs and Quarterly Trend Analysis and Operational Activities of Council's Animal Care Facility.**
- 2 That Council through our various media channels embark on a campaign to highlight to residents the need to night curfew cats.**
- 3 That Council formally support the Private Member's Bill of Independent State Member, Clover Moore MP, that is currently before State Parliament to legislate against the retail sale of puppies and kittens.**
- 4 That Council seek the support of our local State Members on this issue and their replies be reported to Council in a quarterly report.**

FOR: COUNCILLORS BEST, MATTHEWS, MCBRIDE, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS EATON, GRAHAM AND SYMINGTON

## **6.3 Rates and Charges Written Off 2008 - 2009**

---

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

**That Council receive the report on Rates and Charges written off under the General Manager's delegation during the 2008-09 financial year.**

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

AGAINST: NIL

**6.4 Youth Employment Target**

---

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.27 PM AND RETURNED TO THE CHAMBER AT 7.29 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council receive the report on the Youth Employment Target.***

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

AGAINST: NIL

**6.5 Investments for September 2009**

---

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

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

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

AGAINST: NIL

**6.6 Mardi to Mangrove Link Project Status**

---

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

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

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

AGAINST: NIL

## 6.7 Minutes - Wyong Shire Senior Citizens' Council Meeting - 24 September 2009

---

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

**That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 24 September 2009.**

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

AGAINST: NIL

## 6.8 Outstanding Questions Without Notice and Notices of Motion

---

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

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

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

AGAINST: NIL

## 8.1 Notice of Motion - Shire Civic Garden

---

COUNCILLOR BEST LEFT THE CHAMBER AT 7.53 PM AND RETURNED TO THE CHAMBER AT 7.54 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council create a civic garden at Frank Balance Park, Margaret Street, Wyong.*
- 2 *That Council ensure that the garden consists of predominantly native plantings.*
- 3 *That Council staff provide 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.*

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

- 1 *That Council consider the creation of a civic garden within the Shire that consists predominantly of native plantings*
- 2 *That Council staff provide 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.*

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

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

**The AMENDMENT then became the MOTION**

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

- 1 That Council consider the creation of a civic garden within the Shire that consists predominantly of native plantings**
- 2 That Council staff provide 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.**

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

## **8.2 Notice of Motion - Central Coast Capital**

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

- 1 That Council adopt in principle that Wyong / Tuggerah be recognised as the future capital / co-capital of the Central Coast.**
- 2 That Council write to the Minister for the Central Coast and the Parliamentary Secretary for the Central Coast to advise of Council's position and to request future editions of the Central Coast State Plan recognise this change.**

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

## **8.3 Notice of Motion - Proposal to establish a Committee to consider appointment of General Manager**

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

**That Council acknowledge and commend the Mayor and Deputy Mayor on the process of recruitment of the General Manager to date and that the process will continue as a whole of Council process.**

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

**8.4 Notice of Motion - Proposed Additional Development Policy**

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

- 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.**
- 2 That the draft policy be written to apply to major residential, commercial and industrial development.**
- 3 That the provisions of the policy include:**
  - a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;**
  - b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and**
  - c a focus on buildings located within town centres and on major roads within the Shire.**
- 4 That the draft policy be reported back to Council for consideration.**

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

AGAINST: NIL

**8.5 Notice of Motion - Warnervale Redevelopment Reports**

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

*That Council receive a staff information report on a monthly basis updating Council and the community as to any progress and key issues for discussion with regard to progressing the greater Warnervale precinct's planned redevelopment.*

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

FOR: COUNCILLORS BEST, EATON, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

**QUESTIONS WITHOUT NOTICE ASKED**

**Q58/09 Pool at Mingara Recreation Club**  
**Councillor Graham**  
F2004/06263

*“There is a report in today’s newspaper under the Central Coast News section concerning the operation of the pool at Mingara Recreation Club and Council is a joint owner of the pool. Who is responsible for carrying out day to day management of the pool and does Council have any control over such issues as to when the learn-to-swim classes or squads are scheduled?”*

**Q59/09 Wadalba Wildlife Corridor**  
**Councillor Sue Wynn**  
f2004/00562

*“Given Council’s Wadalba Wildlife Corridor Management (2007), what is the priority for providing safe crossings (ie poles or culverts) of wildlife connecting the Wadalba Wildlife Corridor and Porter’s Creek Wetland across the Pacific Highway at Van Stappen’s Corner?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.27 PM.

.....  
CHAIRPERSON

## **2.1 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2009/00008 - D02057973

AUTHOR: MR

### **SUMMARY**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

### **RECOMMENDATION**

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) and 10A(2)(d) of the Local Government Act 1993:**

**11.1 - Update on the Lake Munmorah Rezoning Request RZ/7/2004**

**11.2 – Joint Notice of Motion – Warnervale Airport Site**

- 2 That Council note its reason for considering Report No 11.1 as it concerns commercial information that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)) and Report No 11.2 as it may confer a commercial advantage (Section 10A(2)(c)).**

- 3 That Council request the General Manager to report on this matter in open session of Council.**

Note: Explanation - Section 10A of the Local Government Act 1993 states:

*"2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*2(d) commercial information of a confidential nature that would, if disclosed;*

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the Council, or*
- (iii) reveal a trade secret."*

### **3.1 DA 3130/2004/A Proposed Industrial Subdivision at Warnervale**

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TRIM REFERENCE: DA/3130/2004/A - D02050495

AUTHOR: MG

#### **SUMMARY**

An application has been received to modify an approval granted for an industrial subdivision at Warnervale. The application has been examined having regard to the matters for consideration detailed in section 96 of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Wyong Shire Council
<b>Owner</b>	Wyong Shire Council
<b>Application No</b>	DA/3130/2004/A
<b>Description of Land</b>	Lot 3 DP 1007500 Sparks Road, Warnervale
<b>Proposed Development</b>	Staged Industrial Subdivision and Residual Parcels
<b>Zoning</b>	IN1 – Warnervale Employment Zone (formerly 4(e) Industrial zoning), E2 - Environmental (formerly 5a – Special Uses – Aerodrome), 7a – Conservation Zone and 7g – Wetlands Zone

#### **RECOMMENDATION**

- 1 That Council approve the application, having regard to the matters for consideration detailed in Section 96 and 79(c) of the Environmental Planning and Assessment Act, and other relevant issues, subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of its decision.**

#### **PRECIS**

- The application is referred to Council for determination as the application is for the subdivision of Council land for future sale.
- The application is a Section 96 review of:
  - \* Developer contributions levied for “roads” in the Warnervale and Wadalba districts;
  - \* The staging of the subdivision and associated works; and
  - \* Conditions of consent



## INTRODUCTION

### The Site and Approval Background

The subject lot has been owned by Wyong Shire Council since 1999 and is a large irregular shaped parcel of land surrounding the existing Warnervale Business Park, part of Porters Creek wetland and including the Warnervale aerodrome land. The site forms part of the wider area known as the Wyong Employment Zone (WEZ).

#### Locality Plan

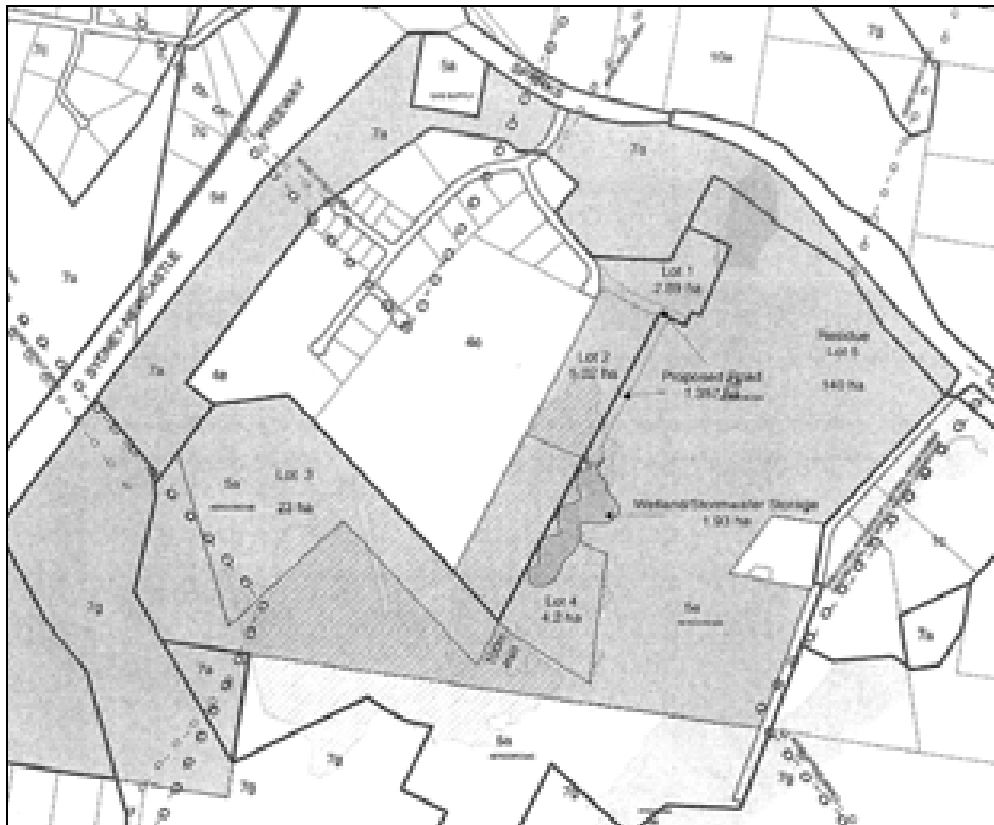


The site slopes generally north to south, consists of vacant land with regenerating forest/woodland. The site forms the remainder of the land owned by Council that is already zoned for industrial development. To the west, the site abuts the Woolworths distribution centre site.

The Development Consent issued for the subdivision in February 2007 comprised a complicated division of land involving several zones; industrial, conservation and special use zones in addition to establishing conservation offsets. A total of five lots were approved with two industrial zoned parcels and three residue parcels.

Since approval was granted the land has become part of the State Environmental Planning Policy (Major Projects) 2005 (SEPP), Amendment No 21 – “Warnervale Employment Zone” which overrides Wyong Local Environmental Plan 1991 (WLEP) and effectively replaces the LEP zonings with SEPP zone labels (eg., 4e Business Park zone became IN1 Industrial Zone). Further clarification of this is detailed in the body of the report.

The consent remains valid having been extended to expire in February 2010.



**Approved subdivision layout  
DA 3130/2004**

### **The Amendment**

Approval is sought under Section 96 of the EP& A Act to amend the Development Consent. The application includes a proposed staging release of the subdivision and associated works and a general review of the conditions and contributions with regard to wording and intent.

### Lot Layout and Staging

The approved subdivision proposed the following:

Stage 1 (only stage): Lots 1 and 2 as industrial zoned lots  
Refer map above) Lot 3 as permanent conservation parcel  
Lot 4 as temporary conservation parcel  
Lot 5 as residue parcel

The amended layout proposes the following:

Stage 1: Lots 1 and 2 as the industrial zoned lots.  
Lot 3 acts as the interim residue parcel

Stage 2: Lot 3 as conservation area  
Lot 4 as environmental zoned residue parcel  
Lot 5 as industrial zoned residue parcel

### Contributions

The application also involves a request to review Section 94 developer contributions with specific regard to the roads component. The applicant contends that the contribution included in the attached schedule with the consent contains an calculation error.



***Subdivision area of 4(e) land shown in green. Limit of contributions plan shown as heavy line through site – area north of line (top in view) to be excluded.***

This is discussed further in the body of the report.

As a result of the preceding issues other amendments are required to conditions that form part of the existing consent.

**STATUTORY PROVISIONS and RELEVANT STATE/COUNCIL POLICIES and PLANS****Environmental Planning and Assessment Act 1979**

The applicant seeks amendment to DA 3130/2004 under Section 96(1A) of EP& A Act 1979. Having regard to the provisions of Section 96 of the EP&A Act 1979, it is considered that the amended proposal is substantially the same development approved by Council in that the proposed subdivision layout is essentially the same configuration as previously approved with respect to the industrial zonings.

The requirements for an application for modification of development consent are contained within Section 115(1)(a) – (i) of the EP&A Regulation 2000. This section describes the information necessary to make an application. In this regard the application comprises owner's authority (to submit the application), description of the modification and likely impacts thereof in addition to supporting documentation. It is considered that the information accompanying the application satisfies the responsibilities of the applicant under the provisions of the regulation. The Consent Authority (in this instance WSC) thereafter assesses the application under the heads of consideration of Section 79C of the EP & A Act.

**State Environmental Planning Policies**

SEPP Major Projects 2005 (SEPP MP) – Amendment 21 was gazetted on 7 November 2008. This amendment is specific for the WEZ and adopts new zonings consistent with the standard template for LEP revision. Refer to "Attachment 2" for the SEPP zonings map.

The land is zoned IN1 – General Industrial and E1 – Environmental/Conservation with exception of the south western portion of the land which retain the LEP zones. The SEPP provides criteria for assessment of applications in this zone. The body of the report provides an assessment of the proposal with regard to the provisions of this policy.

**Wyong Local Environmental Plan (LEP) 1991**

The LEP is overridden by SEPP Major Projects 2005 – Amendment 21 in all but the 7(a) and 7(g) zones. Both of the latter zones were retained in WLEP 1991 and were not subject to the amendment to the SEPP.

The proposed development is considered with regard to the plans and policies identified in the Section 149 property certificate, with particular reference drawn to the following development guidelines:

**Development Control Plan No 2005:**

Chapter No 67 – *Engineering* Guidelines for engineering works. Appropriate conditions to be imposed on approval.

Chapter No 73 – *Warnervale Business Park* - Adopted for the use under the SEPP MP.

**Assessment Of Section 96 Amendment**

The application involves several issues and accordingly requires amendment to a number of conditions of the consent. This report details the proposed amendments by addressing each relevant condition that directly reflects the proposed amendments in numerical order.

### Conditions No 1 and 7

These conditions stipulate references to the approved plans and for plan revisions. Given that the applicant is proposing to include a staging sequence into the approval, it is pertinent to identify the staging issue at these junctions. It is important to ensure that as each stage is released the impacts are appropriately mitigated and infrastructure and access is in place to service the development.

The original approval did not include any staging sequence presuming that each lot would be released under one Subdivision Certificate. The applicant recognises the need to establish the two industrial lots 1 and 2 as a practical means for the availability of land and stimulating development within the precinct.

Accordingly Condition No 1 should be amended to reflect the current plan numbers submitted with the Section 96 application in addition to stipulating the specific staging sequence proposed.

It is recommended that condition No 1 read:

- 1 *The development taking place in accordance with the approved development plans reference 20680, sheets SA01, SA02 and SB01, except as modified by any conditions of this consent, or any amendments in red.*

*The approval comprises the following stages for subdivision release:*

*Stage 1: Lots 1 and 2 as the industrial zoned lots.  
Lot 3 acts as the interim residue parcel*

*Stage 2: Lot 3 as conservation area  
Lot 4 as environmental zoned residue parcel  
Lot 5 as industrial zoned residue parcel*

Condition No 7 identifies the need for a revised set of accurate survey plans, specifically noting dimensional areas in addition to stating a purpose for each allotment. The current application proposes to refine the residue parcels to reflect the adjustment to the new zonings.

In summary, lots 1 and 2 retain the size and shape as originally approved. Lots 4 through 9 involve those original lots 4 – 6. The additional parcels merely establish a more specific reference to the zone provisions.

It is recommended that condition No 7 read:

- 7 *Survey accurate subdivision plans is to be submitted prior to the issue of a Construction Certificate. The plans will be required to depict the following:*
  - a. *proposed Lots 1 & 2 consisting of the development lots with the respective areas of 2.89 ha and 5.02 ha. Proposed lot 3 stage 1 with 3.10 hectares shall have a restriction on use.*
  - b. *proposed Lot 3 Stage 2 (permanent conservation area) to consist of a minimum of 23 ha of existing vegetation generally in accordance with the approved development plan (reference Wyong Shire Council, dated 15 September 2005)*

- c. *proposed Lot 4 (conservation area) to provide an environmental corridor adjoining the F3 Freeway (eastern side) and Sparks Road frontage (southern side) and to provide an environmental corridor at the southern end of Jack Grant Avenue.*
- d. *proposed lot 5 shall maintain a temporary conservation corridor being a width of 150 metres wide to adjoin proposed lot 4 in accordance with the recommendations of the Species Impact Statement (Stephen Bell and Michael Murray, 21 December 2004) and Species Impact Statement Addendum A Compensation Offsets Review (dated 2 September 2006).*
- e. *all changes arising from the final approved design plans for the constructed wetland.*

### Condition No 11

The Development Consent was issued with a schedule of Section 94 and Water Management Act (WMA) contributions attached.

An extract of the schedule appears as follows:

<i>SCHEDULE OF CONTRIBUTIONS</i>	
<b><i>Warnervale/Wadalba Roads Proposed Supplier Park</i></b>	<b><i>\$702,056.20</i></b>
<b><i>Gorokan Area 1 Water DSP</i></b>	<b><i>\$4,661.26</i></b>
<b><i>Warnervale West Sewer DSP</i></b>	<b><i>\$6,685.34</i></b>

The calculation of the roads contribution was based on the area of 4(e) [now IN1 zone] zoned land in the subdivision, equating to 7.91 hectares. It was thought at the time of the approval that all the 4(e) zoned land was included in the precinct known as "Warnervale Supplier Park (area 11)" in the Warnervale Contributions Plan 2005. Accordingly approval was granted with a roads contribution based on 7.91 hectares that totalled \$702,056.20.

After consent was issued the applicant reviewed the contributions and noticed that part of the subdivision lies north of scheme area 11 of the contributions plan and therefore not all the 4(e) land is included in the scheme area. The contributions plan identifies a total of 30.3 hectares of land known as "Supplier Park" with a dimensional area which appears to exclude that part of the approved subdivision that lies outside the scope of the scheme. See "Attachment 1" for extract from contributions plan.

The approximate areas of the subdivision to be assessed are as follows:

- 4(e) zoned land to be included for contribution calculation: 3.6639 hectares
- 4(e) zoned land to be **excluded** from contribution calculation: 4.4667 hectares

Therefore the reassessed contribution based on 3.6639 hectares is \$332,168.60. The 4.4667 hectares of land excluded does not figure in the revised schedule.

As a further point, the area of land to be subdivided, including the 4.4667 hectares which is not currently included in Contributions Plan No 7A, is included in the draft Contributions Plan for the WEZ (Precincts 11 and 13 South). Any further subdivision or development of the land will be subject to payment of contributions in accordance with this plan. Credits will be recognised for contributions previously paid for the 3.6639 hectares already covered by Contributions Plan No 7A.

### **Condition No 20**

The condition presently states:

- 2     *This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.*

This condition identifies there were no staging considerations for the original issue of the consent. The applicant now proposes to establish two separate stages as noted earlier in this report and thus the condition is redundant.

However while Council agrees to delete the condition it may be a suitable opportunity to replace the condition with a new condition that in effect relates to the need for further consultation with the Department of Environment, Climate Change and Water (DECCW) for the relocation of the sediment basin at time of stage 2. While Council agrees with the proposed relocation of the basin, any change must be referred to the DECCW for concurrence. For the purpose of the stage 1 release the basin relocation is not required and thus it can be delayed until stage 2.

It is recommended that the condition be replaced with the following:

- 20    *The works included under Stage 2 of the development constitute a variation from the original development consent and must be approved in writing by the Department of Environment, Climate Change and Water before works associated with Stage 2 can begin. A copy of this written approval must be provided to Council before the construction certificate for Stage 2 can be released.*

### **Condition No 21**

The condition presently states:

- 21    *The design and construction of all subdivision works in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development, which are prescribed at the time of commencement of engineering works. The design plans, including an overlay of the vegetation plan identifying trees to be retained as per the approved development plans, and any trees to be removed must be approved by Council prior to issue of the Construction Certificate.*

This condition could be read that tree removal is not permitted until the Construction Certificate has been issued. The original application provided comprehensive detail regarding the removal of trees which was endorsed at the determination stage. Accordingly the condition should be amended to clarify that tree removal can occur without the need for the issue of the Construction Certificate.

It is recommended that condition No 21 reads:

- 21    *The design and construction of all subdivision works in accordance with Council's Development Control Plan No 67 - Engineering Requirements for Development, which are prescribed at the time of commencement of engineering works.*

**Condition No 25**

The condition presently states:

- 25 *Trees and native vegetation proposed for retention and exclusion fencing are to be clearly identified on all the final approved engineering plans. In particular, the conservation offset areas (proposed Lots 3 & 4) and trees for retention surrounding the perimeter of the constructed wetland are to be protectively fenced prior to the issue of a Construction Certificate.*

This applicant contends that this condition is superfluous because the content is duplicated elsewhere in the consent within the requirements of conditions 26 and 28.

Both conditions 26 and 28 refer to the retention and protection by way of fencing of native trees. It is agreed that the requirements of condition 25 are best addressed in other conditions as currently worded.

Accordingly condition 25 can be deleted.

**Condition No 26**

The condition presently states:

- 26 *The entire boundary of proposed Lot 1, southern boundary of proposed Lot 2, eastern boundary of the road reserve and perimeter of the constructed wetland (defined by the diversion bunds) are to be fenced prior to the issue of a Construction Certificate. The fence is to consist of a 1.8 metre-high man-proof chainwire/mesh fencing including geofabric mesh to prevent frogs accessing the site during construction erected as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of works.*

*The northern boundary of proposed Lot 3 is to be fenced from the boundary of Lot 413 DP 1058215 (Woolworths development) along the zone boundary to that point where the area of Lot 3 is currently zoned 7A - Conservation.*

*Starpicket and wire stock fencing is not to be used for this purpose. The type and placement of fencing is to be confirmed to Council in writing by the consultant arborist/ecologist prior to the issue of a Construction Certificate. All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans and on the fencing itself. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within any of the nominated No Go Areas.*

*The consultant arborist/ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant arborist/ecologist), prior to works being carried out around that particular habitat or tree.*

The applicant suggests that the condition could be reworded to reflect the new staging sequence.

Council has reviewed the condition and proposes the minor following changes in the condition which include references to staging.

Accordingly it is recommended that the condition read:



- 26 *The entire boundary of proposed Lot 1, southern boundary of proposed Lot 2, eastern boundary of the road reserve (Stage 1) and perimeter of the constructed wetland (Stage 2) are to be fenced prior to the issue of a Construction Certificate. The fence is to consist of a 1.8 metre-high man-proof chainwire/mesh fencing including geofabric mesh to prevent frogs accessing the site during construction erected as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of works.*

*Starpicket and wire stock fencing is not to be used for this purpose. The type and placement of fencing is to be confirmed to Council in writing by the consultant arborist/ecologist prior to the issue of a Construction Certificate. All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans and on the fencing itself. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within any of the nominated No Go Areas.*

*The consultant arborist/ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant arborist/ecologist), prior to works being carried out around that particular habitat or tree.*

#### **Condition No 29**

The condition presently states:

- 29 *The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors. In addition the consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements prior to commencement of works. Certification of this induction is to be provided to Council prior to the issue of a Construction Certificate.*

The applicant indicates that it is unreasonable to induct contractors and sub-contractors prior to the issue of the Construction Certificate. The applicant cites that it is better management practice to have the Construction Certificate available to enable more accurate tendering applications and thus assist in the process of appointing successful contractors.

The request is considered reasonable given that the tendering process involves matters that concern finance and logistics that are best resolved with final design plans. The Construction Certificate offers the best opportunity for tender processing.

Accordingly it is recommended that the condition read:

- 29 *The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors. In addition the consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements prior to commencement of works. Certification of this induction is to be provided to Council prior to the issue of a commencement of works.*

**Condition No 30**

The condition presently states:

- 30 *The applicant is to prepare and submit for approval to Council's Development Ecologist a Habitat Restoration and Monitoring Plan (HR&MP) for the proposed conservation offset areas, including Baileys Farm, prior to the issue of a Construction Certificate.*

*The conservation offset areas are to include a minimum of 23ha identified as proposed Lot 3, a minimum of 4.2ha identified as proposed Lot 4 and 8ha of contiguous land owned by Wyong Shire Council on the site referred to as Bailey's Farm as per Option 1 of the Revised Species Impact Statement – Addendum A (dated 2 September 2005).*

*The Habitat Restoration and Monitoring Plan is to be prepared by a suitably qualified and experienced ecologist and will integrate with the required Category 3 Landscape Plan, Bushfire Management Plan engineering design (roads, WSUD, etc) water supply, sewer and Erosion Control Plans.*

The condition references proposed lots 3 and 4 in respect to the conservation offsets which are now proposed from within one allotment shown as lot 7 in stage 2. It is recommended that the condition be updated to reflect the new lot number. There is no change to the intent of the condition with the area of 27.2 hectares for the conservation offset remaining intact.

Accordingly it is recommended that the condition read:

- 30 *The applicant is to prepare and submit for approval to Council's Development Ecologist a Habitat Restoration and Monitoring Plan (HR&MP) for the proposed conservation offset areas, including Baileys Farm, prior to the issue of a Construction Certificate.*

*The conservation offset areas are to include a minimum of 27.2ha which is contained in proposed lot 7 and 8ha of contiguous land owned by Wyong Shire Council on the site referred to as Bailey's Farm as per Option 1 of the Revised Species Impact Statement – Addendum A (dated 2 September 2005).*

*The Habitat Restoration and Monitoring Plan is to be prepared by a suitably qualified and experienced ecologist and will integrate with the required Category 3 Landscape Plan, Bushfire Management Plan engineering design (roads, WSUD, etc) water supply, sewer and Erosion Control Plans.*

**Condition No 34**

The condition presently states:

- 34 *Following the issue of a Construction Certificate, but prior to any clearing works commencing on site, community environmental groups are to be permitted access to that part of the site to be cleared. The purpose of this access is to source plants that will be otherwise destroyed during clearing and permit them to be used for purposes of propagation, seed collection and transplant to community environmental restoration sites. Formal notification of relevant groups is to be undertaken by the applicant for a period of 28 days prior to access being provided. Access for suitable community environmental groups is to be permitted for a minimum period of 7 (seven) days.*

Essentially the condition requires the land owner to provide public access albeit under the banner of "community environmental groups" prior to any clearing being undertaken. The condition does not specify who or what is defined as a "community environmental group".

The applicant contends that the logistics associated with ensuring protection of the property owner against public liability claims is onerous. The applicant states that such action to relocate plant stock should only be undertaken by specialists rather than potentially less qualified community groups and in any event the issues is covered in the approved habitat restoration plan.

The Central Coast Wildplant Rescue Service recognised as a “community environmental group” aims to promote the rescue of wild plants on approved development sites within the Gosford, Wyong and Lake Macquarie Local Government Areas. The service is run by highly trained volunteers and supervised by professionals from the Community Environment Network. Wyong Council has written to the Service stating that we wish to enter into a cooperative relationship provided that a regional procedure is established and copies of relevant licenses (s132C) and Certificate of Currency for public liability insurance are provided to Council. Once this information has been supplied, Council will notify the Service of development consents that include a condition permitting the Service to access the site for the purpose of plant rescue.

The condition provides for access for the Service, but does make it mandatory that plants be rescued, therefore if the Service is not prepared prior to scheduled clearing of the site this will not delay the clearing. Therefore it is considered that the condition is onerous.

It is recommended that the condition be retained.

#### **Condition No 35**

The condition presently states:

*35 The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter to the building under construction so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.*

The applicant cites that there are no buildings to be constructed with this approval and suggests the condition could be reworded to reflect the scale of subdivision works proposed.

The general intent of the condition is appropriate given that construction vehicles will need to enter the land for delivery of machinery and undertake removal of waste material. It is agreed that the reference to buildings is unnecessary and could be replaced with a more relevant description.

Accordingly it is recommended that the condition read:

*35 The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter 15 metres into the construction site so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. Note: On-the-spot fines may be imposed by DECCW for non-compliance with this condition.*

**Condition No 46**

The condition presently states:

- 46 *Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of the Occupation Certificate.*

The applicant correctly notes that the condition references the issue of an Occupation Certificate. Given the application involves subdivision works only and no buildings there is no need for an Occupation Certificate.

The should reference the issue of a Subdivision Certificate.

Accordingly the condition should read:

- 46 *Any damage not shown in the Dilapidation Report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works Subdivision Certificate.*

**Condition No 48**

The condition presently states:

- 48 *All erosion and sediment control works must be approved by Council prior to issue of the Occupation Certificate.*

As per condition 48, No 52 also references the issue of an Occupation Certificate rather than the correct meaning of the issue of Subdivision Certificate.

The condition should read:

- 48 *All erosion and sediment control works must be completed and inspected by Council prior to issue of the Subdivision Certificate.*

**Conditions No 52, 53 and 54**

The conditions presently state:

- 52 *All works within a public road must be approved by Council under the Roads Act 1993 as the Roads Authority.*
- 53 *All additional roads and stormwater works within the road reserve or Council's land must be approved by Council prior to issue of the Subdivision Certificate.*
- 54 *All kerb and gutter and road construction works must be approved by Council under the Roads Act as the Roads Authority, prior to issue of the Subdivision Certificate.*

The applicant notes that condition 52 requires approval under the Roads Act and suggests that this is a reference for the submission of design plans prior to the issue of the Construction Certificate. The applicant suggests that the condition be reworded to reflect that works are completed to Council satisfaction which is acceptable.

It is also noted by the applicant that a reworded condition 52 could also include the contents of condition 53 and 54 which in effect refers to matters (kerb, gutter, drainage etc) that are described as "all works" in condition 52.

It is recommended that condition 52 read:

52 *All works within a public road, including any provision of kerb and guttering and associated stormwater management works must be completed to the satisfaction of Council under the Roads Act 1993 as the Roads Authority.*

It is therefore recommended that conditions 53 and 54 be deleted.

### **Condition No 59**

The condition presently states:

59 *The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.*

- *Limiting development on the site to a maximum of 75% site coverage of impervious areas unless it is demonstrated to the satisfaction of Council for the water usage generated by the development will be equivalent to 10,000 L/per hectare/per day.*

The applicant contends that the condition requiring a Section 88B restriction on the new allotments would be an unnecessary covenant and will affect the marketing of the land.

The condition identifies that site coverage for future industrial development on the allotments would be restricted to a maximum of 75% of impervious areas. A restriction of this nature is not covered in the nominal requirements under Council's Chapter 75 – "Industrial Development" of DCP 2005 for the type of industrial development that would be proposed in the Warnervale Business Park. It is noted that SEPP (Major Projects) 2005 Amendment 21 which governs development in the Warnervale Business Park stipulates compliance with Council's development control plan for any development.

The important intent of the condition is to reduce stormwater flows into the environmental zoned portion of the estate. Now that Council has a DCP adopted through SEPP MP the placement of a restriction on the land can be reconsidered. It may be more appropriate to address the stormwater management issues at the building design stage for future industrial development. This will enable the building design to take into account the criteria for industrial development in a more detailed manner. It is not the intention to reduce the ability for the development to respond to the need to control stormwater flow leaving the site, but a question of at what stage of the development the greatest control over this issue can be exercised.

Council's industrial design criteria (Chapter 75 of DCP 2005) stipulate that site coverage is 50% maximum for buildings with no limitations on impervious areas. Assuming development of an allotment complies with the 50% site coverage, the remainder of the land would be used for hardstand (access, parking and loading areas) and landscaping. The landscaping component in most cases is influenced by building line setbacks to boundaries minus hardstand requirements and effectively forms the pervious ground areas within a site.

In an average industrial development (several test cases were examined by Council from the Tuggerah Business Park) the general site coverage for impervious areas was in the range of 65% up to 74%, the latter a figure similar to that specified in condition 59, being 75%. It would appear that most new development by virtue of dimensional constraints such as building site coverage and setbacks generally do not promote impervious areas beyond 75% of the total site.

It is acknowledged that the condition represents the top end of the scale in terms of likely impervious site coverage from development. The question is whether the title of the land should be encumbered with a restriction that can be addressed in more precise detail at the DA stage for the building(s). Given the design criteria available in Council development guidelines it is suggested that there is no need to apply the restriction at the subdivision stage.

Whilst Council agrees to remove the reference to site coverage for the industrial lots, a restriction should be in place to ensure that prospective land purchasers recognise the interim vegetation corridor within the residue parcel of lot 5 as identified in condition No 4 of the original consent. This issue was not addressed in the original consent because the extent of detail on the dimensions of the corridor was unknown at the time of the original issue of consent.

It is therefore recommended that the condition be amended by deleting the reference to the site coverage aspect and be replaced with a new reference to the vegetation corridor.

It is recommended that condition 59 read:

*59 The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.*

*Prior to release of the Subdivision Certificate, a 'Restriction on Use' covenant pursuant to section 88B of the Conveyancing Act 1919 shall be created for those lands identified as the interim vegetation corridor to be retained between Stage 1 of the Warnervale Business Park development and the Warnervale Aerodrome (as shown in Attachment 3 of the Wyong Shire Council's letter dated 31 August 2006). This instrument shall be created to restrict any development that is not for the purpose of wildlife conservation in the interim vegetation corridor. This instrument shall also be created to restrict development, other than for the purpose of establishing an 'urban interface area', within 40 metres to the east and west of the boundary of the interim vegetation corridor. This instrument shall remain until such time that Corridor Option 1 (east of Warnervale Aerodrome as described in Wyong Shire Council's letter dated 31 August 2006) is validated by Council and the Department of Environment, Climate Change and Water as a functional vegetated corridor for wildlife.*

### **Condition No 63**

The condition presently states:

*63 All subdivision works must be approved by Council prior to the issue of a Subdivision Certificate.*

The applicant contends that the wording of this condition referring to approving works which the applicant suggests have already been approved should be replaced with more appropriate wording. The applicant suggests replacing the reference to "approved by" with "completed to the satisfaction" of Council.

This is an insignificant point and might simply be explained by understanding Council's definition and use of the term "approval". The reference to an approval (subsequent to the issue of the Construction Certificate) means that Council inspects the works for completion and if satisfied grants an approval by way of issuing the Subdivision Certificate or Occupation Certificate whichever the case may be. This has been Council's usual practice in composing and applying consent conditions for many years with no legal ramifications.

Given that there are no legal, theoretical or practical dilemmas in complying with the content of the condition, it is recommended that the condition remain intact.

**Condition No 66**

The condition presently states:

66 *A Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development must be obtained from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.*

As with the previous comment for condition 63, the applicant contends that the use of the word “approved” should be replaced with “completed to the satisfaction” for the purpose of complying with the requirements.

The same comment for condition 63 applies to this condition. Accordingly it is recommended that the condition remain intact.

**Condition No 67**

The condition presently states:

67 *All water and sewer works for the development must be approved by Council prior to the issue of the Subdivision Certificate.*

The applicant contends that the condition could be deleted if Council was to concur with the request to change the wording of conditions 63 and 66. Given that it is recommended that both of these conditions remain intact without any change it is therefore suggested that this condition be also retained without change.

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

*Any submission from the public.*

During the assessment process, one submission was received from the public.

Doc. No	Summary of Issues	Response
D01252652 & D01252626 (same author)	The author is concerned that the release of the industrial land will jeopardise other nearby affected land holders.	<p>The intent of the Section 96 application is to stage the proposal to enable the subdivision to “enter” the market. Land within the business parks of Warnervale and Tuggerah are considered as prime industrial properties and in recent times are either under development or gaining interest through the real estate market.</p> <p>The concern of the author is duly noted however competitiveness in the market place is not a sufficient reason to oppose a proposal such as the subdivision on grounds of economic impact.</p>

## CONCLUSION

The conclusion of this report is a general agreement to modify the approval to enable a staging sequence for the subdivision in addition to revisiting the terminology used for a number of the consent conditions. Whilst some changes will be made to the conditions, i.e., insert a staging sequence, alter terminology etc., not all of the applicant's requests will be met. Where Council does not agree to an amendment, the issues are explained in detail in the report.

With respect to the contributions, the report also concludes that a portion of the proposed subdivision is not subject to the roads contributions scheme and hence S94 contributions cannot be charged. It would appear that the plan in the Section 94 contributions scheme represents a diagrammatic interpretation of Warnervale "Supplier Park" rather than an exact measure of the zoning potential. Therein is the discrepancy between the contributions plan and the zoning provisions.

Notwithstanding the obvious mismatch between plans, the subdivision approval must complement Council's Section 94 information. In this regard the contribution amount needs to be corrected to reflect only that portion of land within the scheme area. The contributions plan will be amended to accurately reflect the industrial zoned land and ultimately development of other allotments will be levied accordingly.

It is therefore recommended that the contribution amount for roads be amended from \$702,056.20 to \$332,168.60.

## ATTACHMENTS

- |   |                             |           |           |
|---|-----------------------------|-----------|-----------|
| 1 | Draft Conditions of Consent | Enclosure | D02051297 |
| 2 | Subdivision Plans (A3 size) | Enclosure | d02067138 |



### **3.2 DA 382/2009 - Proposed Boundary Adjustment at Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley**

TRIM REFERENCE: da/382/2009 - D02066924

AUTHOR: MG

#### **SUMMARY**

An application has been received to adjust a common boundary involving land in Corona Lane at Glenning Valley. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP &A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. The application is reported to Council as directed by the Mayor at the request of a Councillor.

<b>Applicant</b>	Highlight Consulting Pty Ltd
<b>Owner</b>	Mr and Mrs Law
<b>Application No</b>	382/2009
<b>Description of Land</b>	Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley
<b>Proposed Development</b>	Boundary Adjustment
<b>Site Area/Zoning</b>	Lot 101 = 2.997 hectares, 7(a) Conservation Lot 103 = 1.00 hectare, 7(c) Scenic Protection

#### **RECOMMENDATION**

**1 That Council, taking into consideration the decision from Department of Planning (DoP) to not grant concurrence to Development Application No 382/2009, refuse the application noting the following:**

- Under the EP & A Act Council does not have legal authority to approve the development application without concurrence from the DoP.**

**2 That Council note that in refusing to grant concurrence, the DoP gave the following reasons:**

- Varying the development standard to the extent proposed is not supported as the objective of the minimum lot size development standard would be undermined through the cumulative effect of similar approvals.**
- Any review of the minimum lot size development standard in its 7(a) and 7(c) zones should be strategically based and given effect through an LEP amendment rather than through individual development applications.**

***In issuing the determination, the above reasons be reworded as appropriate reasons for refusal.***

#### **PRECIS**

- The application involves the adjustment of the common boundary between two properties at Glenning Valley. This form of application is considered as subdivision and the subdivision standards in Council's Planning Instrument apply.**

**3.2 DA 382/2009 - Proposed Boundary Adjustment at Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley (contd)**

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- The applicant proposes the use of State Environmental Planning Policy No 1 (SEPP 1) to vary the subdivision standards of Wyong Local Environmental Plan 1991 (WLEP). The variation extends to 90% of the subdivision standard.

Council at its meeting of 12 August 2009;

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

- 1 That Council support the use of State Environmental Planning Policy No 1 to vary the subdivision standards of Wyong Local Environmental Plan 1991 to allow this proposal.*
- 2 That Council indicate its approval in principle, subject to the imposition of appropriate conditions.*
- 3 That Council refer this application to the Department of Planning for its concurrence.*
- 4 That subject to the outcome of 3 above, a report on appropriate conditions be brought back to a future Council meeting.*

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

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

The application was referred to DoP in accordance with Council resolution of 12 August 2009. The DoP has decided not to grant concurrence to the variation under SEPP 1. In DoP letter to Council dated 27 October 2009 it indicated that it did not favour the application because “*Varying the development standard to the extent proposed is not supported as the objective of the minimum lot size development standard would be undermined through the cumulative effect of similar approvals*”.

## **CONCLUSION**

The proposed boundary adjustment has been refused by the DoP. As such, Council has no legal power under the EP & A Act to approve this application and it is therefore recommended for refusal. The original staff report is attached for Council’s consideration.

## **ATTACHMENTS**

- |          |  |                     |
|----------|--|---------------------|
| <b>1</b> | Letter from Department of Planning dated 27 October 2009 | D02065903           |
| <b>2</b> | Site Plan  | D01977882           |
| <b>3</b> | Section 88B Restriction for Lot 101                      | D01957011           |
| <b>4</b> | Applicant's SEPP 1 Objection                             | D01957015           |
| <b>5</b> | Photographs  | d01982300           |
| <b>6</b> | Plan of Proposed Boundary Realignment                    | D01973429           |
| <b>7</b> | Previous Council Report dated 12 August 2009             | Enclosure D01962455 |



## Planning

General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Contact: Ben Holmes  
Phone: 02 4348 5003  
Fax: 02 4323 6573  
Email: [ben.holmes@planning.nsw.gov.au](mailto:ben.holmes@planning.nsw.gov.au)

Our ref: CC09-127  
Your ref: DA/382/2009  
File: C09/00019

Attention: Mark Greer

Dear Mr Yates

**Subject: Request for Director-General's Concurrence under SEPP 1 – Lots 101 and 103 DP806178 being 11 and 13 Corona Lane, Glenning Valley**

I refer to your letter of 26 August 2009 seeking the Director-General's concurrence under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), to vary the development standard established under clause 14(2) of the Wyong Local Environmental Plan 1991. The development application seeks to adjust a property boundary by varying the minimum lot sizes for subdivision in the 7(a) and 7(c) zones.

In this instance, and under delegation, the Director-General has decided not to grant concurrence to the variation under SEPP 1. Varying the development standard to the extent proposed is not supported as the objective of the minimum lot size development standard would be undermined through the cumulative effect of similar approvals.

If Council wishes to review the minimum lot size development standard in its 7(a) and 7(c) zones, then this should be strategically based and given effect through an LEP amendment, rather than through individual development applications.

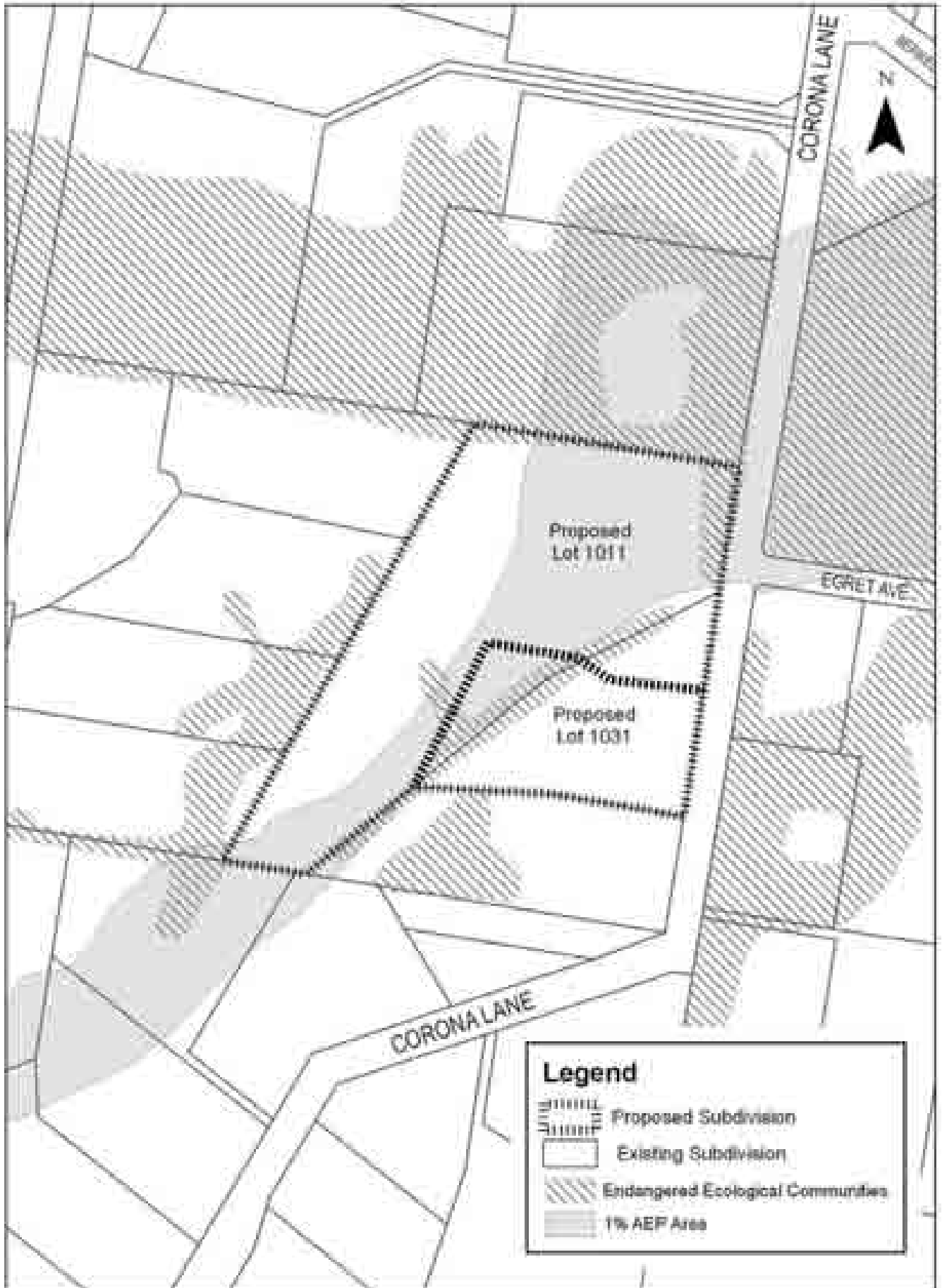
Should you have any queries or require further information, please contact Ben Holmes on 4348 5003.

Yours sincerely

A handwritten signature in black ink that reads "Garry Hopkins".

Garry Hopkins  
Team Leader  
Hunter & Central Coast

27.10.2009



INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS  
ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO  
SECTION 88B OF THE CONVEYANCING ACT, 1919.

Lengths are in Metres

(Sheet 1 of 2 sheets)

Plan: **DP806170**

Subdivision of Lot 9, D.P. 739783 covered  
by Council Clerk's Certificate No.  
dated

\*\*\*\*\*

PART 1.

Full name and address of the  
Beneficiaries of the land:

John Charles Innes and Joan Helen Innes,  
Corona Park, Corona Lane, Berkeley Vale.

Full name and address of the  
Borrowers of the land:

Commonwealth Bank of Australia,  
100 Pitt Street, Sydney.  
  
A.C.C. (Advanced) Limited,  
12 Mann Street, Concord.

1. Identity of easement or  
restriction firstly  
referred to in the above  
mentioned plan

Easement for Services 3 wide.

schedule of lots, etc. affected.

Lots Burdened

Lots Benefited

103  
101

101 and Lot 12, DP 739783  
Lot 17, DP 739781

2. Identity of easement or  
restriction secondly  
referred to in the above  
mentioned plan

Easement for inundation variable width

schedule of lots, etc. affected.

Lots Burdened

Authority Benefited

101 and 103

Wyong Shire Council

3. Identity of easement or  
restriction thirdly  
referred to in the above  
mentioned plan

Restriction on Use

schedule of lots, etc. affected.

Lots Burdened

Authority Benefited

101

Wyong Shire Council

PART 2

1. Terms of easement for services firstly referred to in the above mentioned plan.

Full and free right for every person or authority who is at anytime entitled to an estate or interest in possession in the land herein indicated as the dominant tenement, or any part thereof which shall be capable of enjoyment of the right, and every person authorized by him to make, lay, construct, erect, install, carry, maintain and use through.

REGISTERED



4-12-1990

*[Handwritten signatures]*

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1912.

Lengths are in metres

(Sheet 2 of 2 Sheets)

Plan: *D.P. 806178*

Subdivision of Lot 3, R.F. 732783 covered by Council Clerk's Certificate No. dated

.....

above, on and under the servient tenement all pipes, conduits, poles, wires or other equipment and materials necessary to provide, and carry all or any of water, sewerage, gas, electricity, and telephone services to and from the said dominant tenement TOGETHER WITH the right for the grantee and every person authorized by him, with any tools, implements, or machinery necessary for the purpose to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleaning, repairing, maintaining or renewing such equipment or any part thereof to such extent as may be necessary PROVIDED that the grantee and the persons authorized by him will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and/or free access to the dominant tenement and will restore without delay that surface as easily as practicable to its original condition.

2. Terms of Easement for Irrigation as herein referred to in the above-mentioned plan.

The Wyong Shire Council shall have the right to retain water upon and drain water including rain, storm, spring, seepage or seepage water in any quantities from those parts of the lots burdened and denoted " on the plan and the Wyong Shire Council shall have the right to enter upon the lots burdened for the purpose only of restoring, reinstating, replacing or repairing any damage which shall have been caused by the retention and drainage of such water upon the said parts of the lots burdened.

3. Terms of Restriction as herein referred to in the above-mentioned plan.

No building shall be erected or permitted to remain erected on the lot hereby burdened.

Signed in my presence by  
John Charles Innes and Joan  
Ellen Innes who are  
personally known to me.

*[Handwritten signatures]*

*[Handwritten signature]*  
J. C. Innes  
*[Handwritten signature]*  
J. E. Innes

*[Handwritten signature]*  
Council Clerk.

Witness  
I, *[Signature]*, being a Justice of the Peace for the County of Murrumbidgee, do hereby certify that the above is a true and correct copy of the original instrument as shown to me by *[Signature]*, the Branch Manager (R.M.W.)  
I do hereby certify that the above is a true and correct copy of the original instrument as shown to me by *[Signature]*, the Branch Manager (R.M.W.)  
I do hereby certify that the above is a true and correct copy of the original instrument as shown to me by *[Signature]*, the Branch Manager (R.M.W.)

**STATE ENVIRONMENTAL PLANNING POLICY NO. 1  
OBJECTION TO DEVELOPMENT STANDARDS**

<i>Name and address of objector</i>	Highlight Consulting Pty Ltd PO Box 4105, Wagstaffe, NSW, 2257
<i>Property description</i>	Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley
<i>Proposed development</i>	re-subdivision of 2 lots into 2 lots/ minor boundary adjustment
1. <i>Development standard to which the objection relates</i>	Wyong LEP Clause 14(2)
<i>Proposed variation to the development standard</i>	standard: 7(a) 40ha minimum; proposal: retain existing size of 2.997ha standard: 7(c) 2ha minimum; proposal: retain existing size of 1ha

*Reason for proposed variation*

It is believed that Lot 101 was created with Consent as a 2.997 ha 7(a) lot and Lot 103 was created as a 1ha 7(c) lot some years **after** the LEP came into force. The current proposal retains those lot sizes but reconfigures the boundaries in order to create a flood-free building envelope and effluent disposal area on proposed Lot 1011.

In these circumstances, application of the LEP standard is unreasonable and unnecessary. The departure from the standard is large (Lot 101) and medium (Lot 103), however the departure has already been consented to by Council. In so doing, Council exercised flexibility in relation to its own planning controls.

According to the S149 Planning Certificate, there is no prohibition on a dwelling on Lot 101. Council is therefore voluntarily introducing flexibility in relation to its own planning controls, which would otherwise prohibit a dwelling on this undersized 7(a) lot. A 7(c) zoning (which applies to Lot 103) favours dwellings on small lots. This proposal addresses both these situations, therefore refusal of a building envelope and dwelling entitlement would be unreasonable.

With the proposed replacement of about 4 Melaleucas (removed for the access onto Lot 103), there is virtually no effect on fauna or ecological communities (cf. S 5(A) EPA Act) from this proposal. A 40ha minimum (7(a)) and a 2ha minimum (7(c)) serves principally to maintain ecological and aesthetic values, as well as to minimise risk from natural hazards. Council has already accepted that in the case of each of these particular lots, the standard for a minimum area in each zone can be significantly reduced, because the zoning in this case reflects a well-defined natural hazard only. Therefore the current objection is well founded.

Compliance with Council's standard hinders the attainment of the objects specified in 5(a)(i) and (ii) of the EPA Act. The proposal, however, supports infill housing on land where it is explicitly not prohibited. Compliance with the standard is therefore unreasonable in the circumstances of the case.

2. *Development standard to which the objection relates* Wyong LEP Clause 16(1)

*Proposed variation to the development standard*

standard: 7(a) 40ha minimum for a dwelling entitlement; proposal: retain existing size of 2.997ha  
 standard: 7(c) 2ha minimum; proposal: retain existing size of 1ha

*Reason for proposed variation*

The proposal is for one dwelling-house to be foreshadowed via a building envelope and dwelling entitlement on 7(c) land, although the 7(c) component on Lot 1011 will be less than the applicable minimum area. Sufficient land needed to be found within the two lots for a flood-free effluent disposal area, as well as a flood-free building envelope. The design achieves this, with no change proposed to the floodway or its buffer area. Therefore the purpose of the development standard is completely fulfilled.

As a result of the objective, the proposal creates a mixed zone lot (Lot 1011), where the area of 7(c) land (of approx. 2054 sq m) on which the building envelope is proposed is considered within the context of a 2.997ha lot. That is, the area of land is not just 2054 sq m, but a total of 2.997 ha. Further, development in the valley floor and watercourse are not proposed, and therefore remain effectively prohibited, which fulfils the original objective of the 7(a) zoning in this case (because there is no other zoning relating to flood-prone land).

Application of the standard is therefore unreasonable and unnecessary. In the case of Lot 1011, the departure from the standard is small, however in the case of Lot 1031 the departure is large. Nevertheless, Lot 1031 is not proposed for further development because a substantial and relatively new dwelling already exists there. On balance, the departure is therefore considered small.

Compliance with Council's standard hinders the attainment of the objects specified in 5(a)(i) and (ii) of the EPA Act. The proposal, however, supports infill housing on land where it is explicitly permissible. Compliance with the standard is therefore unreasonable in the circumstances of the case.

The objection is well founded.

3. *Development standard to which the objection relates*

EPA Act, S94



*Proposed variation to the development standard*

no contribution of land should apply

*Reason for proposed variation*

S94 of the EPA Act states:

**94 Contribution towards provision or improvement of amenities or services**

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

- (a) the dedication of land free of cost, or
- (b) the payment of a monetary contribution, or both.

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.

As Council has already anticipated (in its S149 Certificate) that an application will be made for a dwelling on Lot 101 and a dwelling has already been approved, constructed and occupied on Lot 103, provision of or an increase in demand for public amenities and public services can be assumed to already have been factored into the previous application which created the two lots along with a number of others in the valley. That subdivision occurred about 20 years ago, with a contribution for additional demand having been made by the developer at that time. Therefore under S94, it would be unreasonable to require an additional contribution.

The arguments in 4. below also apply generally above.

*4. Development standard to which the objection relates*

Wyong LEP, Clause 14(3)(b) (with consequent calculation in Cl. 14(4))

*Proposed variation to the development standard*

no contribution of either cash or land should apply

*Reason for proposed variation*

The proposal is for a minor boundary adjustment and any dedication of land or cash contribution lacks merit in these circumstances.

A contribution was made by a previous owner at the time when Lots 101 and 103 (with others) were subdivided from a larger holding. The current proposal does not increase the demand for public facilities which usually arises from a subdivision. The current proposal does not create additional lots: it is for a minor boundary realignment. The current proposal has been anticipated by Council, which has

continued to permit a dwelling on Lot 101 by explicitly not prohibiting one (cf. S149 Planning Certificate). Therefore application of the development standard is both unreasonable and unnecessary.

The extent of the departure from the standard is large, because no further contribution is proposed. However, a contribution has already been made.

The standard exists to cater for provision of public facilities to cater for extra demand when additional lots are created by subdivision. The current proposal does not create additional lots. Additional demand for public facilities appears to have already been factored into the Consent for the subdivision which included Lots 101 and 103, as reflected in the S149 statement that a dwelling on Lot 101 is not prohibited. That statement infers that one was planned for when the contribution calculation was made with that earlier subdivision application and Consent.

This LEP requirement is not considered to be a "development standard".

The number of hectares to be dedicated in accordance with the calculation in Cl. 14(4)(a) and (b) is 7.5ha, which is impossible as the property (2 lots in common ownership) totals only 3.997ha. Further, the clause (14) referring to a contribution to Council relates to mixed zone properties, not to minor boundary adjustments (which is found in Clause 13).

Compliance with the requirement hinders the attainment of the objects specified in S(a)(i) and (ii) of the EPA Act, as no contribution of land or cash is possible as a consequence of its application in this case.

5. *Development standard to which the objection relates* Wyong DCP 89, side setback

*Proposed variation to the development standard* 10m side setback required; 2m side setback is proposed

*Reason for proposed variation*

The objectives of the DCP (2003) are to

- "Reinforce and enhance the rural residential lifestyle;
- Maintain the natural environment;
- Minimise the impact, both within and outside the Valley, of future development;
- Encourage a local sense of community;
- Promote the establishment of a high quality living environment through planning principles which encourage rural residential development."

Clause 2.3 states "Each application shall be considered on its merits. Council may vary its requirements depending upon the circumstances of individual applications." That flexibility is sought in relation to the side setback.

The proposal addresses the constraints listed in Cl. 2.1, particularly the existing subdivision pattern and the aesthetic impact of further development. Combined with the Cl. 3.4 requirement that all development is to be located above the 1:100 year flood level, a consequence of the Cl. 2.1 concerns is that a building envelope location has been preferred close to its effluent disposal area,, with acknowledgement of existing structures and infrastructure (driveways, vegetation, buildings, services).

Two alternatives existed, in order to meet a 10m side setback. The first was to move the building envelope's location and shape, so that it remained clear of the floodplain but otherwise achieved a 10m side setback. That would necessarily impinge on one or both existing driveways onto the lot. If the driveway to its north was affected, that driveway would have to be moved further north, which risked an unacceptable proximity to the drainage channel. No move to the east was possible, because of the building line which relates to the street frontage. A change in shape to a more rectangular shape would affect the potential design of a new dwelling (but remains a compromise option).

The second alternative was to move the Lot 1011/Lot 1031 boundary to the south. However, to retain Lot 1031 as 1ha (Council's minimum for a 7(c) lot) would push its western boundary further into the floodplain. This was not consistent with the local subdivision pattern (cf. Lot 102 among others), and made Lot 1011 less workable due to the constriction in the valley floor. Adherence to the 1ha minimum was preferred over other design considerations.

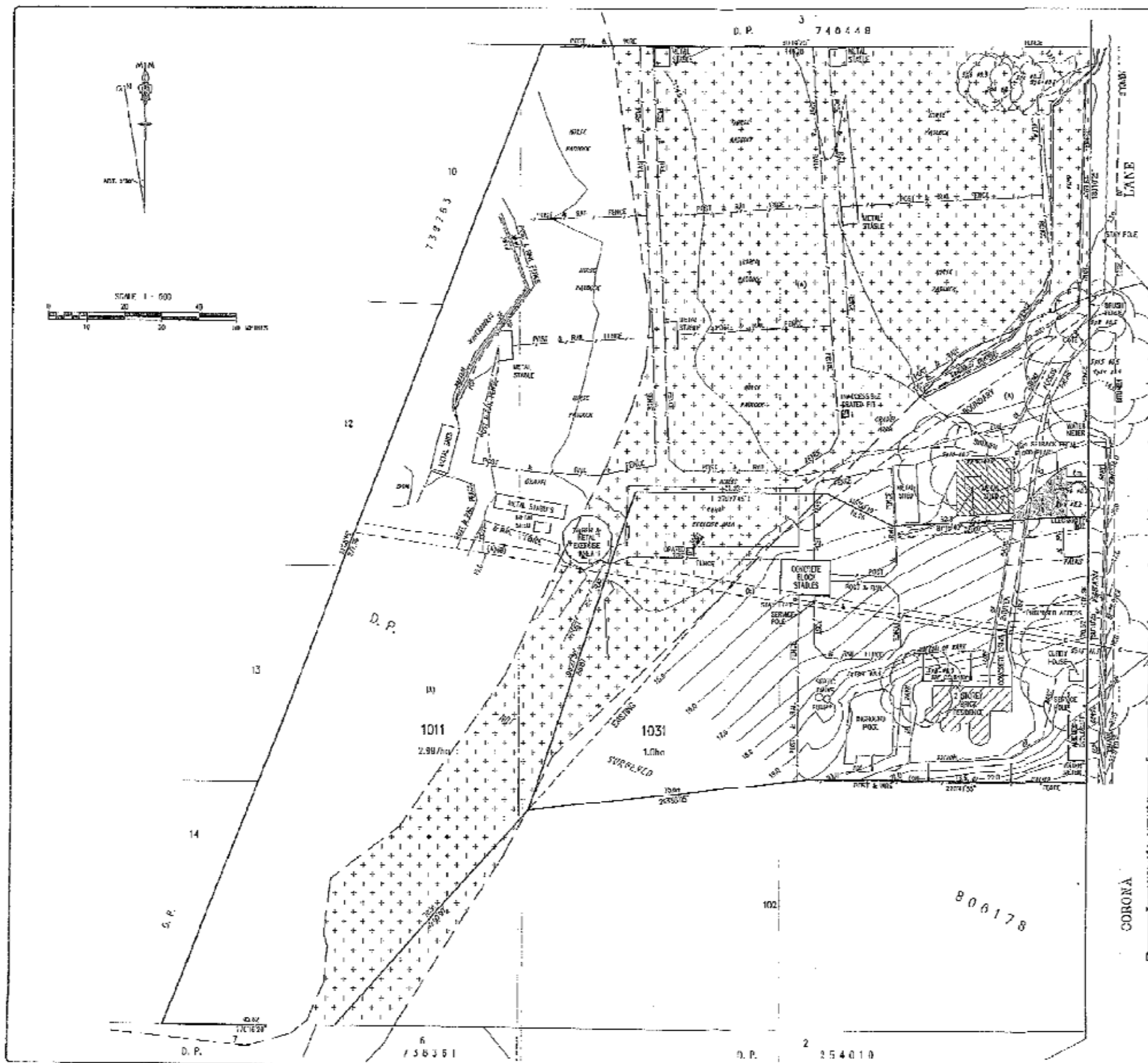
As the proposed boundary takes into account several existing structures and a hedge which provides privacy for Lot 1031 as well as for Lot 1011, a smaller setback was preferred. Aesthetically, a future change from the existing structures to a new dwelling may also be considered more desirable than retention of the former. Because those structures already exist, there is unlikely to be a negative impact on Glenning Valley, its sense of community or rural residential living, which are objectives of the DCP. The proposal also addresses the provisions of Cls. 3.13 and 3.14 of the DCP, with the proposed design being the preferred solution to multiple planning issues.

As a result of these design considerations, the application of the DCP's standard is considered both unreasonable and unnecessary. SEPP 1's aim of flexibility in the application of planning controls is addressed here, as it the DCP's own ability to remain flexible. The standard being objected to is not embedded within Council's LEP, but in a weaker planning document.

If no structures existed in the side setback area, then another result may have ensued. However, the standard does not fit the current situation well. Equally, if no hedge existed, then an argument might be mounted that the spaciousness typical of rural residential living would be hindered by this proposal. However, with an existing hedge and a relatively new dwelling on Lot 1031 which is set against its southern boundary at some distance from the Lot 1011 structures, spaciousness has been achieved, both perceptually and in fact. Solar access to the Lot 1031 house and its surrounds will be unaffected by the 2m side setback, partly because of the uphill slope in that area and the distance from the boundary to the dwelling.

Compliance with the standard does tend to hinder the attainment of the objects specified in 5(a) (i) and (ii) of the EPA Act, although it is acknowledged that some design options do exist.





**CAUTION - SERVICES LOCATIONS**

- THE POSITION OF SERVICES SHOWN ON THIS DRAWING ARE INDICATED ONLY AND HAVE BEEN PLOTTED FROM PLANS AND SHOWN FOR INFORMATION PURPOSES ONLY.
- SERVICE LOCATIONS FOR WATER, GAS, SEWER, ETC., SHOULD BE VERIFIED BY THE CLIENT. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES.
- SERVICE LOCATIONS SHOWN ON THIS DRAWING HAS BEEN OBTAINED THROUGH A FIELD SURVEY FOR THE SERVICE AND IS VALID FOR THE PERIOD OF THE SURVEY ONLY. THESE LOCATIONS ARE NOT TO BE USED FOR ANY OTHER PURPOSES.
- PRIOR TO ANY CONSTRUCTION, INVESTIGATION OR ADJACENT TO THE SITE IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND CONTRACTORS TO APPLY FOR AND OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL GOVERNMENT AND TO CONTACT ALL THE NECESSARY AUTHORITIES TO OBTAIN AND CONFIRM THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND SERVICES.

**NOTES**

1. BOUNDARY & DISTANCES ARE BY METRIC ONLY, NO BOUNDARY INVESTIGATION HAS BEEN CONDUCTED ON.
2. RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS INDICATED ONLY. THESE OFFSETS ARE ONLY THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.
3. DISTANCES SHOWN ON THIS DRAWING ARE APPROXIMATE AND SHOULD BE USED IN PREFERENCE TO DIMENSIONS. CONSIDER BY NOT REPRESENTING EXACT LEVEL AT ANY POINT.

**LEGEND**

- Surveyed
- State boundary
- Boundary
- Water hydrant
- Water tap valve
- Utility line
- Electric pole
- Electricity meter pole
- Electricity service cables
- Electricity underground cables
- Service mark
- Area (steeply sloped, bank diameter)
- Area affected by 10' and 20' scaled from existing state boundary
- Proposed utility easement
- Proposed utility easement

(A) EASTMENT FOR DIVISION  
 (B) EASTMENT FOR DIVISION  
 (C) EASTMENT FOR DIVISION

ORIGIN OF LEVELS - P.M. 63202  
 R.L. 53655 (A10)

DATE	
BY	
CHECKED	
APPROVED	

**CLIENT:**

WILLIAMS CONSULTING  
 PO BOX 4105  
 WASTAFLE  
 NSW 2257

**THEYR HIGOLD MEATE**

101 HILLYARD DRIVE  
 WASTAFLE NSW 2257  
 Phone: (02) 4351 2244  
 Fax: (02) 4351 1596  
 Email: wj@theyrhigoldmeate.com.au  
 www.theyrhigoldmeate.com.au

**DRAWING TITLE:**  
 PLAN OF PROPOSED BOUNDARY REALIGNMENT FOR DEVELOPMENT APPLICATION PURPOSES OVER PART LOTS 101 & 103 D.P. 806178, CORONA LANE, GLENNING VALLEY

DATE:	7/20/20	SCALE:	AS SHOWN
DRAWN BY:	DL	CHECKED BY:	DL
PROJECT:	20393	INSTRUMENT:	2
STATE:	NSW	DISTRICT:	20393

PROJECT NUMBER:	20393	DRAWING NO.:	SR01
DATE:	7/20/20	SCALE:	A

### **3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project**

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TRIM REFERENCE: F2009/00481 - D02060283

AUTHOR: KH

#### **SUMMARY**

This report provides an update on the progress of the Wyong Automotive Racing Precinct (WARP) Project. The report provides a summary of the background, key considerations and challenges of the WARP Project and recommends future actions.

#### **RECOMMENDATION**

- 1** *That Council approach Lower Hunter Local Councils and Gosford City Council to investigate potential sites within these local government areas for an Automotive Racing Precinct.*
- 2** *That if the investigations referred to in No 1 above result in a suitable site being identified, Council make available information relating to the research undertaken by staff on this matter.*
- 3** *That should a private consortium of developers find a suitable site within the Wyong Shire, Council provide information relating to the user group requirements and evaluation criteria will be made available if requested.*
- 4** *That Council advise those parties that have responded to the questionnaire, provided letters of support or objection of the decision.*

#### **INTRODUCTION**

At the Ordinary Meeting of Council dated 25 February 2009, Council resolved unanimously on the motion of Councillor McNamara and seconded by Councillor Vincent:

- 1** *That Council recognise in principle the need to establish a regional motor sport and driver education facility with a view to catering for a broad range of activities including driver education and training opportunities.*
- 2** *That Council determine, in partnership with the relevant Government Departments and various peak motor sport organisations, the level of industry support for the establishment of such a regional community facility.*
- 3** *That Council seek Expressions of Interest from potential user groups to provide User Group requirements including their potential usage level of such a facility and an indicative list of potential events which may be attracted including races showcasing vehicles using alternative technologies.*
- 4** *That Council investigate possible locations for a motor sport and driver education facility based on user group requirements.*
- 5** *That Council seek Expressions of Interest to build, operate and manage the facility including any alternate Financial Models including any benefits and revenue to the community and Council. Responses should include how they intend to offset green house gas emissions to make the motor sport carbon neutral.*

## **WARP PROJECT OUTLINE**

In response to the resolution of Council dated 25 February 2009, Council staff commenced a project for the Wyong Automotive Racing Precinct (WARP), to explore the potential to create a facility within the Wyong Shire which would provide for a number of the following uses:

- Driver education facility (both general and race car education);
- Car and motorcycle testing and racing facility;
- Provision for other motor sports such as drag racing, dirt bike tracks and karting;
- Mountain biking facility;
- Car dealer demonstration and corporate event site;
- Car enthusiast workshops and club use; and
- Concert venue/event space.

The WARP project was divided into 5 phases based on the requirements of the Council Resolution dated 25 February 2009:

### **Phase 1 – Project Establishment**

Phase 1 was undertaken between March 2009 and May 2009, and involved outlining the scope of works and establishing the project methodology.

### **Phase 2 – Literature Review**

The Phase 2 literature review was undertaken between May 2009 and June 2009. A basic literature review was undertaken to investigate existing motor sport facilities, for example:

- Ownership and management structures;
- Potential establishment and operating costs;
- Types of Motor Sports catered for; and
- Standard operating hours.

### **Phase 3 – Identify and Consult with Stakeholder Groups**

Phase 3 was undertaken between June 2009 and August 2009, by way of a questionnaire prepared specifically for this project. The aim of this questionnaire process was to obtain information from various user groups, such as anticipated usage levels of the facility, required hours of operation and types of facilities required, as well as any suggestions as to environmentally-friendly practices.

The questionnaire was distributed to the public in the following manner:

- a Direct targeting of user groups registered with the Confederation of Australian Motor Sport (CAMS) by either mail or e-mail;
- b Advertisement in the Central Coast Express Advocate on Wednesday, 1 July 2009;
- c Advertisement in the Shirewide News on 8 July 2009; and
- d Also advertised on Council's website.

The advertisements were utilised in order to alert any additional interested parties to the project that may have been overlooked as part of the direct targeting process. Each of the advertisements also provided a link to the questionnaire on Council's website, along with some general information about the WARP project. A copy of the questionnaire is provided in Attachment 1.



### 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project (contd)

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Council received a total of 196 completed questionnaires, all of which were extremely supportive of the WARP project. Questionnaires were received from a range of different organisations including major motor sport industry organisations such as CAMS and the Motorcycle Council of NSW; small motor sport clubs; and individual submissions from interested stakeholders. In addition, 55 letters of support were also received from interested parties. One objection to the WARP facility was received expressing concern that it might be located in close proximity to the Buttonderry Waste Management Facility.

A summary of the responses received as part of the questionnaire process is provided in Attachment 2.

#### **Phase 4 – Identify site options for Council land and other locations**

Phase 4 was undertaken between August 2009 and September 2009. Size, land ownership and location outside of Wyong Water Supply Catchment area was considered to be the key criteria for selecting sites at the beginning of this process, for the following reasons:

##### *a Size*

- As part of the early research and consultation phases of the WARP project, it became apparent that land size was a key consideration for such a facility, and that approximately 100ha would be required to establish a facility such as that proposed for the WARP.
- Council also considered smaller sites (52ha) as well as larger sites (461ha); however 100ha was accepted as the average amount of land required for a motor sport facility such as that proposed under the WARP project.

##### *b Ownership*

- Initially, only land in Council or Crown ownership was considered, given the costs that would be involved in purchasing privately owned land for this purpose. It was considered that if land was owned by Council or the Crown, then a lease agreement may be entered into for use of the site for the WARP facility.
- However, given the shortage of suitable sites in either Council or Crown ownership that also met the minimum size criteria, the ownership criteria was expanded in order to allow consideration of a larger number of sites.
- It should be noted that this expansion to privately-owned sites does not take into consideration the feasibility of purchasing a site for use as the WARP facility.

##### *c Located Outside of Wyong Water Supply Catchment*

- Motor sport venues can pose environmental risks to water resources through:
  - Clearing of native vegetation;
  - Leaks or spills of chemicals or petroleum hydrocarbons from storage areas, mechanical servicing areas and on the race tracks; and
  - Contaminated stormwater runoff.
- Strict planning provisions are imposed on development within water supply catchments to ensure adequate consideration is given to the potential impacts of development on the water quality and the environmental integrity of the catchments. This approach is utilised even where it is not certain when or if such problems will occur.

### 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project (contd)

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- Given these constraints, only land that is not located within the Wyong Water Supply Catchment was given consideration during the investigation process.

The information received as part of the Phase 3 questionnaire process assisted Council staff in investigating possible locations for where such a facility might be located within Wyong Shire. The outcome of these investigations produced 15 sites for further consideration, as follows:

*a Council-Owned Sites (5):*

- Buttonderry Waste Management Facility (West) – 850 Hue Hue Road, Jilliby;
- Buttonderry Waste Management Facility (East) – 850 Hue Hue Road, Jilliby;  
It should be noted that Council is considering a report on Development of a Commercial Strategy for the Buttonderry Waste Management Facility on this business paper.
- 
- Warnervale Education Precinct / Country Music Park – Lot 2 DP 1047484 – 30 Jack Grant Ave, Warnervale;
- Warnervale Aerodrome – 150-190 Sparks Rd, Warnervale; and
- 88-98 Alison Road, Wyong.

*b Energy Corporation-Owned Sites (2):*

- Munmorah Power Station – Scenic Drive, Colongra.
- Vales Point Power Station – Vales Road, Mannering Park.

*c Wyong Coal-Owned Sites (4):*

- Pt Lots 124 and 126 DP 755245 and Pt Lot 128 DP 658436 – Tooheys Road, Bushells Ridge.
- Lots 1 and 3 DP 260217; Lots 102 and 103 DP 755245 – Tooheys Road, Bushells Ridge.
- Lots 31 DP 258692, Lot 118 DP 755245 and Lots 1 and 4 DP 719762 – Tooheys Road, Bushells Ridge.
- Lot 1 DP 791157 and Lot 2 DP 791157 – 670 and 672 Hue Hue Road, Jilliby

*d Crown-Owned Sites (2):*

- Lot 195 DP 1032847 – 425 Bushells Ridge Road, Bushells Ridge.
- Old Pioneer Dairy – 2-70 Lake Road, Tuggerah.

*e Privately-Owned Sites (2)*

- These sites cannot be named in this report for reasons of confidentiality.

In order to assist the assessment of the suitability of each site for use as a WARP, each of these above sites was ranked based on the following criterion, established specifically for this project:

Table 1: Evaluation Criteria Utilised to Assess Potential WARP Sites.

Score	Size	Topography	Access (km from F3)	Ownership	Zoning	Distance to sensitive receivers (residential areas etc)	Ecological Constraints	Clearing required	Flood affected land	Land use conflicts	Highest and Best Use?
5	>150ha	Gently undulating with good natural viewing areas	<1km	Council	Permissible, no rezoning required	>3km	No EECs; no biodiversity corridors.	Cleared site. No clearing required.	No flooding issues	No conflict, site can be utilised immediately	No immediate plans for employment / residential uses.
4	125-150ha	Strongly undulating with good natural viewing areas	1-2km	Crown	n/a	2-3km	n/a	Low vegetation cover, little clearing required.	Minimal flooding	n/a	n/a
3	100-125ha	Gently undulating with few natural viewing areas	2-3km	Power Station	Permissible, however unlikely to meet objectives of the zone.	1-2km	No EECs, within Biodiversity Corridor	Medium vegetation cover.	Some flooding	Some conflicts	n/a
2	80-100ha	Very Flat	3-4km	Private Land, single owner	n/a	0.5-1km	EECs, not within Biodiversity Corridor	Heavily vegetated, small cleared areas.	Mostly flood affected	n/a	n/a
1	<80ha	Very Steep	>4km	Private Land, fragmented ownership in large parcels (>10Ha)	Not permissible, rezoning required	<0.5km	EECs, within Biodiversity Corridor.	Completely vegetated – major clearing required.	Fully flood affected	Significant conflict, restrictive time limit to commence/ conclude use.	Plans for land to meet Employment / Residential Targets

For each of the 15 sites, a score between 1 to 5 was assigned for each of the above criterion. This ranking process assisted in identifying the most suitable sites for the WARP facility, however it should be noted that these criterion were not exhaustive. As such, the highest assigned scores do not necessarily mean that it was the most suitable site for the WARP facility. The evaluation criterion is more usefully considered as a summary table to examine the different issues affecting each potential site.

One of the most important factors in determining a suitable site for a motor sport facility is the distance to sensitive receivers in terms of noise and vibration impacts. Such receivers are usually residential uses, child care centres, schools, hospitals, nursing homes etc. There is no specific separation distance requirement between such sensitive receivers and a motor sport facility, as every motor sport facility is different in terms of noise and vibration impacts, due to a number of factors including (but not limited to):

- The topography of the site and any natural or artificial noise mounding that is utilised to minimise noise escaping from the site to surrounding areas (sites with a natural dome topography are considered to be excellent in motor sport terms);
- The types of motor sport for which the facility caters, as the characteristics of the noise generated by different classes of vehicle varies (dirt bikes, dragway, V8 Supercars etc);
- The number of circuits which can be operated concurrently;
- The number of events each year; and
- The time at which the event takes place.

### 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project (contd)

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Whilst a number of steps, such as use of more effective mufflers and the erection of sound barriers (in favourable topographic situations) can be taken to reduce the adverse impact of noise from motor sports, noise in excess of the noise standard is a common occurrence at these facilities. Council has been advised of a variety of separation distance requirements, which range from a separation distance of 800m for a dirt-biking facility, to a separation distance of up to 3km for a facility which caters for a variety of motor sport uses such as V8 Supercars, motorcycles etc.

Unfortunately, there are few potential sites within Wyong Shire that are sufficiently separated from sensitive receivers that meet the other essential criteria as set out above.

#### **COUNCILLOR BRIEFING – 23 SEPTEMBER 2009**

A briefing of the Councillors was held on 23 September 2009, during which the Councillors were presented with the findings of the questionnaire process and the 15 potential sites. At the briefing session a number of Councillors expressed concerns about noise and vibration issues, and as a result of this significant constraint, a decision was made to eliminate all sites that were located less than 2km from sensitive receivers. This decision was supported by Mark Skaife of Skaife Racing who provided verbal comment to the briefing via a telephone conference line. This resulted in the elimination of all but 2 of the potential sites under consideration, both of which were under Wyong Coal Pty Ltd ownership.

The sites are known as Lots 1 and 4 DP 719762, Lot 31 DP 258692 and Lot 118 DP 755245 – Tooheys Road, Bushells Ridge; and Lots 1 and 3 DP 260217; Lots 102 and 103 DP 755245 – Tooheys Road, Bushells Ridge. However, the latter site was excluded from consideration given that Wyong Coal is proposing to utilise this site for on-ground facilities as part of the Wallarah 2 Coal Project (application is yet to be considered), including construction of a rail loop. As a result of this elimination, only 1 of the 15 potential sites remained as a potential site for the WARP.

During the Councillor Briefing, land owned by Warner Business Park Pty Ltd was suggested as an additional potential WARP site. This site occurs within part of the Wyong Employment Zone and is known as the Warner Industrial Precinct (WIP). A decision was made to investigate using the road system in the proposed industrial subdivision for street racing.

Therefore, following the conclusion of the Councillor Briefing, further investigations were undertaken in relation to the following 2 sites:

#### *a Warner Business Park Pty Ltd land (known as the WIP):*

- Councillors specifically requested that this site be investigated for use as a street circuit. It was recognised that the site was recently rezoned to enable industrial uses and the owner of these allotments has indicated that plans are being prepared for a future industrial park within this site. Therefore, the street circuit would more than likely need to operate as part of the proposed new industrial subdivision within the WIP.
- However, it is worth noting that the original intention for the WARP facility was to provide a dedicated, full-service motor sport facility that can operate year round rather than a site which could only be feasibly utilised a couple of times a year.
- In addition, Councillors were advised by Mark Skaife that a facility such as the proposed WARP would benefit most from a site which “showcases” the Wyong Shire (and thus attracts flow-on tourism and investment) and it is unlikely that an industrial park would achieve this.

### 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project (contd)

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- A meeting was held with the developer of the WIP on 29 October 2009 to discuss the possibility of locating a WARP facility on the above land. The developer advised that they would be prepared to sell the entire project at industrial land market rates to a proponent. It is likely that this would be cost prohibitive for any group to purchase the site for establishing a raceway given this advice. Council staff also queried whether the developer had considered holding street racing events within the future industrial estate. It was indicated that the industrial estate had not been designed to accommodate a street racing circuit and that this use would be in conflict with the types of users who will want to establish new businesses in the new industrial estate.
- Therefore, it is unlikely that a street racing circuit within the WIP will meet the requirements for the WARP facility.

#### *b Wyong Coal Pty Ltd Land at Bushells Ridge (west of F3 Freeway):*

Lot 1 DP 719762 – Tooheys Road, Bushells Ridge  
Lot 4 DP 719762 – Tooheys Road, Bushells Ridge  
Lot 31 DP 258692 – Tooheys Road, Bushells Ridge  
Lot 118 DP 755245 – Tooheys Road, Bushells Ridge

- Wyong Coal Pty Ltd has been approached in relation to the possibility of locating a WARP facility on the above land. Whilst not eliminating the prospect outright, Wyong Coal Pty Ltd representatives have advised Council that:
  - A portion of these sites may be required for vegetation conservation offsets.
  - Wyong Coal Pty Ltd would be looking to sell the land as opposed to leasing the land for such a facility.
- It is also worth noting that in order to obtain a large enough parcel of land for the WARP facility, additional privately-owned land (not currently in Wyong Coal Pty Ltd ownership) would also need to be purchased. This would add significantly to the cost of establishing the WARP facility in this location.
- These parcels of land are also quite heavily vegetated and are known to contain at least two Endangered Ecological Communities (EECs). The site is located within an area proposed as a major biodiversity corridor. The completion of the North Wyong Shire Structure Plan in 2010 will provide more certainty on the likely extent of future environmental areas and development areas in this location.
- Given these significant constraints, it is therefore considered unlikely that these allotments will provide a suitable future WARP site.

#### **Phase 5 – Undertake EOI Process for Building, Operation and Management of Facility.**

This Phase has not commenced at this point in time. The project brief contained a stop point which stated that Council will not move onto Phase 5 unless a suitable parcel of land is identified for such a facility. If a privately-owned parcel of land is identified Council will need to ensure that a strategy is in place to identify how such a facility would be developed on the site.

As identified in the discussion above, it is not considered that a suitable public or privately-owned parcel of land has been identified as part of this project. It is therefore recommended that further work on this phase be delayed until such time as a suitable site is identified.

**CONCLUSION**

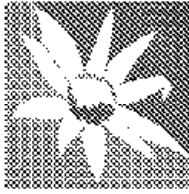
Given that no suitable locations have been identified to establish a WARP facility in Wyong Shire, it is recommended that staff approach Councils located within the Lower Hunter Region (Lake Macquarie, Newcastle, Cessnock, Maitland and Port Stephens Councils) and Gosford City Council to determine whether there are any potential sites for an Automotive Racing Precinct within these areas. These Council areas have been selected due to their proximity to both Sydney and Wyong, ensuring that such a facility could draw on the largest possible user group.

If these further investigations result in a suitable site being identified within these neighbouring areas, it is recommended that the results of Council's research and any information relating to user group requirements and evaluation criteria be made available to that Council.

It is also recommended that if a private consortium is able to acquire suitable land within the Shire, Council staff discuss any such locations which might be put forward in the future with the consortium. However given the high cost, fragmented nature of the land holdings and various environmental constraints, it is considered that this is unlikely to occur.

**ATTACHMENTS**

- |   |                                      |           |
|---|--------------------------------------|-----------|
| 1 | Questionnaire                        | D02060221 |
| 2 | Questionnaire - Summary of Responses | D02060226 |



## WYONG SHIRE COUNCIL WYONG AUTOMOTIVE RACING PRECINCT – QUESTIONNAIRE

### ORGANISATION / CLUB INFORMATION

Name: \_\_\_\_\_

1. Who is your nominated contact? \_\_\_\_\_
2. What is your preferred contact number? \_\_\_\_\_
3. What is your preferred email address? \_\_\_\_\_
4. What type of Motor Sport is your Organisation / Club involved in? Racing, Supersprint, Drift etc:  
\_\_\_\_\_  
\_\_\_\_\_

5. What is main activity of your Organisation / Club? Racing, Social, Shows, Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Approximately how many active members are involved in your Organisation / Club?  
\_\_\_\_\_

7. On average, approximately how many people attend your events?  
\_\_\_\_\_  
\_\_\_\_\_

### ORGANISATION / CLUB NEEDS

8. Would your Organisation / Club utilise a Motor Sport facility located in the Wyong Shire area?  
\_\_\_\_\_  
\_\_\_\_\_

9. For what purposes would your Organisation / Club utilise the facility? Racing, Social, Other:  
\_\_\_\_\_  
\_\_\_\_\_

10. What type of facilities does your Organisation / Club require and what facilities would you like to see in the Wyong Automotive Racing Precinct in general?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. How many times per annum does your Organisation / Club use similar type facilities and which facilities are they?  
\_\_\_\_\_  
\_\_\_\_\_

12. What makes a suitable race track for your type of Motorsport and your spectators? Please provide details including size (length of track and area of land required), topography etc?

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13. Would your Organisation / Club require that the facility operate on a full-time basis, 7 days a week?

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14. What level of assistance does your Organisation / Club require in organising, managing and operating a successful club event? Would your Organisation / Club require assistance from Council's Sports Liaison Officer to help manage your events?

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15. What similar activities could you see such a facility being co-located with?

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16. Does your Organisation / Club have any ideas as to how Council may ensure that environmentally-friendly practices are applied to the Wyong Automotive Racing Precinct?

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17. Is there anything else you would like to add?

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\*\*\*\*\* Please return to Wyong Shire Council by 17 July 2009 \*\*\*\*\*

By mail to: Kathryn Heintz  
C/- Wyong Shire Council  
PO Box 20  
Wyong NSW 2259

Or by Email: [kathryn.heintz@wyong.nsw.gov.au](mailto:kathryn.heintz@wyong.nsw.gov.au)

If you would like to discuss the Wyong Automotive Racing Precinct (WARP) project in further detail, please contact Kathryn Heintz on (02) 4350 5552.



### WARP Questionnaire Summary

Expressions of Interest (EOI) have been called and advertised in the local newspaper and on Council's Website on 1 July and 8 July 2009. The EOI period closed on 17 July 2009. 196 completed questionnaires were received, as well as 55 emails and letters expressing support for the Wyong Automotive Racing Precinct (WARP) project. Results as follows:

#### 1. What type of Motor Sport is your Organisation / Club involved in?

- Motorsport:
  - Supersprint – 56
  - General Road Racing – 40
  - Hill Climb Circuit – 34
  - Skid Pan Motorkhanas – 34
  - Motorcycle Racing – 26
  - Circuit racing – 17
  - Rally cross – 14
  - Regularity – 12
  - Speedway Racing – 9
  - Khanacross – 8
  - Historic Car Racing – 8
  - Club track practice – Driver / Rider training and coaching – 81
  - Social – 75
  - Display days – 27
  - Corporate events / Organising and Promoting race meetings – 5
  - Bicycle racing and skills development – 3
  - Mechanical – 2
- Drifting – 7
- Drag Racing / Street Rodding – 6
- Dirt Circuit Sprints – 6
- Historic Motorcycle Racing – 5
- Karting – 4
- Gymkhana – 2
- Lap dashes – 2
- Autocross – 2
- Concours d'Ellegance – 1
- Dirt Biking – 1
- 4WD – 1

#### 2. Approximately how many active members are involved in your Organisation / Club?

- Less than 50 – 34
- 50-100 – 32
- 101-150 – 17
- 151-200 – 3
- 201 or more – 33

#### 3. On average, approximately how many people attend your events?

- Less than 50 – 31
- 50-100 – 32
- 101-150 – 16
- 151-200 – 3

201 or more – 23

**4. Would your Organisation / Club utilise a Motor Sport facility located in the Wyong Shire area?**

Yes – 196

No 0

**5. What type of facilities does your Organisation / Club require and what facilities would you like to see in the Wyong Automotive Racing Precinct in general?**

**Race Track Facilities:**

- Lecture rooms / Club room facilities for driver briefings, post event presentations and corporate functions etc – 32
- Control tower for event commentary/timing and organization – 29
- Electronic Timing Ground loops – 12
- Medical bay - 9
- Covered areas for officiating – 3
- Driver training area – 7
- Scrutineering facilities – 6
- PA facility – 6
- Flags and flag points – 3
- Fire marshalls and travelling marshalls – 3
- Dummy grid – 4
- Office/Sign-on area – 3
- Lighting for night racing – this is often overlooked at most circuits – 2
- Exhibition Hall – 2
- Grassed show areas – 2
- Integrated communications system would be beneficial - 1

**Amenities:**

- Catering – Canteen / Café – 49
- Adequate toilet facilities at various points of circuit, all with disabled access – 39
- On-site or nearby accommodation - Camping facilities – showers/toilets/taps/power etc – 22
- Shower and change facilities – 13
- BBQ facilities – 6
- Wireless Internet Access Points – especially for international teams and media – 4

**Pit facilities:**

- Carports and/or lockable covered garages with power - 51
- Covered, powered pit area - 35

- Availability for fuel purchases on premises – Avgas, pump gas, methanol etc (Recommend sourcing external supplier to run for you)
- Fuel Facilities – 16
- Power and compressed air to all garages – 5
- On-site storage facilities – 3
- Safe pit entry and exits – 3
- Car wash facilities – 3

#### **Spectators:**

- Good viewing areas for spectators that afford wide viewing angles, of as great an area of the track (or tracks) as possible. The track should be bordered on two or more sides with grassed embankments to facilitate viewing, and to restrict noise. Visibility of all or majority of circuit from all spectator points – 53
- Shade and shelter for spectators – 20
- Grand stands – 11
- Under cover child care/play area away from high traffic access roads – 5
- Clear traffic ways that segregate competitor and spectator traffic – 1

#### **Miscellaneous**

- Adequate parking, preferably paved – 23
- Paddock areas that facilitate access for light vehicles towing car trailers, preferably sealed and undercover – 7
- Affordable rates/fees – 3
- Security – both during meetings and after. For multi-day meetings overnight security is required to ensure safety of competitors equipment – 1
- Area for static displays – 1

#### **6. How many times per annum does your Organisation / Club use similar type facilities and which facilities are they?**

Nil - none in local area : 7  
 Under 10: 82  
 11-20: 36  
 21-30: 9  
 31-40: 1  
 41-50: 2  
 More than 50: 4

#### **7. What makes a suitable race track for your type of Motorsport and your spectators?**

##### **Best Tracks in Australia:**

- OP – 19
- Wakefield Park – 17
- EC – 12

- Phillip Island – 2
- Mallala – 3
- Morgan Park – 1

**Track Stats:**

- Length: Minimum overall length of 2.5km is required if it is to be “sub divisible” for concurrent events, and between 3.5 and 5km provides for more scope when doing so – 78
- Undulating, with a mix of corner types so as to challenge a cars handling – 45
- Skidpan area – 40
- Fast and slow corners - Sweeping bends + P10 corners – 34
- Adequate Run-off areas of hard surface – 24
- Long Straights– 17
- Width - Minimum 8m – 10m wide – 12
- Reconfigurable Circuit: An ideal circuit can be configured into 2 or 3 different layouts, preferably that allow multiple events to be hosted at the same time – 8
- Ripple strips – 4
- Sand traps – 3
- Heavy road base compaction to ensure surface smoothness – 1
- No loose gravel around track edges – 1

**8. Would your Organisation / Club require that the facility operate on a full-time basis, 7 days a week?**

No – 117

Yes – 43

For the most part, participants require the track only on Friday, Saturday and Sunday. However, many would use the facility on other days for driver/rider training, practice days, and corporate events. Car companies, driver training organizations etc would use the facility during weekdays.

**9. What level of assistance does your Organisation / Club require in organising, managing and operating a successful club event? Would your Organisation / Club require assistance from Council's Sports Liaison Officer to help manage your events?**

None – 131

Yes – 14

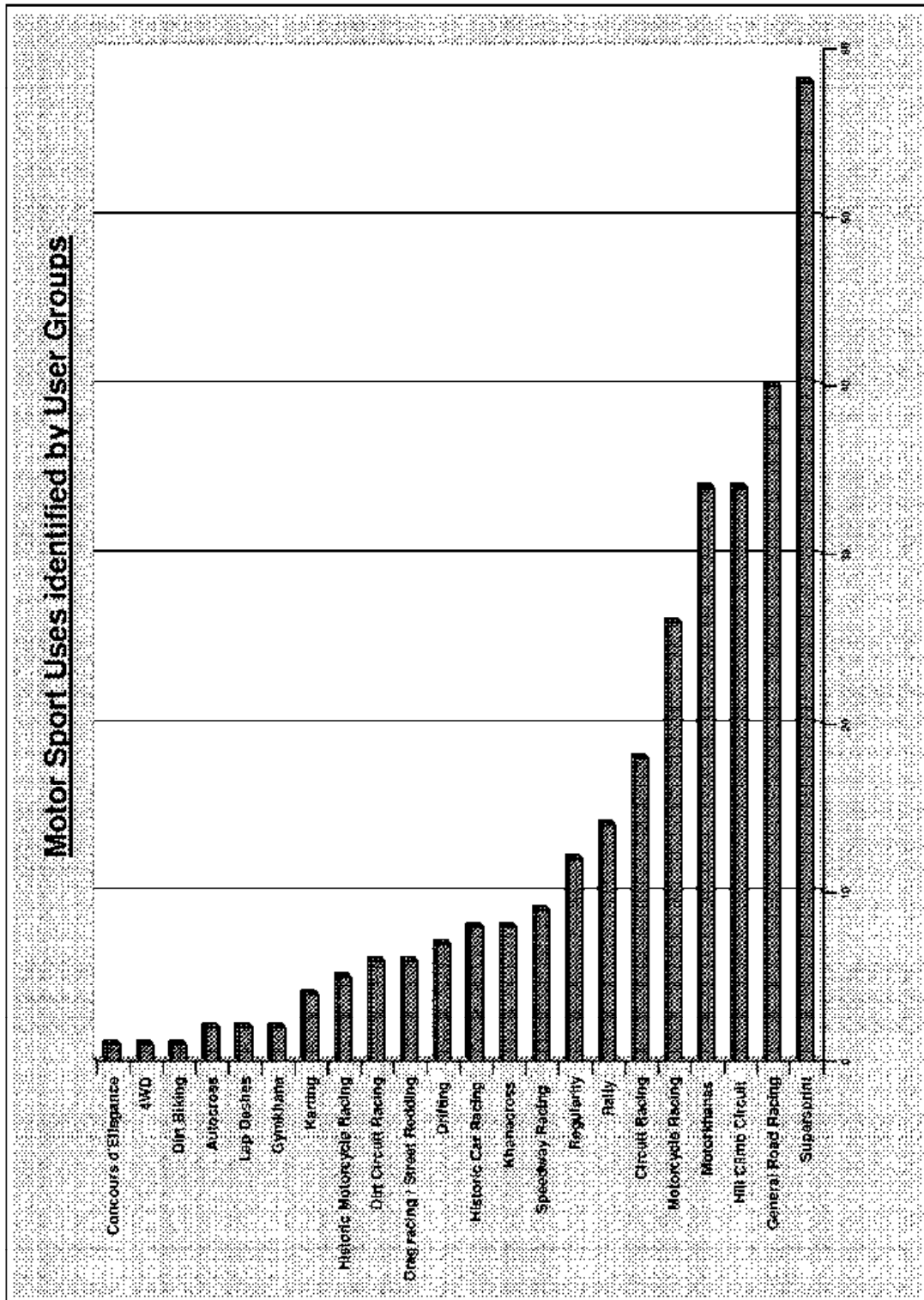
**Some comments:**

- Some help with promoting events – 4

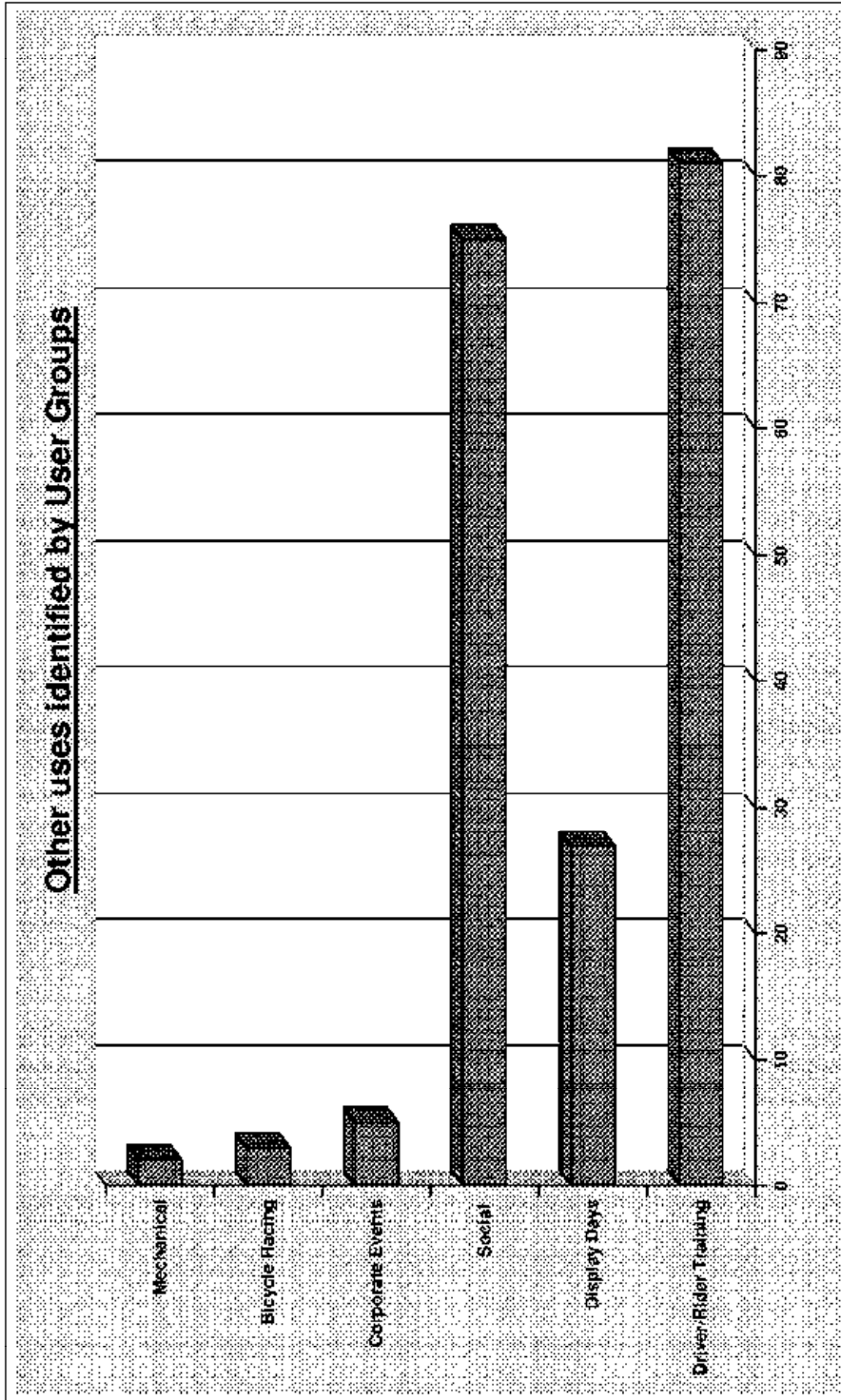
- Assist with pointing visitors to accommodation, restaurants etc – 3
  - Medical staff on site – 2
  - Site equipment – 2
  - OH+S, Insurance, Public liability – 2
  - Would depend on size of the event as well - Not a basic club show but if major events could be organised assistance would probably be greatly appreciated – 2
  - Assistance running the services (ambulance, flags, tower etc) would be necessary. Appreciate a liaison officer to assist with securing track access and as a central point of contact to maintain two way communications between the circuit operator, and the users – 3
  - Maintenance of the facility is vital to ensure it stays an attractive and comfortable place to stage events – 1
  - Need flags, fire extinguisher points etc – 1
  - Require basic track control and safety staff along with catering staff – 1
  - Track should have its own accredited officials to provide the basic level of supervision e.g. safety accreditation / medical / course vehicles / recovery vehicles etc – 1
  - A registry of recommended support services would be advantageous. This could include timing, flag marshalling and ambulance / recovery – 1
  - PA, electrics, water supply toilets etc that may play up and need attention on race days – 1
  - Assistance would be welcome with (1) sourcing officials (particularly marshals); (2) circuit bookings (currently a labour intensive task) and possibly (3) specialist services for medical, fire and rescue – 1
- 10. What similar activities could you see such a facility being co-located with?**
- Driver training facility – Training Organisations: Commercial Driver Training businesses, both general, and race oriented – 28
  - Workshops: Auto engineering/tuning, Spare parts, Towing and panel beating, Automotive repairers – 23
  - Concert space (if the track is the centre of a "bowl" or amphitheatre) – 7
  - Moteis and Caravan Parks – 6
  - Conference Centre / Corporate days – 5
  - Industrial precinct – 5
  - Karting – 4
  - Sporting Park – Football Ovals, Netball Courts – 3
  - Shooting / Archery Complex – 3
  - Airport/Heliport – 3
  - Race preparation specialists – 3
  - Parkland – 3
  - Markets / Feles – 2
  - Museum – 2
  - Exhibition Centre – 2
  - Restaurants – Some consideration should be given to attracting a motorsport themed restaurant or tavern so that meals and social events could be held during and after events – 2
  - Social area, BBQ's, Lecture Hall – 2

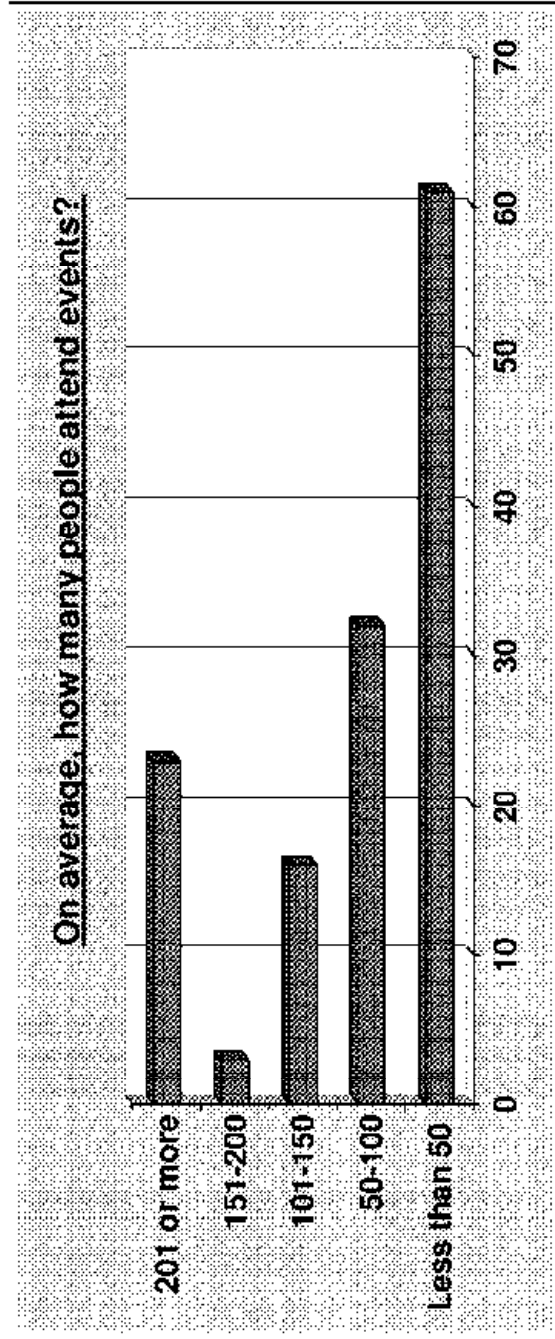
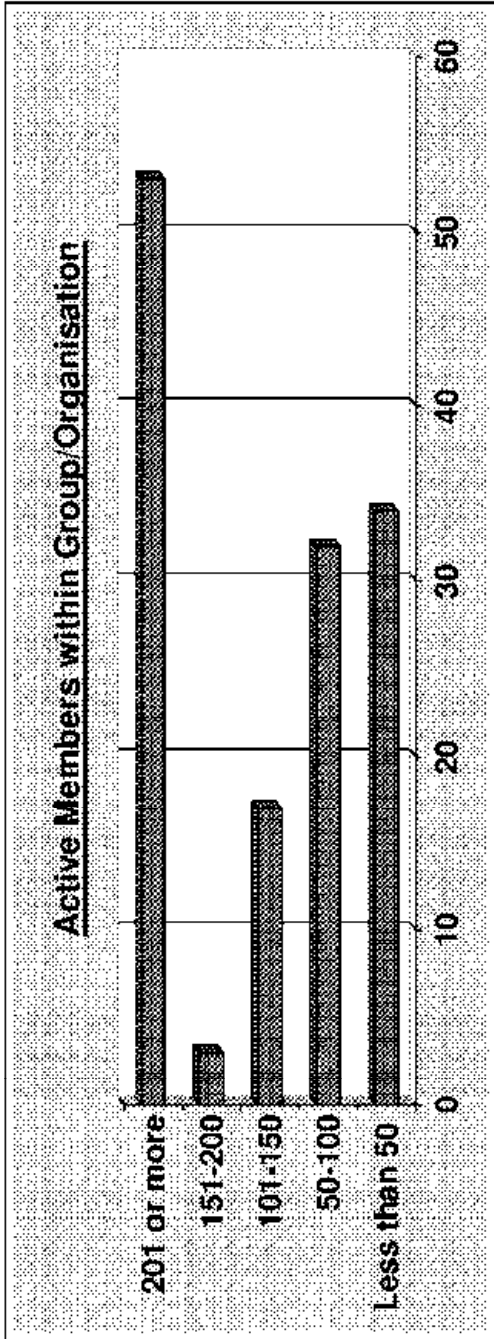
- Motor sport industrial area with various specialist engineering, motor sport preparation and equipment suppliers attracted to establish at the facility. Some racing teams may be interested in establishing their bases at such a facility particularly with the facility available for testing during the week – 2
  - Vehicle storage facilities – 2
  - 4WD Course – 2
  - If located next to a river or lake Sailing, Rowing & Motor Boat Clubs – 1
  - If located near a dam, the dam could be used by Model Boat Clubs – 1
  - Industrial areas, especially high noise industry, Airport, railway or trucking facilities – 1
  - Golf Course – 3
  - Drive-In Theatre – 1
  - Adventure Sport Complex – 1
  - Rodeo – 1
  - Motor Sport Centre of Excellence – 1
  - Horse Complex – Polo, Equestrian – 1
  - Skater/BMX Park – 1
  - Restoration businesses – 1
  - General hardware – 1
  - Commercial vehicle cleaning, detailing and pre delivery – 1
  - Radio controlled model aircraft or model rocketry – 1
  - A facility such as this necessarily covers a considerable land area which remains largely unused such as the infield and the space between the facility's sections. This could be used as parkland, solar or wind electricity generation, a lake or other things so as to mitigate any environmental impact created by the establishment or ongoing use of the facility itself – 1
- 11. Does your Organisation / Club have any ideas as to how Council may ensure that environmentally-friendly practices are applied to the Wyong Automotive Racing Precinct?**
- Limits on noise levels – 23
  - Limits on operating hours – 6
  - Sufficient landscaping and other barriers to minimise noise – 10
  - Monitor noise levels – 3
  - Sediment control – 2
  - Collect water from roof of buildings, skid pan etc for use on-site e.g. feed it back into the skidpan supply – 21
  - A large dam inside the circuit layout could be used to drain rain water into and in turn be used for irrigation of plants, grounds or skid pan. It could also be used for toilet flushing in amenity blocks. It is important that NO rainwater runs across the circuit during times of heavy rainfall – 1
  - Rainwater tanks – toilets/showers etc – 1
  - Stormwater drainage into an oil separator prior to entering stormwater disposal system – 6
  - Bore water irrigation – 1

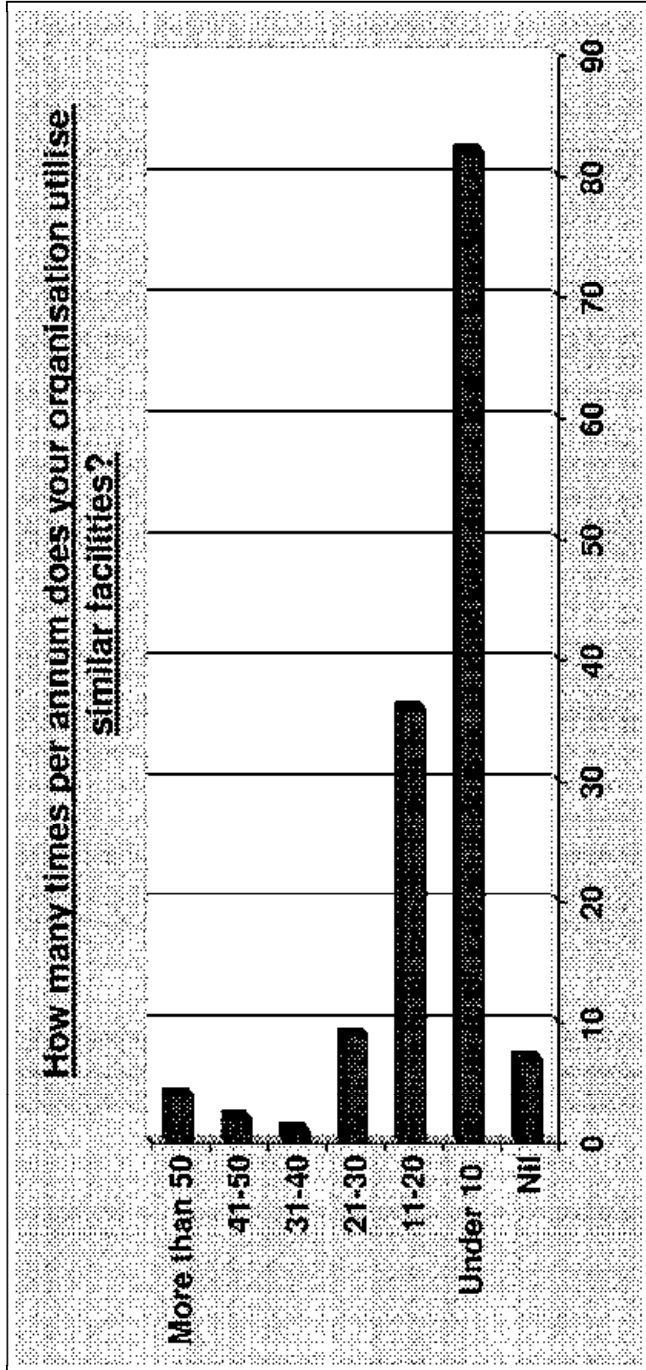
- Integrate with public transport – 2
- Charging a green levy to each competitor – 3
- Plant a tree for each entry into facility, around perimeter of the facility – 3
- Offset carbon emissions – 4
- Natural gas, Wind or Solar power for all buildings and electrical needs – 8
- GBCA 5 Green Star construction of buildings – ensuring facilities are built using sustainable practices / Passive design of buildings – 4
- Promotion of the use of environmentally friendly and alternative fuel at the facility e.g. Use of Methanol – 8
- Provide an Environmental Liaison Officer for the track – 3
- Provide waste oil and fuel container recycling facility – 22
- Provide facilities that encourage collection, segregation and recycling of waste, including engine oil, engine coolant, paper, solids, and other materials – 2
- Used tyre collection and recycling, old tyres are able to be utilised as barriers, saving land fill – 4
- Used Battery station/disposal area for battery recycling – 3
- Clay/mud retrieval bins located through out the pit area for recycle back into track – 1
- Provide spill kits (powder for oils) / Enviromats – 3
- Adequate DBA meterage – 1
- 4WD recreational circuit (avoids damage to bushland) – 1
- Paperless administration – 1
- Provide bins to stop littering – 1











#### 4.1 Contract Variations and Finalisation - October 2009

TRIM REFERENCE: D02065706

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 October 2009 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.*
- 2 *That Council approve increases to the budgets of the following contracts to provide for further, potential variations:*

<i>2a</i>	<i>Stormwater Treatment Works Project</i>	<i>CPA/158923</i>	<i>34,000.00</i>
	<i>#8</i>		
<i>2b</i>	<i>Supply of Bulk Liquid Chlorine</i>	<i>CPA/107736</i>	<i>40,000.00</i>
- 3 *That Council note that changes will be made to the Management Plan to reflect revisions to contract budgets.*

##### BACKGROUND

Contracts entered into by Wyong Shire Council (WSC) are awarded either by Council resolution or under delegated authority. S.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 seeking 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 programme and runs a lesser risk of the program being curtailed to a serious degree as unforeseen needs arise.

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

There were no 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 Budget Impact</b>	<b>Impact \$</b>
2a	Estuary Management Plan - Stormwater Treatment Works Project No.8 (CPA/158923)	Waterways Environmental Levy	Neutral – There are sufficient funds remaining in the Programme Budget to cater for increased contract costs.	-
2b	Manufacture, Supply & Delivery of Bulk Liquid Chlorine (CPA/107736)	Water Treatment Plant Operational Budget	Neutral – Operational budget has sufficient funds for extended supply period.	-
		<b>Total Impact</b>		<b>Nil</b>

**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 but have resulted in additional funding being required for two of the reported contracts.

**ATTACHMENTS**

1 OM 25-11-09 Attachment 1 Contract Variations October 2009 D02065682

## Attachment 1 – Contract Variations for October 2009

### Upgrade Works to The Buttonderry Waste Management Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency  Total Approved Budget (incl. contingency)	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
			\$	\$	\$	\$	\$	\$	
152870	11-02-2009	G W H Construction NSW Pty Ltd	2,658,878.00	3,204,778.00	237,000.92	20,242.53	257,243.45	2,916,121.45	Management Plan Line 4.5.17
<b>Individual Variations For Reporting Period</b>									
Description				Value \$	Description			Value \$	
Variation 26 - Latent condition: Removal and backfill of buried rubbish and loose material encountered during the installation of junction pit at leachate line in Small Vehicle Transfer Facility area. Rate for unsuitable material included in tender documents to allow valuations as required.				2,739.00	Variation 30 - Provide enhanced security against theft and vandalism by installation of fencing and two access gates to protect Main Switch Board. Also improved safety by prevent access by children and unauthorised persons.			2,051.50	
Variation 27 - Further amendment required to electrical drawing associated with the removal of the hazardous good store.  Note - A separate deduction of \$22,991.78 (refer Variation 10) was received for deletion of hazardous good store from the Small Vehicle Transfer Facility area				2,959.00	Variation 31 - Opportunity taken to make alterations to joinery items in administration building to allow space for future dishwasher to cater for use of building as training/seminar facility. Work included plumbing and electrical connections.			1,958.00	
Variation 28 - Provision of additional grounding connection to roof structure to remove static charges occurring during roof installation at Small Vehicle Transfer Facility. Proximity of overhead high voltage power lines was found to generate charges that could not be discharged by designed connection. This variation addressed unexpected safety issue.				1,237.50	Variation 32 - Opportunity taken to provide electrical power supply for a cardboard compactor to be installed in Small Vehicle Transfer area as part of recycling facilities by others.			3,554.65	
Variation 29 - Opportunity taken to utilise contractor's resources at rates consistent with other contract works to replace section of existing kerb and dish crossing with new roll kerb and gutter to improve road formation stability. Works also included subsurface drainage behind kerb to ensure adequate drainage is provided within entry road.				5,742.88					

Work under the contract is estimated at 90% complete. The variations shown above are covered by the approved contract budget.

As previously reported to Council, a number of further variations to the contract are anticipated, but are yet to be assessed and valued, including:

- Latent conditions encountered during sub-grade preparation for entry roads requiring the supply of a higher quality base material for road construction - estimated cost \$100,000.
- Additional works for drainage improvements - estimated \$20,000.

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 Woongarrah Sports Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value of Variations \$	(f) = (a) + (e) Actual Contract Value \$	Source of Funds
153228	08-04-2009	Maincon Pty Ltd	4,620,995.00	5,203,095.00	166,109.40	192,165.47	358,274.87	4,979,269.87	Section 94

### Individual Variations For Reporting Period

Description	Value \$	Description	Value \$
Variation 11 - Latent condition - Remediation of main material stockpile on site. Required material to be conditioned and dried prior to use on field. Material found to be over-wet for satisfactory compaction. Ability to condition and dry material resulted in savings estimated at approximately \$100K.	95,107.50	Variation 13 - Modifications required to crib wall around practice cricket wicket area to match extended rock wall on western side of field (Variation 12) and better match final trimmed ground levels. This variation ensures improved visual matching of walls and also minimises maintenance issues with steep slopes on surrounding batters.	25,270.03
Variation 12 - A design enhancement was required along western boundary to extend the designed rock retaining wall to give improved and widened spectator area, reduce batter slopes to minimise water runoff damage and minimise tree disturbance. Required additional rock (at no supply cost from Buttonderry landfill). Rates for work in accordance with previous variations and considered reasonable.	71,787.94		

Work under the contract is estimated at 55% complete.

As reported previously, further variations are anticipated, including:

- More substantive work at the Hakone Rd intersection in light of projected increased traffic volumes. This represents a scope change to the original project, which only allowed for minor roadworks along the site frontage. The opportunity was taken to provide improvements using contract resources available on site to provide these improvements at a price that represents good value for Council. Estimated value \$100,000.00
- A number of smaller variations including adjustments to the Provisional Sums allowed in the contract for power supply and floodlighting (to match final costs after designs were completed by the supply authority and lighting subcontractor), fencing adjustments and building changes. Estimated value \$100,00.00.

These variations are yet to be fully assessed and valued.

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 Mannering Park Sewerage Treatment Plant Inlet Works**

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
			\$	\$	\$	\$	\$	\$	
159880	22-07-2009	Eire Contractors Pty Ltd	1,191,000.00	1,369,000.00	31,000.00	1,056.00	32,056.00	1,223,056.00	Loan Funds
Individual Variations For Reporting Period									
Description				Value \$	Description				Value \$
Variation 2 - Engage surveyors to provide additional information not included in original tender drawings to allow complete set out by contractor.				1,056.00					

Work under the contract is estimated at 15% 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.

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

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency  Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
			\$	\$	\$	\$	\$	\$	
162813	08-07-2009	Court Craft (Aust) Pty Ltd	598,761.64	705,000.00	24,031.60	79,717.48	103,749.08	702,510.72	Federal & State Government Grants. Netball Assoc. Contribution.

#### Individual Variations For Reporting Period

Description	Value \$	Description	Value \$
Variation 2 – Latent condition: Removal and replacement of extensive unsuitable material found in sections below sub-grade level of courts. Required to achieve suitable base to support base course and concrete slab. Initial geotechnical information from 3 boreholes did not isolate likely problem areas.	45,228.01	Variation 4 - Latent condition: Remove additional soft spots after proof-roll on courts 4 - 6, place special geo-textile material and 200mm of road base in accordance with geotechnical consultant's recommendation.	14,236.90
Variation 3 - Opportunity taken to condition limited quantity of excavated materials with lime for re-use under courts rather than removal from site at extra expense. This variation is for labour cost to supply and spread lime into excavated material.	390.82	Variation 6 - Latent condition: Removal of excess spoil to landfill generated from soft spots in Variation 2.	19,861.75

Work under the contract is estimated at 98% complete.

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

## Holiday Parks Upgrade Works - Design Consultancy

Contract Number	Date of Council Approval	Contractor	(a) Initial 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
113453	22-11-06	BHI Architects	329,073.00	362,073.00	NIL	16,180.00	16,180.00	345,253.00	Loan Funds
Individual Variations For Reporting Period									
Description					Value \$	Description			Value \$
Variation 1 - Amendments to Statement of Environmental Effects for all four Holiday Parks to include additional material required to obtain approval for the Development Applications for Holiday Parks Upgrade works.					1,800.00	Variation 4 – Variation covered three elements: <ul style="list-style-type: none"> <li>• Provision of designs for effluent disposal systems at each of the four holiday parks as required by regulations.</li> <li>• Enhancements to design specification that included changes to colour and finish of entry buildings to improve final appearance of constructed works.</li> <li>• Reconfiguration of drive through sites to accommodate large recreational vehicles.</li> </ul>			3,210.00
Variation 2 – After the review of concept designs, it was determined appropriate amendments need to be undertaken to enhance the proposed capital upgrades to align with market demands. This included design documentation for: <ul style="list-style-type: none"> <li>• Upgraded standards of refurbishment to cabins;</li> <li>• Provision of “jumping pillows” in lieu of multi-purposes courts; and</li> <li>• Amendments to plans for DA submission to support above changes.</li> </ul>					4,170.00	Variation 5 – Redesign of swimming pool to accommodate aquatic features. The original Brief for 2008/09 works called for a basic swimming pool. On advice from Council's consultant engaged to assist with the overall Holiday Park upgrades, Council changed the original concept to that of a swimming pool with aquatic features. This change involved a redesign of the original layout and the inclusion of a “spray pad” to accommodate these aquatic features. The scope of works for the architectural, hydraulic and structural sub-consultants were varied accordingly.			4,000.00
Variation 3 – Provision of visual representations of some elements of the proposed capital works for public exhibition and internal presentations purposes.					3,000.00				

Work under the contract is estimated at 99% complete.

This contract included the development and subsequent approval by Council of a five year plan to upgrade Council's Holiday Parks from 2006/07 to 2010/11 and the provision of detailed designs for each successive year. The consultant is currently finalising designs for work to be undertaken in 2009/10 and 2010/11. With the information currently available, the contract budget as approved by Council is considered sufficient. No increase to the contract budget is therefore sought.

**Design & Approvals Consultant - Mardi to Mangrove Link Project**

Contract Number	Date of Council Approval	Contractor	(a) Initial Approved Contract Value  \$	(b) = (a) + Council Previously Approved Increase  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	12-12-07	GHD Pty Ltd	5,944,476.36	14,125,476.36  (as amended by Council at meetings of 27-08-08 & 20-05-2009)	4,341,000.22  (includes all Increases over initial contract value)	302,500.00	4,643,500.22	10,587,976.58	50/50 Gosford & Wyang Councils
Individual Variations For Reporting Period									
Description				Value \$	Description				Value \$
Variation 25 – The Provisional Sum Items within the original contract provided for design of: <ul style="list-style-type: none"> <li>• One Major Crossing at a cost of \$100,000, and</li> <li>• One Minor Crossing at a cost of \$60,000.</li> </ul> The revised pipeline route required design of: <ul style="list-style-type: none"> <li>• 1 Micro Tunnel,</li> <li>• 26 Trenched Crossings, and</li> <li>• 6 Pipe Bridges.</li> </ul> The total value of this additional work is \$302,500 The variation cost is considered reasonable for the complexity of the work required.									302,500.00

Work under the contract is estimated at 95% complete.

The remaining contract budget is expected at this time to see completion of work under the contract.

No increase to the contract budget is therefore sought.

### Design and Tender Documentation of No 3 Aeration Tank Charmhaven Sewerage Treatment Plant

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
145814	22-10-08	Cardno Qld Pty Ltd	144,755.00	186,230.00	13,002.50	28,123.00	41,125.50	185,880.50	Loan Funds
Individual Variations For Reporting Period									
Description					Value \$	Description			Value \$
Variation 6 - Additional work to design replacement of pre-aeration chamber with an alternative improved design. The change was necessary to overcome safety and operational difficulties identified with pre-aeration tank.					3,490.00	Variation 8 - . Investigations for No 3 aeration tank had revealed badly corroded structural components leading to requirement for improved odour control works. Additional design and documentation work for an odour control system was directed to mitigate future corrosion issues at the inlet works.			22,983.00
Variation 7 – Additional work to amend design of the base of the new aeration tank to allow mechanised removal of accumulated grit.					1,650.00				

Work under the contract is estimated at 98% complete.

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

**Estuary Management Plan - Stormwater Treatment Works Project No.8**

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
			\$	\$	\$	\$	\$	\$	
158923	13-05-09	Enviropacific Services Pty Ltd	342,396.60	376,636.00	NIL	43,494.00	43,494.00	385,890.60	Waterways Environmental Levy
<b>Individual Variations For Reporting Period</b>									
<b>Description</b>				<b>Value \$</b>	<b>Description</b>				<b>Value \$</b>
Variation 1 - Additional work not envisaged to be required in original project scope being the removal of 263 tonnes of asbestos-contaminated spoil to a licensed waste management facility. Pieces of asbestos found buried on what appeared to be undisturbed foreshore. Includes costs for hygienist and further site investigation to establish extent of contamination.				43,494.00					

Work under the contract is estimated at 60% complete.

The variation for the reporting period resulted from unexpected asbestos contaminated material (ACM) being discovered on the site. The cost to remove the ACM fully utilised all contingency funds originally approved by Council. Consistent with the nature of the works, it is probable that further variations, including the likelihood of treating acid sulphate soils, will be encountered.

It is prudent that the original contingency amount be reinstated to enable any further required variations to be dealt with. An increase to the contract budget of \$34,000 is therefore sought to ensure completion of work under the contract.

## Manufacture, Supply & Delivery of Bulk Liquid Chlorine to Mardi Water Treatment Plant

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	
			\$	\$	\$	\$	\$	\$		
107736	13-12-2006	Orica Australia	346,500.00	346,500.00	Nil	40,000.00	40,000.00	386,500.00  (actual expenditure to date = \$329K)	Water Treatment Plant Operating Budget	
Individual Variations For Reporting Period										
Description				Value \$	Description			Value \$		
Variation 1 – Increase budget to cover increased usage over extended contract period for the period 1 January 2010 to 31 March 2010.				40,000.00						

The contract budget was based on an estimate of need for the product over a three year period (expiring 31 December 2009) using the tendered rate per tonne of product. Current expenditure under the contract is \$329,593.00 and is within the approved budget of \$346,500.00.

The contract is currently due to expire 31 December 2009 and the original projected estimate of \$346,500.00 is still reasonable for this period.

However, it was anticipated that at the conclusion of this contract, that future needs for bulk liquid chlorine would be sourced via a proposed contract to be established by Local Government Procurement (LGP), an organisation that calls common use contracts on behalf of all NSW Councils. Notwithstanding the above, LGP subsequently received no responses for this product when tenders were called.

In view of this Council has been forced to now call its own tender for this product. The tender process has commenced and is expected to be finalised by the end of March 2010.

In the intervening period, Council proposes to extend the current contract with Orica until the end of March based on existing rates.

Discussions with Orica indicate this course of action is acceptable.

As a result of the extended contract period an increase to the contract budget of \$40,000.00 is sought. The revised total approved budget will therefore be \$386,500.00.



## **4.2 Contract CPA/138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry**

TRIM REFERENCE: CPA/138816 - D02070153

AUTHOR: JR

### **SUMMARY**

Evaluation and selection of lump sum tenders for Contract CPA/138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry.

### **RECOMMENDATION**

- 1 That Council accept Tender No. 3 Arup Pty Ltd in the lump sum amount of \$202,200.00 (excl GST).**
- 2 That Council approve a contingency amount of \$60,000 (excl GST), representing approximately 30% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

### **BACKGROUND**

Council at its meeting held on 27 August 2008;

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

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

In response to Part 2 of the Resolution a Scoping Paper was tabled and presented at a Councillor Briefing held on 8 April 2009. The Scoping Paper examined in broad terms the site constraints and discussed some potential land use options for the Buttonderry Waste Management site. Among the potential land use options defined is a Wyong Automotive Racing Precinct (WARP).

This Scoping Paper is an integral part of the brief for the appointment of a consultant to prepare a commercial strategy for recommended future uses of the Buttonderry site and has resulted in a reduction to the comparable tendered prices when compared to the earlier tender.

Council considered a further report at its meeting held on 10 June 2009;

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

- 1 That Council proceed to Tender to secure the services of a multidiscipline consultant group with requisite skills in Property, Waste, Legal, Environmental and Finance to facilitate the delivery of a commercial strategy for the Buttonderry Waste Management Site including Council's evaluation criterion as a minimum.*

- 2 *That Council ensure that any final strategy includes details about how the Environmentally Endangered Communities can be protected on this site.*

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

AGAINST: NIL."

This report reviews the reasons for undertaking the project and makes recommendations for appointment of a consultant to prepare a commercial strategy for recommended future uses of the Buttoderry site.

### **Reason for Project**

Council owns approximately 270 hectares of land at Buttoderry that includes the Buttoderry Waste Management Facility (BWMF). At the strategic level consideration of the optimal use for this land has led to the need for a detailed review of future options.

Various opportunities and threats can be identified in regard to the future use and development of the Buttoderry site. A project has been developed to progress this thinking and provide a focus point for strategic decision-making regarding the most sustainable and financially attractive strategy for the site.

The primary consideration in this strategic review will be focused on treatment and utilisation options available for the BWMF site. However, synergies with associated or neighbouring sites and stakeholders may also present further opportunities. Where there is an apparent opportunity to maximise value for Council such associated options will also be considered.

The objective of this consultancy will therefore be to formulate a strategy that will:

- a Maximise the economic value\* of the Buttoderry site; and
- b Secure long-term\*\* access to waste disposal capacity.

Note:

\* For the purpose of this project the term 'economic value' is used in a general sense, incorporating a range of factors such as the net-present-value, alignment with Council's short-to-medium-term cash flow profile, employment generation impact and other indicators of financial, environmental, social or economic benefit for Council or the Shire. It is proposed that the exact mix of measures will be better defined and refined during the project.

\*\* For the purpose of this project 'long-term' is initially defined as 20+ years, however it is anticipated that this figure will itself be reviewed as part of the project in the context of potential future impacts on Council's demand for land-fill capacity.

### **Requirements of Consultancy**

The Consultant will be required to develop a commercial strategy for the whole Buttoderry site. This will involve dealing with strategic management options (e.g. lease, contract, Council-operated) for the facility, and other complementary commercial uses, or even unrelated uses. There also may be opportunities related to adjacent land.

The Consultant will be required to consider the full suite of strategic opportunities for the site, including possibilities that extend beyond waste management and beyond the existing boundaries of the site. A multidisciplinary approach is therefore considered critical to achieving a successful outcome.

The entire engagement is expected to run for 26 weeks. The consultancy contract will be structured on a lump sum basis, with progress payments at key deliverable-based milestones.

Figure 1 shows the position of the Waste Management Facility on the Buttonderry site, the boundaries of the site and other key features. Areas 1, 2 and 3 are old (closed) disposal areas. Area 4 is the current disposal area. Area 5 is available for future disposal operations.

**Figure 1**



## TENDER PROCESS

Tenders were called by way of public advertisement. Advertisements were placed in the Sydney Morning Herald on 23 June 2009 and the Central Coast Express Advocate on 24 June 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 16 July 2009.

A mandatory pre-tender meeting was held at Council Chambers followed by a site inspection of the BWMF on 29 June 2009 to familiarise tenderers with Council's expectations and the site conditions. Eighteen firms attended the pre-tender meeting.

The invitation documents called for lump sum tenders based on both a detailed brief and the information supplied at the pre-tender meeting held on 29 June 2009. The following addenda were issued to all prospective tenderers during the invitation period:

- 1 Requirement to return the Deed of Confidentiality with tender (issued 6 July 2009).
- 2 The Scope of Work was restated to provide clarification (issued 6 July 2009).

## 4.2 Contract CPA/138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttoderry (contd)

- 3 Closing Date extended to 23 July 2009 (10 July 2009).
- 4 Consultation with local interest groups defined (20 July 2009).
- 5 Expression of Interest scope redefined (20 July 2009).

Tenders closed at Council Chambers at 2:00pm on 23 July 2009.

### EVALUATION OF TENDERS

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

- The Tenderer's capacity to provide the consultancy service, including factors such as:
  - \* Experience and qualifications of nominated staff and/or subcontractors;
  - \* Track record of the tenderer on similar engagements;
  - \* The quality of the proposed program of work; and
  - \* The Tenderer's demonstrated understanding of the Brief.
- The total anticipated cost to Council.
- The capacity of the tenderer to manage safety risks associated with the engagement.

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

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

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	ADW Johnson Pty Limited	\$165,960.00	Submitted on time
2	APP Corporation Pty Limited	\$181,502.00	Submitted on time
3	Arup Pty Ltd	\$202,000.00	Submitted on time
4	Aurecon Australia Pty Ltd	\$210,000.00	Submitted on time
5	GHD Pty Ltd	\$254,034.00	Submitted on time
6	Insite / Sustainable Infrastructure Australia	\$ 46,337.57	Submitted on time
7	KPMG Australia Services Pty Ltd	\$269,200.00	Submitted on time
8	WSP Environmental Pty Limited	\$184,000.00	Submitted on time

### Assessment of Conformance

## 4.2 Contract CPA/138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)

Tenders were assessed for conformance with the general tender requirements, including the brief. All but Tender No. 6 (Insite / Sustainable Infrastructure Australia) conformed generally to all requirements and were progressed to the next stage of evaluation.

Tender No. 6 (Insite / Sustainable Infrastructure Australia) was excluded as it did not conform to the threshold criteria requiring a demonstrated understanding of the Brief. This tender redefined the brief thereby narrowing its scope and making it unacceptable.

### Weighted Evaluation

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

No.	Tender	Lump Sum (ex GST)	Weighted Evaluation Score
3	Arup Pty Ltd	\$202,000.00	77
8	WSP Environmental Pty Limited	\$184,000.00	70
1	ADW Johnson Pty Limited	\$165,960.00	62
2	APP Corporation Pty Limited	\$181,502.00	62
4	Aurecon Australia Pty Ltd	\$210,000.00	61
5	GHD Pty Ltd	\$254,034.00	61
7	KPMG Australia Services Pty Ltd	\$269,200.00	49

Most of the tenders provided detailed information that required lengthy review and analysis. An extensive assessment was therefore undertaken of each tender to ensure a complete understanding of the offers was obtained. The assessments are reflected in the weighted evaluation scores detailed above.

Tenders Nos. 4, 5 and 7 all achieved the lowest weighted scores and had greater tendered prices than the remaining tenders. They were not considered further.

Tenders Nos. 1 and 2 achieved weighted evaluation scores lower than that of Tender No. 3 (Arup Pty Ltd), notwithstanding their lower tendered prices. Tender No. 1 (ADW Johnson Pty Ltd) and Tender No.2 (APP Corporation Pty Limited) have local branch offices.

In the evaluation of these two tenders, Tender No. 2 (APP Corporation Pty Limited) received a low weighted score for its overall demonstrated understanding of the Brief. Tender No. 1 (ADW Johnson Pty Ltd) also achieved a low score due to limited company, personnel and project experience relevant to this tender. The lower lump sum prices did not sufficiently increase the weighted scores to overcome limited expertise within these companies.

Tender No. 3 (Arup Pty Ltd) and Tender No. 8 (WSP Environmental Pty Limited) were clearly significantly ahead of the remaining tenders and were given closer examination.

Of the two highest scores Tender No. 3 (Arup Pty Ltd) demonstrated a clearer understanding of the brief, project constraints and the business / analytical tools it would utilise to facilitate the project outcomes. In addition Tender No. 3 can draw on its world-wide resources in relation to business and waste management. Notwithstanding the slightly higher lump sum tendered by this company, this Tender was considered to provide a superior outcome for Council.

Tender No. 8 (WSP Environmental Pty Limited) also demonstrated a reasonable understanding of the brief and project constraints; however its outlook was constrained by a narrower, regional focused background that did not provide the broader scope indicated in the tender from Arup Pty Ltd. The tender price was 9% lower than that of Arup Pty Ltd but

## **4.2 Contract CPA/138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry (contd)**

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this saving was not considered sufficient to outweigh the other significant advantages of the Arup Pty Ltd tender.

Both Tender No. 3 (Arup Pty Ltd) and Tender No. 8 (WSP Environmental Pty Limited) proposed to use HillPDA Pty Ltd for property feasibility modelling.

Reference checks were also made to provide details on the highest scoring Tender No. 3 (Arup Pty Ltd) regarding their ability to undertake this project.

Tender No. 3 (Arup Pty Ltd) being the preferred and highest scoring tenderer, was taken to the Due Diligence stage for closer examination.

### **Due Diligence**

On the basis of the information provided by the tender and independent referees, it is considered that Arup Pty Ltd possesses all of the financial and managerial resources necessary to satisfactorily complete the works.

Arup Pty Ltd has offices in Sydney with a history of successfully completed contracts similar in nature and scope to the current works. The combined expertise of Arup's nominated team will provide Council with the multi-disciplinary approach necessary to understand and develop its future requirements of the Buttonderry site. In addition Arup Pty Ltd is part of a global group and consequently has access to extensive world-wide expertise relevant to this project.

The amount tendered by Arup Pty Ltd is within 1% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

### **Process Review**

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

## **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:

- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

### **Specific Risks Leading to Contract Variations**

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

- Brief does not adequately cover all required work and additional investigations are found to be necessary during the consultancy. Mitigated by preparation of comprehensive Brief and peer review of documentation prior to inviting tenders.

### **Risk Contingency**

Work under the contract will involve a high degree of investigation, consultation and detailed analysis. The need to fully consider a range of possible options may require adjustment to the scope of the contract as work progresses and issues become clearer. To ensure the most beneficial options are incorporated into the final strategy, a contingency of \$60K (being approx. 30% of the contract value) is recommended.

### **BUDGET**

The funding source for this consultancy will be from Tip Operations General - Consultants with a total budget of \$290,000.00 in consultancy fees and staff costs. The majority of this is expected to be expended in the 2009-10 financial year.

Due to the open-ended nature of this project, consultancy requirements may vary (up or down) depending on how lines of investigation develop. Consulting requirements in excess of the initial budget will be assessed and approved by the project sponsor on a case-by-case basis within the limit of approved funds.

### **TIMEFRAME**

The Consultant will be required to complete the consultancy within 26 weeks of engagement.

### **LOCAL CONTENT**

Due to the highly specialised nature of this consultancy it is not expected that any local labour will be engaged for this work.

**CONCLUSION**

Tender No. 3 from Arup Pty Ltd meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council and is recommended to be engaged to undertake these works.

**ATTACHMENTS**

*Nil.*



**4.3 Contract CPA/145091 - Hire of Minor Plant & Equipment, Contract CPA/145088 - Hire of Plant & Machinery and Contract CPA/145089 - Hire of Tipping Trucks - Option to Extend Contracts for a Further 12 Months**

TRIM REFERENCE: CPA/145091 - D02071437

AUTHOR: JB

**SUMMARY**

Council is seeking to exercise its option to extend each of the following contracts with the approved Contractors for the period 1 February 2010 to 31 January 2011. Contract CPA/145091 – Hire of Minor Plant and Equipment., Contract CPA/145088 – Hire of Plant and Machinery and Contract CPA/145089 – Hire of Tipping Trucks.

**RECOMMENDATION**

- 1 That Council exercise its option to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2010 to 31 January 2011.**
- 2 That Council exercise its option to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2010 to 31 January 2011.**
- 3 That Council exercise its option to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2010 to 31 January 2011.**

**BACKGROUND**

Council at its meeting held on 28 January 2009;

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

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

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

*AGAINST: NIL”*

Council at its meeting held on 28 January 2009;

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

- 1 That Council accept all conforming tenders received for Contract CPA 145088 Hire of Plant and Machinery for the period 1 February 2009 to 31 January 2010.*

**4.3 Contract CPA/145091 - Hire of Minor Plant & Equipment, Contract CPA/145088 - Hire of Plant & Machinery and Contract CPA/145089 - Hire of Tipping Trucks - Option to Extend Contracts for a Further 12 Months (contd)**

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- 2 *That Council authorise the Director Shire Services to arrange engagement of Plant and Machinery as required from time to time in accordance with Contract CPA 145088 using the most economical and suitable supplier as each situation demands.*

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

AGAINST: NIL”

Council at its meeting held on 28 January 2009;

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

- 1 *That Council accept all conforming tenders received for Contract CPA/145089 – Hire of Tipping Trucks on a priority ranking list for the period 1 February 2009 to 31 January 2010.*
- 2 *That Council authorise the Director Shire Services to arrange engagement of Tipping Trucks as required from time to time in accordance with the priority ranking list.*

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

AGAINST: NIL”

Due the nature and diversity of its operations, Council frequently finds it necessary to externally hire minor plant, (heavy) plant & machinery and tipping trucks. To ensure these items are readily available at the most competitive rates, tenders are invited every two to three years. The current contract is due to expire on 31 January 2010 but provides for Council to exercise an option to extend the contract for a further 12 months.

When an item is required, it is provided from Council's own operation wherever possible. If not available due to previous allocations or the item not in ownership of Council, the Plant Pool Coordinators source the required equipment from the list of suppliers using the most economical and suitable supplier as each situation demands.

This contract arrangement provides Council with very competitive rates under prequalified conditions of supply.

#### **EXTENSION OF CONTRACT**

Extensions are at the discretion of the Principal. In determining whether to award an extension to the contract, the Principal will consider the commercial and operational advantages that can be gained by undertaking a fresh tendering exercise and entering into a new contract.

**4.3 Contract CPA/145091 - Hire of Minor Plant & Equipment, Contract CPA/145088 - Hire of Plant & Machinery and Contract CPA/145089 - Hire of Tipping Trucks - Option to Extend Contracts for a Further 12 Months (contd)**

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The decision by the Principal to award an extension will include, but not be limited to:

- Commercial Advantage to Council.
- Quality of Supply.
- Reliability of Services.
- Conformance with OHS&R requirements of the Contract and relevant legislation.

A comparison of the current contract rates with general industry standard rates has been carried out and it was found that the current rates (adjusted for CPI in February 2010) continue to provide Council with a competitive financial advantage.

Performance reviews relating to contractors have been completed. These reviews were by means of discussions and feedback from Council staff and covered such issues as the quality and reliability of the supplied plant and equipment, their commitment to Occupational Health & Safety, conformance with the tender and work practices & system procedures. To date, all contractors have been found to be in compliance of their obligations under the contract.

Tendered rates for equipment, in line with the CPI rise, will be adjusted on the anniversary of the original awarding of the contract.

### **CONCLUSION**

It is recommended that Council exercise its option to extend each of the following contracts with the current approved Contractors for the period 1 February 2010 to 31 January 2011:-

- 1 Contract CPA 145091 – Hire of Minor Plant and Equipment.
- 2 Contract CPA 145088 – Hire of Plant and Machinery.
- 3 Contract CPA 145089 – Hire of Tipping Trucks.

### **ATTACHMENTS**

*Nil.*

# **AMENDED REPORT**

25 November 2009  
To the Ordinary Meeting

Director's Report  
Shire Planning Department

## **5.1 State of the Shire Report 2008/2009**

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TRIM REFERENCE: F2008/00822 - D02047691

AUTHOR: DM

### **SUMMARY**

The draft comprehensive State of the Shire (SoS) Report is an essential resource for Council's decision making and planning. The report provides a snapshot of the Shire in terms of where we are now, pressures faced, what key drivers impact on issues, how we are responding and where we see the trends taking us in 20 years time. The reporting period for this document is July 2008 to June 2009. In addition, the Local Government Act (LGA) intends that it be used in the preparation of the annual Management Plan which sets the principles, priorities, budgets and directions of Council operations as well as Unit Operational Plans. The report is also widely used as a source of valuable reference material by universities, schools, precinct committees, environmental groups and interested members of the community.

### **RECOMMENDATION**

***That Council adopt the amended State of the Shire 2008/2009 Report.***

### **BACKGROUND**

State of the Environment (SoE) Reports have been produced annually by Council since 1994, as required under the NSW LGA (1993), Section 428. These reports have evolved over the years into a document recording Council actions and recommending new action for Council's consideration in an effort to reduce the general downward trends regarding a range of environmental indicators. Council has also increasingly incorporated elements other than the environment - such as social indicators.

In November 2007, Council resolved to undertake a Shire Strategic Vision (SSV) process and made it a "Key Focus Area" under Council's Management Plan. The work program and timeline endorsed by Council's Strategy Forum and Councillors require that a SoS report for 2007/2008 be produced, with the following objectives:

- To provide an integrated assessment of the current social, economic and environmental state of Wyong Shire.
- To give a report on the infrastructure and governance position of the Shire with initial emphasis on Council.
- To project how the Shire will change if current trends persist.
- To meet statutory requirements for Local Government annual reporting.
- To help Council understand the changes we need to make to achieve our Vision for the Shire.
- To assess how sustainable we are as a community, an environment and an economy.



## STATE OF THE SHIRE (SOS)

This year's SoS report is an update of last years' first generation document. It has continued its comprehensive approach across a number of issues within the Shire by adopting six chapters:

- Sustainability In Action,
- Community,
- Economy,
- Environment,
- Infrastructure and,
- Governance.

These chapters are broken down into sections to cover issues across the Shire. This reflects the direction that the Department of Local Government (DLG) is heading with its Integrated Planning and Reporting requirements for NSW Councils. New legislation has recently been passed during the Spring session of Parliament. Discussions with DLG staff indicate that Council's initiative in preparing the SoS now is encouraged.

The topics covered in the SoS report include not only Council activities, but those carried out by State and Federal Governments together with wider community initiatives, programs and actions. Where data was not collected or available this year, data gaps are again identified to develop a more comprehensive document next year.

In relation to future SoS reports, the most significant change will occur next year as Council moves to report on SoS from the perspective of its adopted SSV (September 2009) and the new 4 Year Delivery Program, Asset Management Strategy and Resource Strategy currently being developed in-house. These provide Council with an opportunity to take a fresh approach to its SoS reporting, while complying with the DLG's Guidelines for its preparation. Future SoS reports will monitor progress and highlight issues when things are going well and when things are not going according to community's SSV, thus showing whether the Shire is moving away or towards achieving its Vision in a sustainable way.

This year's SoS report includes an indication of anticipated future trends in all issues describing the likely state of the issue, assuming that we keep doing what we are either currently doing or have committed to doing. Each issue is rated as declining, stable or improving. In previous SoE reports many of the elements identified were rated as 'declining'. Some like drinking water, sewerage management, highlands and valleys, coastlines, oceans and heritage were rated as 'stable'. In this year's SoS Report four areas have changed their future trend rating. All were an improvement on the trend from the 07/08 report. These are:

- crime rates (increasing to stable),
- water supply (stable to improving),
- employment and income (declining to stable) and
- roads (declining to stable)

There are a number of areas which are continuing to trend as improving or increasing, including: community connectedness, arts and culture, wetlands and oceans.

Gaps in current data have again been identified in the document. These include detailed data and information from government agencies, non-government organisations and the wider community on actions and programs they are undertaking that will impact upon the overall quality of life of residents and visitors to the Shire. Where available this year these have been sourced and included in the Report; where not available in this reporting period they have been identified for future years. In addition, references for specific areas of the report are identified and hyperlinked to assist readers.

**ATTACHMENTS**

- |          |  |           |           |
|----------|--|-----------|-----------|
| <b>1</b> | Draft State of the Shire Report - Pages 1 - 23   | Enclosure | D02060246 |
| <b>2</b> | Draft State of the Shire Report - Pages 24 - 55  | Enclosure | D02060249 |
| <b>3</b> | Draft State of the Shire Report - Pages 56 - 84  | Enclosure | D02062573 |
| <b>4</b> | Draft State of the Shire Report - Pages 85 - 106 | Enclosure | D02062580 |

## 5.2 Cabbage Tree Harbour Update

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TRIM REFERENCE: F2004/07782 - D02072359

AUTHOR: GW

### SUMMARY

This Report provides an update on the costs, funding arrangements and timing for construction of the Cabbage Tree Harbour Toe-Drainage Structure.

### RECOMMENDATION

- 1 ***That Council proceed to the construction phase upon receipt of approval from the NSW Department of Environment, Climate Change and Water to provide a grant augmentation of \$823,819 to cover the cost of the Cabbage Tree Harbour Toe-Drainage Structure on a 50-50 basis.***
2. ***That Council, in considering its Management Plan for 2010-2011, allocate additional funds of \$592,319 to the 2010-2011 financial year to match DECCW's grant augmentation.***
- 3 ***That due to the benefits of managing project risks Council undertake construction of the Toe-Drainage Structure by day labour with supervision by Shirley Consulting Engineers.***
- 4 ***That Council lobby the State Government via the Parliamentary Secretary for the Minister for the Central Coast, to augment its existing 50-50 funding for the Toe-Drainage Structure on the same basis to cover the increased cost.***
- 5 ***That following completion of the required work by the residents at the top of the slope, Council seek geotechnical advice on the level of instability and risks posed to the community as a basis to reassess the need for continuing the beach closure and surveillance.***

### BACKGROUND

A confidential update on the status and cost estimates for the Cabbage Tree Harbour Toe-Drainage Structure project was provided for Council's information at its Ordinary Meeting of 14 October 2009. Since then, approval for the structure has been obtained under Part 5 of the EP&A Act subject to a number of conditions including the development of a Construction Environmental Management Plan (CEMP), a Landscape Plan that uses native endemic species only, including the Cabbage Tree Palm, and a Waste Management Plan. In addition, a licence to undertake works on Crown lands has been obtained from the Lands Department. The necessary approval from the Department of Climate Change and Water (DECCW) to proceed to the calling of tenders or undertaking construction by day-labour, as it is partly funding the project, has also been provided. The project is now ready to proceed to construction, subject to funding.

Six Councillors visited the beach at Cabbage Tree Harbour as part of their inspections on 4 November.



## **PROPOSED WORKS**

The proposed works primarily involve the removal of the existing sub-horizontal drainage manifold (collection pipe and supports) and the construction of the Toe-Drainage Structure (TDS). The TDS comprises a gabion filter structure (GFS) or baskets of rocks that will be connected to the existing sub-horizontal drainage system. The GFS will be protected from wave action by layers of armourstone boulders thereby creating a rock lined uniform wall structure at the toe of the slope.

The GFS will be constructed from a series of gabion baskets filled with gravel and backfilled with sand and gravel. The GFS will be built on a weathered bedrock foundation, improved where necessary by the application of synthetic fibre reinforced concrete (SNFRC). Layers of armourstone boulders will be constructed over the gabions, with an outer layer being the primary protection layer and an inner layer creating a transition between the outer layer and the gabion baskets.

## **COST ESTIMATES AND FUNDING**

### **Preliminary cost estimates and current funding**

As indicated in the previous Report, Council's original estimated cost for the proposed Toe-Drainage Structure, based on the concept design but prior to detailed design was \$1,220,000. Based on this figure, Council applied to DECCW for grants on a 50-50 basis under the State's Coast and Estuaries Program. To date DECCW have provided two grants on a 50-50 basis totalling \$610,500.00 to cover both design development and construction costs. This is in line with the State Government's stated position that it will fund the project on a 50-50 basis with Council.

In addition to the grant funding, Council has budgeted for \$842,000 in the 09-10 Management Plan being an equivalent contribution of \$610,500 plus a contingency of \$231,500 for an all up total of \$1,452,500. Expenditure to the end of October 2009 covering design costs, project management and the approvals process was \$453,638 leaving \$998,862 for construction of the project.

### **Cost estimates for construction by tender**

Following extensive review by independent consultants and DECCW, the detailed design is now complete and the necessary approvals obtained. Pre-tender estimates based on the detailed design from quantity surveyors Currie and Brown indicate that construction tender costs could vary between \$2,638,000 and \$2,960,000 should the project go to tender. The different figures are due to estimates based on working either one or two shifts per day giving a construction period of either 22 or 44 weeks. Given that design development expenditure to the end of October 2009 was \$453,638 the total project cost estimates for design and construction would be \$3,091,638 and \$3,413,638 respectively.

Within these figures the consultants Currie and Brown estimated the risk components for the project incorporating ocean or weather delays (allowing for 30 working days), a construction contingency of 15% and an allowance for the Principal (ie; Council) effecting insurance of the works (as a means of risk control) rather than leaving it to a contractor. Costs associated with the contractual risk were \$488,000 and \$610,000 respectively.

### **Cost estimate for Construction by Day Labour**

The option of constructing the Toe-Drainage Structure by Council's day labour within the Roads and Drainage Unit has been investigated. Council has estimated that the cost of construction based on the detailed design, with Council supervision and project management and quality control provided by designing engineers Shirley Consulting Pty Ltd is \$2,415,000.

## 5.2 Cabbage Tree Harbour Update (contd)

Given expenditure to the end of October 2009 was \$453,638 the total project cost is estimated at \$2,868,638

### Summary of Project Costs

Total project costs for the 3 options are given in the table below:

	Pre Construction Costs	Construction Costs	Total Project Costs
Day Labour	453,638	2,415,000	2,868,638
Tender 22 Weeks	453,638	2,638,000	3,091,638
Tender 44 Weeks	453,638	2,960,000	3,413,638

### Funding shortfall

The funding shortfall for the day labour option is given in the table below. Note: that the difference in funding augmentation between Council and DECCW is due to the fact that Council has already budgeted for a contingency of \$231,500 in this financial year.

	Total Cost	50/50 Contribution	Existing Funds	Existing Grants DECCW	Council - Augmentation of funds to meet 50/50 basis	DECCW - Augmentation of funds to meet 50/50 basis
Day Labour	2,868,638	1,434,319	842,000	610,500	592,319	823,819

### CONSTRUCTION TIMETABLE

Construction can commence as soon as the additional funds from the State Government are secured. The best construction window would be late winter where seas would be flat and the beach and access points are less used by the community. Construction would cover a period of around 22 or up to a maximum of 44 weeks giving a completion time of approximately December 2010 or May 2011 respectively.

### Beach Surveillance

Beach closure and surveillance is currently being carried out to address the risks posed by unstable slopes and the threat of sudden landslips. This action is based on geotechnical advice that the slope will remain unstable until the residents at the top of the slope carry out the works required by the Orders issued by Council and remove the fill material and structures built without Council approval. This process is well underway with 4 of the 5 landholders either completing, undertaking or about to commence works. There has also been instability at the toe of the slope due to beach erosion, however, whether the beach closure and surveillance should continue will need to be reassessed by Council's Geotechnical Consultant following completion of the work by the residents.

## CONCLUSION

### Funding the shortfall

Council has previously committed to funding the Cabbage Tree Harbour Toe Drainage Structure on a 50-50 basis and DECCW has to-date provided some \$610,000 in grant funds based on preliminary cost estimates. Following design amendments and completion of detailed design, the total estimated cost of the project has risen to approximately \$3,400,000 if undertaken by tender or \$2,868,638 by Council's day labour. Whilst the State Government has met its share of the cost to date, it is necessary that this commitment continue by way of a State Government contribution to the shortfall on a similar 50-50 basis.

### Construction risks – Tender Or Day Labour

There is a significantly higher risk profile presented by constructing the toe drainage structure by contract compared to day labour. The main risk is the impact of potential ocean conditions that prevent access to the site, prevent construction activity on the site and cause damage to constructed works requiring repair. While these present the same risks to either a contractor or day labour, the management of the risks is very different.

A contractor will include in the tender price the potential costs of these occurrences. Given the unpredictability of the ocean conditions, the expectation is that the allowance in the tender would be significant. In the event the potential conditions do not occur, the contractor makes additional profit and Council pays for the risk of something that did not happen. In the event the conditions occur or occur to a greater extent than costed by the contractor, the contractor loses money and Council is better off. Neither scenario is an equitable sharing of the risk between the contracting parties.

If the work is undertaken by day labour, the final cost will not be subject to these unknowns. If ocean conditions are unfavourable, day labour has the flexibility to move to other works and delay costs to the toe drainage project do not occur. The final cost will reflect whatever is the actual cost of potential disruption and repair of damage caused by the ocean but nothing else in terms of risk. This option is a better management of the risks compared to undertaking the work by contract. Consequently, it is recommended that the works be undertaken by day labour instead of going to tender.

### Government policy

Construction of the Toe-Drainage Structure would appear to be consistent with the recently released Coastal Reform initiatives from the State Government. The principles applying to protection measures require a risk assessment, which has been carried out as part of the detailed investigations, and management actions to address the risk. The Toe-Drainage Structure is designed to address the risks to both current development and maintain the amenity and safety of the beach and as such is an appropriate management response under the State's Draft Guidelines. Cabbage Tree Harbour is also one of the State's "hot spots" and is targeted as a priority location for current beach erosion as well as for erosion under a climate change scenario.

## ATTACHMENTS

*Nil.*

### **5.3 Link Road Southern Section - Timing and Funding from Section 94 Development Contributions**

TRIM REFERENCE: F2004/00568 - D02061418

AUTHOR: WW

#### **SUMMARY**

This report responds to Resolution No 5 of the report to Council on 14 October 2009 and the proposed timing of the southern section of the Link Road at Warnervale and whether Council can justify this section being funded by Section 94 development contributions.

#### **RECOMMENDATION**

- 1 That Council confirm its commitment to proceeding with the southern section of the Link Road, from the Council-owned 'education land' to the roundabout on the Pacific Highway at Watanobbi.**
- 2 That Council seek the support of the member for Wyong, Mr David Harris MP to secure a contribution from the Roads and Traffic Authority (RTA) towards the construction of the Link Road.**
- 3 That the southern section of the Link Road continue to be included in Section 94 development contributions plans.**

#### **EXECUTIVE SUMMARY**

At its meeting held on 14 October 2009, Council considered a report on the tenders to construct the northern section of the Link Road and resolved as follows:

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

- 1 That Council accept Tender Number 4 from Robson Civil Projects Pty Ltd in the estimated combined Schedule of Rates and Lump Sum total amount of \$7,919,245.88 (excl GST).*
- 2 That Council approve a contract budget of \$8,711,245.88 (excl GST) that provides for a contingency amount of \$792,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.*
- 3 That Council support lobbying of the Roads and Traffic Authority to contribute to the cost of the intersection reconstruction works on Sparks Road at its intersection with the Link Road.*
- 4 That Council confirm its intention to use the proceeds, from the sale of Council-owned land located to the south of this section of the Link Road, to bankroll the remaining southern section of the Link Road. This will enable the earliest possible construction of the remainder of the road subject to satisfactory cashflow.*
- 5 That Council consider a report identifying the likelihood of the southern portions of the Link Road being completed within 20 years and whether this section can be justified in the Section 94 Contribution Plan."*

### 5.3 **Link Road Southern Section - Timing and Funding from Section 94 Development Contributions (contd)**

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

*AGAINST: NIL"*

In summary, this report concludes that the southern section of the Link Road:

- Will cost in the order of \$30 million (2009 dollars).
- Is essential in the future to minimise traffic congestion on the Pacific Highway and other local roads and to provide an efficient connector road between Wyong and the Wyong Employment Zone/Warnervale Town Centre, particularly for business traffic and public transport. It will also provide an important link to Council's land which is currently being rezoned for employment purposes.
- Will be bankrolled partly by Section 94 development contributions and partly by the sale of Council-owned land, with land sale money repaid from Section 94 development contributions over many years.
- Will be partly funded by the RTA and other government grants.
- Does not significantly influence Section 94 development contributions payable per hectare in industrial areas and per lot/dwelling in residential areas.

#### **BACKGROUND**

On 11 February 2009, Council considered a report titled 'Link Road Project and Associated Matters'. This report outlined the history of the Link Road project, the implications of not proceeding with the Link Road project and the planning, design, and budget issues associated with the Link Road project.

A short summary of these issues follows.

#### **History of the Link Road Project**

There is an established need for the Link Road to provide a connection between Warnervale and the Wyong Town Centre and to cater for significant residential, commercial and employment growth in the Warnervale Planning District.

#### **Implications of Not Proceeding With the Link Road Project**

The report outlined the following implications of not proceeding with the construction of the Link Road:

- A dependence on the existing road network to accommodate the increase in local traffic expected to be generated by development in the Warnervale Planning District, particularly from the Wyong Employment Area and Warnervale Town Centre.
- The Pacific Highway between Britannia Drive at Watanobbi and Sparks Road at Woongarra experiencing extended periods of peak congestion during the day.
- Increased traffic on local roads such as Minnesota Road, Louisiana Road, Warnervale Road and Pollock Avenue, as traffic attempts to avoid delays around Wyong North and the Wyong Town Centre.
- Lack of access to Council-owned land (known as the 'education land') at the northern end of the proposed road.

### LINK ROAD ESTIMATED COST

The Link Road project cost (not just construction), based on December 2007 construction tenders was estimated at \$37.5 million. An approximate cost adjustment to the present (to allow for inflation since December 2007) would increase this to approximately \$40 million. The current project cost estimate for the northern section of the Link Road is \$12.3 million, broken into the following components:

Contract for North Section including 10% contingency	=	\$ 8,711,246
Inception to Date Costs (including .....	=	\$ 2,161,610
Project Costs for Northern Section	=	<u>\$ 1,388,754</u>
 Total	=	 <u>\$12,261,610</u>

These works are to be funded from the following sources:

Federal Grants	=	\$ 5,500,000
RTA Funds	=	\$ 700,000
Section 94	=	<u>\$ 6,061,610</u>
 Total	=	 <u>\$12,261,610</u>

The estimated project cost to complete the southern section of the Link Road, in today's dollars, is approximately \$30 million.

### SOUTHERN SECTION FUNDING OPTIONS

The southern section of the Link Road is intended to be funded from the following sources:

Source	Amount
Federal Government Grant Funds	Unknown
State Government/RTA Contribution	Up to \$10.5 million (See Discussion Below)
Section 94 Development Contributions	\$19.5 million
<b>TOTAL</b>	<b>\$30 million</b>

The Section 94 funds will be collected from developments within the Greater Warnervale District over a period of approximately 25 years.

Closer to the expected time of construction of the southern section of the Link Road, Council will seek grants and other funds from both the State and Federal governments to aid in the timely delivery of the project.

### RTA Apportionment

In 2008, the Department of Planning confirmed that Council would be permitted to collect development contributions for the Link Road, subject to costs being correctly apportioned.

Recent traffic modelling for the Link Road indicated that there would be a percentage of traffic using the road that is attributed to "regional traffic" rather than "local traffic". The percentage of regional versus local traffic using the Link Road would be dependant on the duplication of the Pacific Highway from Wyong to Kanwal. If the Pacific Highway is duplicated by 2024/25, the modelling indicates that regional traffic would account for 8% of the total traffic using the Link Road. If the Pacific Highway is not duplicated by this time, modelling indicates that regional traffic would account for as much as 35% of total traffic using the Link Road.

### **5.3 Link Road Southern Section - Timing and Funding from Section 94 Development Contributions (contd)**

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As Section 94 development contributions can only fund local traffic facilities, the regional component is to be funded by the RTA/State Government. Council has received legal advice that supports this stance.

Based on the traffic modelling carried out, it is reasonable to apportion the costs for the Link Road based on the volume of “regional traffic” to the RTA and based on the volume of “local traffic” to Council. Using this approach, the RTA is to contribute to the following:

- 8% of the cost of the Link Road if the Pacific Highway is upgraded to dual carriageway by 2024/25; or
- 35% of the cost of the Link Road if the Pacific Highway is NOT upgraded to dual carriageway by 2024/25.

In monetary terms (in today's dollars), this means that the RTA is responsible for contributing approximately:

- \$2.4 million if the Pacific Highway is upgraded; or
- \$10.5 million if the Pacific Highway is NOT upgraded,

of the current estimated \$30 million for the southern section of the Link Road project.

#### **SOUTHERN SECTION LIKELY TIMING**

It has been recognised that the Link Road would be constructed in two stages, with the first stage being the northern section, approximately 900 metres in length. The construction of the second stage, being the southern 2,300 metres long section, was planned to closely follow once the planning approval for that section was granted.

As previously stated, the Pacific Highway between Wyong and Warnervale will experience extended periods of peak congestion and there will be increased traffic on local roads such as Minnesota Road, Louisiana Road, Warnervale Road and Pollock Avenue if the entire length of the Link Road is not constructed.

Recent RTA traffic modelling identified that without the Link Road, traffic on the Highway will reach saturation by approximately 2024. Construction of the Link Road or upgrading of the Highway to dual carriageway will need to occur before this saturation point is reached. When the Link Road is constructed it will defer the need to upgrade the Highway for approximately 5 years. It therefore is most likely that construction of the southern section of the Link Road will occur by 2023/24.

Council will not have sufficient Section 94 development contributions cashflow to fully bankroll the construction of the southern section of the Link Road. Current modelling indicates that Section 94 contributions will be able to bankroll \$10 million in 2023/24. As per Council's resolution of 14 October 2009, the remaining Council funds required for construction of the southern section will come from the proceeds from the sale of the 'education land'. This initial funding would then be recouped, in the much longer term, by development contributions collected from the greater Warnervale area. Timing of repayment would depend on the rate of development and what future release areas contribute to the project.

### 5.3 Link Road Southern Section - Timing and Funding from Section 94 Development Contributions (contd)

The 'education land' is presently zoned 5(a) for educational purposes; however it is proposed to rezone part of this land to 4(e) Regional Industrial and Employment Development as part of the Precinct 7A rezoning currently being undertaken by Future Planning. The area of land is approximately 32.7 hectares and up to 20 hectares may be developable (the remainder is potentially constrained due to flooding, flora and fauna and bushfire issues). Attachment 1 shows the location of the 'education land'. Construction of the southern section of the Link Road could occur sooner once sufficient funds from the sale of this land were received.

#### SECTION 94 IMPLICATIONS

To date, Section 94 development contributions have provided \$412,786 towards the Link Road project. Construction of the northern section of the Link Road is estimated to cost another \$5,648,824 million in Section 94 development contributions (to be expended in 2009/10 and 2010/11). In total, \$6,061,610 in development contributions have either been spent or are committed to the Link Road project.

Current and proposed Section 94 development contributions plans provide for a total project cost of \$30 million. Current estimates of total Section 94 development contribution requirements are between \$25.5 million and \$33.6 million (\$6 million for the northern section plus between \$19.5 million and \$27.6 million for the southern section), meaning that current contributions plans will need to be updated to reflect the estimated total project cost. It should be noted that this depends on a contribution from the RTA to what will ultimately become a regional road. This will result in a minor decrease in rates per lot/dwelling.

A table summarising these various scenarios is set out below:

Component	8% Contribution from RTA	35% Contribution from RTA
Estimated Cost of the Southern Section of the Link Road	\$30 million	\$30 million
Contribution from the RTA	\$2.4 million	\$10.5 million
Contribution from Section 94	\$27.6 million	19.5 million
Nett result in change to Contribution Rates in the Warnervale/Wadalba area (based on a per lot/dwelling rate)	- \$182	- \$615

If the southern section of the Link Road did not proceed, between \$21.9 million and \$13.8 million could be removed from current and draft Section 94 contributions plans. Based on initial calculations, the removal of this amount of money would reduce Section 94 development contributions in the Warnervale area by the following:

Contributions Plan Area	Proposed Contribution Rates (Without Reduction)	Reduction in S94 Contribution	Comment
Woongarra, Hamlyn Terrace and Wadalba	\$34,500 average	Average \$1,350 per lot/dwelling	Based on draft plan for exhibition October 2009
Wyong Employment Zone	\$242,000/ha	Average \$11,904 per hectare NDA	Based on rates in draft plan January 2009
Warnervale Town Centre	Approx \$50,000	Average \$850 per lot/dwelling	Based on rates in draft plan February 2008

Council has yet to collect the full amount of the \$6 million needed for the northern section and will need to continue recouping funds until the total has been funded, which could be a number of years.



**CONCLUSION**

This report has reiterated the need for and likely timing of the southern section of the Link Road. The report concludes that the southern section of the Link Road will be required in or around 2023/2024 and that there will be sufficient funds available at that time to bankroll the project, subject to the sale of the 'education land', Section 94 income and expenditure over the next 15 years and a significant contribution from the RTA of between \$2.4 million - \$10.5 million.

Based on the information contained within the report, it is recommended that Council continue to collect Section 94 development contributions towards the Link Road project and that the southern section of the Link Road be constructed in or around 2024.

**ATTACHMENTS**

- 1 Link Road and Education Land Locality Plan D02065666



## **5.4 Adoption of Three Environmental Operational Policies**

TRIM REFERENCE: F2004/06961 - D02071728

AUTHOR: SB

### **SUMMARY**

This report recommends the adoption of three environmental policies that capture many of the comments for improved environmental performance covered in the latest Neil Adams report.

### **RECOMMENDATION**

*That Council approve the following three attached Environmental Operational Policies:*

- a) Policy for the Management of Excavated Material.*
- b) Policy for the Storage of Bulk or Excavated Materials at Council Depots and Permanently Nominated Sites.*
- c) Environmental Incident Notification Policy.*

### **BACKGROUND**

At the request of Council, Neil Adams has written three reports on Wyong Shire Council's environmental activities.

#### **Environmental Policies for Environmental Activities**

The attached Environmental Policies (Attachments 1 - 3) form part of what will become an overall Environmental Management System for Council.

#### **1 Environmental Incident Notification Policy**

The purpose of this policy is as follows:

- a To ensure environmental incidents are openly reported and are given a consistently high priority by Wyong Shire Council
- b To minimise the number and mitigate the severity of environmental incidents
- c To ensure compliance with the Protection of the Environment and Operations (POEO) Act and regulations relating to environmental incidents and incident reporting.
- d To ensure all actions relating to environmental incidents from identification to rectification are documented
- e To ensure a transparent process that provides review, recommendation and concurrence from an informed independent source through the involvement of the Compliance and Regulation Unit

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## **5.4 Adoption of Three Environmental Operational Policies (contd)**

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### **2 Management of Excavated Materials Policy**

The purpose of this policy is as follows:

- a To ensure Council staff manage excavated material in accordance with current legislation.
- b To minimise excavated material generated by Council operations by improved planning, design and project control.
- c To manage sustainably, excavated material generated from Council operations in order to reduce Council's carbon footprint.

### **3 Bulk Material and Solid Waste Storage Policy**

The purpose of this policy is as follows:

- a To ensure compliance with all relevant regulations relating to waste handling, disposal and classification for re-use.
- b To be able to provide documented evidence of Council's actions relating to waste handling, disposal and classification for re-use.

The three policies have been reviewed internally by relevant Council staff and externally by Council's solicitors HWL Ebsworth Lawyers and are now recommended to Council for approval.

The three associated procedure documents have been completed and are currently being adopted throughout Shire Services.

### **Conclusion**

It is recommended that Council approve the three policies:

- a) *Policy for the Management of Excavated Material*
- b) *Policy for the Storage of Bulk or Excavated Materials at Council Depots and Permanently Nominated Sites*
- c) *Environmental Incident Notification Policy*

These policies and the associated procedures represent the commencement of an advanced and controlled approach to environmental management of Wyong Shire Council's operations. This approach will provide both Council staff and the public with the assurance that the Council is committed to sound and proactive environmental management.

### **ATTACHMENTS**

- |   |                           |           |
|---|---------------------------|-----------|
| 1 | Notification Policy       | D02058034 |
| 2 | Storage Policy            | D02058008 |
| 3 | Excavated Material Policy | D02058005 |

## Wyong Shire Council

### Environmental Incident Notification Policy

This policy must be read in conjunction with the detailed Procedures on Environmental Incident Notification. The terms and procedures are set out in that document.

#### 1 Background

The Department of Environment Climate Change and Water (DECCW) has the major role regulating activities to protect the environment through the Protection of the Environment Operations (POEO) Act 1997.

The POEO Act is the main piece of environmental protection and control legislation for NSW.

The POEO Act effectively sets out government policy for the protection of the environment policies.

The POEO ACT is relevant to all Wyong Shire Council's employees, contractors and Councillors.

Part 5.7 of the POEO Act Details the Duty to Notify Pollution Incidents and is the basis for this Policy and the associated Procedures.

#### 2 Wyong Shire Council's Policy on the Notification of Pollution Incidents

##### Definition of an Environmental Incident

The definition of an Environmental Incident for the purpose of this policy is:

- An event caused by Wyong Shire Council (WSC) operations that has or has the potential to cause harm to the environment;
- An event, including the illegal disposal of waste, that has or has the potential to cause harm to the environment, caused by a third party on Wyong Shire Council property or on land under Council's control.

##### Purpose of Policy

- To ensure environmental incidents are openly reported and are given a consistently high priority by Wyong Shire Council
- To minimise the number and mitigate the severity of environmental incidents
- To ensure compliance with the POEO Act and regulations relating to environmental incidents and incident reporting.
- To ensure all actions relating to environmental incidents from identification to rectification are documented
- To ensure a transparent process that provides review, recommendation and concurrence from an informed independent source through the involvement of the Compliance and Regulation Unit

Wyong Shire Council's policy on environmental incidents is that:

- a) All environmental incidents are notified to the appropriate Council staff via the Environmental Incident Reporting System regardless of their severity.
- b) The Regulation and Compliance Unit will be informed of all environmental incidents and:
  - have ultimate control over whether to report the incident to DECCW
  - consult with Shire Services to agree upon necessary tasks including time frames to report to ensure all aspects of the incident are addressed.
  - Track and decide when the Customer Relationship Management (CRM) on the incident should be closed, or escalated to the Directors of Shire Services and Shire Planning
- c) All aspects of the environmental incident will be recorded through Council's information management and tracking systems.
- d) Environmental incidents will be investigated with the objective to limit the impact of environmental damage and ensure systems and actions used to handle the incident were optimal.
- e) The cause of environmental incidents will be reviewed as appropriate and corrective actions taken with the objective to ensure that the possibility of the incident recurring is minimised or eliminated.
- f) When necessary, suitably qualified technical consultants will be employed to give preferred recommendations based upon DECCW's general requirements.
- g) The OH&S Safety Co-ordinator will be informed of every environmental incident as part of the Environmental Incident Reporting System.

## Wyong Shire Council

### Policy for the Storage of Bulk or Excavated Materials

#### At Council Depots and Permanently Nominated Sites

This policy must be read in conjunction with the detailed Procedures on Management of Excavated Material. The terms and procedures are set out in that document.

## 1 Background

The Department of Environment Climate Change and Water (DECCW) has the major role regulating activities to protect the environment through the Protection of the Environment Operations (POEO) Act 1997.

The POEO Act is the main piece of environmental protection and control legislation for NSW.

The POEO Act effectively sets out government policy for the protection of the environment policies.

The POEO ACT is relevant to all Wyong Shire Council's employees, contractors and Councillors.

**Chapter 3 and schedule 1 of the POEO Act deal with licences and the use of land as a waste facility.**

This policy supports Councils commitment to sustainability, and works in conjunction with Council's "Policy for the Management of Excavated Material".

## 2 Wyong Shire Council's Policy for the Storage of Bulk or Excavated Materials at Council depots and Permanently Nominated sites

### Definitions

Term	Definition
<b>Purchased Materials</b>	New material purchased from quarries and landscape suppliers.
<b>Material In-Transit (for Disposal)</b>	Any material moved off a given site that destined for an approved waste management facility. This includes <b>Waste In-Transit (for Storage)</b> that does not meet re-use classifications.
<b>Material In-Transit (for Storage for possible re-use)</b>	Any material moved off a given site that is to be tested through chemical analysis, with the expectation that it will meet re-use classifications.
<b>Approved Re-Use Material</b>	Material that has been moved off a given site and has, through chemical analysis and formal approval, been classified as meeting re-use classifications (VENM, ENM, and Recovered Aggregate).

## Purpose of the Policy

The purpose of this policy is as follows:

- a To ensure compliance with all relevant regulations relating to waste handling, disposal and classification for re-use.
- b To be able to provide documented evidence of Council's actions relating to waste handling, disposal and classification for re-use.

## Statement of Policy

Wyong Shire Council's Policy on the Storage of Bulk or Excavated Materials at Council Depots and Permanently Nominated Sites, is described in the following paragraphs. Specific procedural requirements to ensure this policy is implemented are detailed in the Procedure "for the Storage of Bulk or Excavated Materials, at Council Depots and Permanently Nominated Sites". The Policy incorporates the following principles:

- a The depots and permanently nominated sites will have all relevant approvals and licenses where required.
- b All bulk storage materials shall be managed through one of four classifications i.e. Purchased Materials, Waste In-Transit (for Disposal), Waste In-Transit (for Storage), or Approved Re-Use Material.
- c Only bulk materials approved for storage pursuant to the Procedure shall be stored.
- d Storage of approved materials shall be in dedicated, approved and contained storage areas that include sediment controls complying with Council's requirements. (refer to the Procedure "for the Storage of Bulk or Excavated Materials, at Council Depots and Permanently Nominated Sites").
- e Movement of bulk or excavated material shall be strictly controlled via a recording system that records material from its place of origin through to either disposal or classification as Approved Re-Use Material.
- f Waste material that is not to be re-used shall be disposed of at a registered waste disposal facility.



# Wyong Shire Council

## Policy for the Management of Excavated Material

This policy must be read in conjunction with the detailed Procedures on Management of Excavated Material. The terms and procedures are set out in that document.

### 1 Background

Council undertakes a range of construction activities that generate excavated materials. It has a responsibility and community obligation to minimise and manage these materials in a sustainable manner that meets all legal requirements.

The Protection of the Environment Operations Act 1997 (POEO Act) is the main piece of legislation for regulating waste management and control in NSW.

A key objective of this policy is to ensure a healthy and clean environment by regulating pollution and other adverse environmental impacts that may result from waste generating activities.

The policy supports the State Government's policy for the recovery and use of materials to minimise the consumption of natural resources and the amount of waste going to landfill.

This policy supports Council's commitment to sustainability, and works in conjunction with Council's "Policy for the Storage of Bulk or Excavated Materials at Council Depots and Permanently Nominated Sites".

This policy has been prepared to provide direction to staff on how to handle and dispose of excavated materials, while complying with environmental legislative requirements.

### 2 Wyong Shire Council's Policy on the Management of Excavated Materials

#### Definitions

Under the Protection of the Environment Operations Act 1997, the definition of waste includes the following:

- a *any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or*
- b *any discarded, rejected, unwanted, surplus or abandoned substance, or*
- c *any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or*
- d *any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or*
- e *any substance prescribed by the regulations to be waste.*

Note: A substance is not precluded from being defined as waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

Based on this definition, excavated materials generated during a range of Council operations may be defined as 'waste' under the Act. Certain provisions exist in the legislation to allow recovery and limited reuse of some excavated materials if such material falls within specified resource recovery exemptions and waste categories

## Purpose of the Policy

The purpose of this policy is as follows:

- a To ensure Council staff manage excavated material in accordance with current legislation.
- b To minimise excavated material generated by Council operations by improved planning, design and project control.
- c To manage sustainably, excavated material generated from Council operations in order to reduce Council's carbon footprint.

## Statement of Policy

Wyong Shire Council's Policy for the Management of Excavated Materials incorporates the following principles:

- a Council shall comply with all relevant legislation and regulations relating to environmental protection and waste management; and support Council's commitment to sustainability.
- b Council shall follow the priority principles of the waste hierarchy, in the order of avoid, reuse, recycle and dispose.
- c Staff shall implement waste avoidance strategies throughout the planning, design and construction stages of a project. Such measures shall include but not be limited to balancing 'cut and fill' requirements, the selection of routes for infrastructure, and the use of alternative construction techniques.
- d Staff shall actively identify and implement reuse and recycling strategies to maximise the beneficial re-use of excavated materials that do not adversely affect the environment,
- e Reuse and recycling proposals shall be undertaken in compliance with the generic resource recovery exemptions or otherwise specific exemptions issued under the NSW waste regulatory framework.
- f Wherever practical, excavated materials shall be separated in accordance with the waste classification categories throughout the excavation, transport and storage stages of a project. This should increase the capacity to re-use materials while reducing the amount of material going to landfill.
- g Disposal of material is the least desirable option and shall only be undertaken when avoidance or reuse/recycling options are not practically achievable. Any disposal shall be in accordance with the regulatory framework and in an environmentally responsible manner.

## **5.5 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan**

TRIM REFERENCE: F2007/01471 - D02054571

AUTHOR: KG

### **SUMMARY**

Section 67 of the Local Government Act requires Council approval for the works detailed in this report to be undertaken on private property. These works are being funded under the Tuggerah Lakes Estuary Management Plan (TLEMP).

### **RECOMMENDATION**

***That Council approve the works detailed in Table A to be carried out on the following properties under the TLEMP at no cost to the property owner:***

- ***Lot 102 DP 793943 Kangy Angy***
- ***Lot 1 DP 112609 Mardi***

### **BACKGROUND**

The TLEMP has been developed to improve water quality, ecology, general amenity and the foreshore areas of Tuggerah Lake, Budgewoi Lake and Lake Munmorah. The plan provides for a range of projects to be carried out over a five year period. A number of these projects relate to reducing the amount of sediment entering the Lakes as a result of bank erosion in the various streams, creeks and rivers that discharge into the lakes. The works under this plan are being fully funded by a Federal Government grant.

In 2008 consultant Cardno Lawson Treloar undertook an assessment of Wyong River and Ourimbah Creek to identify areas of streambank degradation and prioritise areas for rehabilitation. That assessment is documented in the Streambank Management Plans for Wyong River and Ourimbah Creek. A significant number of the sites identified within these plans are on private property. The prioritisation of sites within these plans forms the basis for funding under the Federal grant.

This report identifies two private properties that have been prioritised for improvement works in the 2009 / 2010 financial year under the TLEMP. Council's approval to the expenditure of funds on these works will be required.

### **CAUSES OF EROSION AND REHABILITATION METHODS**

The 2008 Cardno Lawson Treloar report identified that areas of significant erosion within Wyong River and Ourimbah Creek are a result of causes such as excessive clearing of trees close to the streambank, uncontrolled stock access to the stream, intrusion of weeds such as privet and lantana (that do not have root systems capable of holding the soil in flood events) and gradual erosion resulting in over steepening of the bank which has the potential for significant slippage when saturated.

## **5.5 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan (contd)**

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The typical rehabilitation methods, detailed within the report, and which form the basis for works to be carried out, at individual sites include:

- Revegetation of the riparian zone.
- Fencing to prevent stock access to the stream and revegetated areas.
- Clearing of weeds / undesirable vegetation.
- Excavation of the streambank to provide a batter that will support revegetation.
- The provision of toe protection to eroding streambanks by either hard engineering works such as the placement of sandstone riprap / construction of retaining walls or softer works such as the placement of local materials such as tree trunks to protect the eroding bank until such time as native vegetation is re established.

### **WORKS ON PRIVATE PROPERTY**

Section 67 of the Local Government Act (LGA) relates to Council undertaking works on private property. This section deals with and sets out procedures for circumstances where Council spends public money and undertakes works on private lands and those works improve the land/provide the private landowner with a benefit (as compared to where Council spends public moneys on public infrastructure/public benefit). Examples of such work referenced under this Section, which are relevant to works being undertaken under the TLEMP, include fencing, tree planting, tree maintenance, excavation, land clearing and tree felling.

Where Council is carrying out these types of works on private property and does not have an approved fee, or is charging less than an approved fee, Council must approve the works before they are carried out by resolution at an open meeting. Funding for these works may be from various sources and are not necessarily revenue funds.

Where rehabilitation works are proposed to be undertaken on private land, extensive discussions are held with owners to obtain both their permission to undertake the works, which is required under Section 67 of the LGA, and consider possible cost sharing arrangements.

Typically owners do not consider that these works will benefit them directly. They claim, for example, that where currently their stock water comes directly from the stream, fencing will mean that they may have to install off-stream watering if the stream is fenced off. Revegetation of streambanks, which are then fenced to prevent stock access to the new plants, is seen as a loss of pasture. Similarly, battering of the streambank which is to be revegetated and fenced is also seen as a loss of pasture.

While it may be considered that the above activities provide long term assets e.g. fences, trees etc for the properties concerned, many owners have indicated that they will not consent to the works being undertaken if they are required to make any significant contribution to their cost.

Where it is proposed to undertake works on private property an agreement is entered into with the property owner relating to the sharing of costs. Agreements are based on the following principles:

- Council, through TLEMP funding, will provide all rehabilitation works.
- If, as a result of the rehabilitation works, off-stream stock watering is required this is to be provided by the land owner.
- Council, through TLEMP funding, will provide initial maintenance (up to 12 months) to establish tube stock planted as part of the works.

## 5.5 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan (contd)

- The property owner will provide for the ongoing maintenance of any fencing and maintenance of revegetated areas after the initial maintenance period.

Should a major flood event occur that results in damage to rehabilitated areas, beyond that which could be carried out as part of normal maintenance, any remedial works would be subject to a separate round of assessment under the TLEMP.

In the past work has been carried out to maintain the streambanks of Wyong River and Ourimbah Creek within private properties. This work was not reported to Council as it was minor in scale with significant components of the work that constituted direct improvements to property value, such as fencing, being funded by the owner. This type of maintenance work will continue to be undertaken without formal reporting to Council. However, the scale and nature of works under the TLEMP warrant reporting to, and obtaining formal approval from, Council in the accordance with Section 67 of the Local Government Act. Further works of this type will be the subject of future reports to Council for the duration of time for which funding is provided under the TLEMP.

### COUNCIL APPROVAL

For Council to undertake rehabilitation works on private property to achieve its TLEMP objectives it will need to agree to the use of Federal Funding to fully pay for these works. The works listed in Table A below are scheduled for completion in early 2010 as part of the TLEMP. Council approval is recommended to the undertaking of these works on private property at no cost to the property owner.

**Table A**

### Proposed Work on Private Property as Part of the Tuggerah Lakes Estuary Management Plan

<b>Property Description</b>	<b>Extent of Proposed Work</b>	<b>Approximate Cost of Work (excl GST)</b>
Lot 102 DP 793943 Kangy Angy	<ul style="list-style-type: none"><li>• Batter 80 metres of streambank</li><li>• Provide toe protection to 80 metres of streambank</li><li>• Remove weeds / undesirable vegetation from 400 square metres of streambank</li><li>• Revegetate 800 square metres of streambank and riparian zone</li><li>• Install 120 metres of stock fence</li></ul>	\$284,000.00
Lot 1 DP 112609 Mardi	<ul style="list-style-type: none"><li>• Remove weeds / undesirable vegetation from 600 square metres of streambank</li><li>• Revegetate 1200 square metres of streambank and riparian zone</li></ul>	\$ 78,000.00

### ATTACHMENTS

Nil

## **5.6 Annual Report to Minister for Local Government**

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TRIM REFERENCE: F2008/01848 - D02051594

AUTHOR: ED

### **SUMMARY**

Council's Annual Report to the Minister for Local Government.

### **RECOMMENDATION**

*That Council adopt the Annual Report for 2008-09.*

### **BACKGROUND**

Council is required to present an Annual Report to the Minister for Local Government by 30 November each year and all in accordance with the Local Government Act 1993.

A checklist of required information is included at the beginning of the Annual Report, indicating each separate requirement for the Annual Report under the legislation.

Council's Annual Report is enclosed for the information of Councillors. It incorporates:

- Enclosure 1 - Council's Financial Reports
- Enclosure 2 - The 2008-09 Management Plan
- Enclosure 3 - The State of the Shire Report (incorporating the State of the Environment report)
- Enclosure 4 - Facilities and Expenses Policy for Councillors

Enclosures 1, 2, 3 and 4 have been reported to Council previously.

It is intended to post the 2008-09 Annual Report and enclosures on the website after adoption by Council.

### **ATTACHMENTS**

- |   |  |                     |
|---|--|---------------------|
| 1 | Annual Report 2008-09                          | Enclosure           |
| 2 | Facilities and Expenses Policy for Councillors | Enclosure D01396044 |

## **5.7 Local Preference Policy - Procurement**

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TRIM REFERENCE: F2007/01410 - D02010128

AUTHOR: GP

### **SUMMARY**

A recommendation to adopt a local preference policy that supports the Central Coast economy through Council's tender and procurement activities for requirements over \$20,000.00 (ex GST).

### **RECOMMENDATION**

- 1 That Council adopt the draft Local Preference Policy - Procurement (as per Attachment 1).**
- 2 That subject to adoption of Recommendation 1, the Local Preference Policy - Procurement commence from 1 March 2010.**

### **BACKGROUND**

For some years Council has at various times considered the concept of applying a purchasing philosophy that would give a preference to local suppliers as a means of visibly supporting the local economy. To date no local preference policy has emerged.

Council's current Procurement Policy does not include a prescribed scope to favour tenders, quotations etc. that originate from local businesses, or that have some level of local content. Whilst Council already expends a significant amount on goods and services in the local region, the ability to expand upon this is not possible without a formalised policy.

Recent employee lay-offs by the clothing company Pacific Brands led to active debate by Council to reconsider a local preference policy once more.

At the Ordinary Meeting held on 27 May 2009, Council resolved as follows:

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

- 1 That Council adopt a local preference policy to be included in the evaluation of tenders, quotations and Council procurement.*
- 2 That the potential impact of this criteria on stimulating the local economy and creating local jobs be evaluated.*
- 3 That a policy be prepared and submitted to Council for consideration.*

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

AGAINST: NIL."

To refine the options for the development of a local preference policy, a Councillor workshop was held in October 2009. The outcome of that workshop resulted in the following key parameters being determined:

- Local preference is to be applied to goods and services that were supplied from persons, businesses and enterprises operating within the Central Coast region.
- In assessing tenders, quotations etc. a preference factor of up to 10% is to be applied to the level of content that originates from the Central Coast.

## **THE ISSUES**

In 2008/09, Council's discretionary spend on goods and services was approximately \$120M (discretionary expenditure being expenditure for which Council has some scope to select between two or more suppliers). Approximately \$76M (64%), of this discretionary expenditure was spent with suppliers based on the Central Coast. Conversely, approx. \$44M (36%) was spent with suppliers located in other areas.

Whilst Council can already demonstrate a significant level of support for the local economy, there is scope to further recognise the benefits of a structured approach to assisting commercial enterprise in the local area through the adoption of a local preference policy. Such a policy needs to provide clear and accountable direction for making procurement decisions.

For a local preference policy to be effective, it must balance the objective of supporting the local economy with the need to obtain a reasonable level of competitiveness. This can be achieved through structuring the policy in a way that provides local business with a level of preference commensurate with the nature and level of expenditure, whilst also limiting the maximum adverse financial implications to Council.

It is also vital that appropriate governance controls are embodied into the policy to ensure probity is maintained in its implementation, operation and on-going management. Both the Independent Commission Against Corruption (ICAC) and NSW Dept. of Local Government (DLG) have issued guidelines and discussion papers specifically for NSW Councils who are considering or have adopted a local preference policy. An extract of these guidelines / discussion papers are included at Attachment 2 to this report.

The adoption of a local preference policy will require a significant degree of re-working to Council's internal administrative tools, documents and forms used for procurement. Additionally, there will be a need to train and educate staff in the operation of the policy. For these reasons, it will be necessary for a delay between adoption of a policy and its actual implementation.

To reduce the administrative impact, it is also appropriate to acknowledge that there is little to be gained from applying the policy to relatively low-value expenditure, much of which is already sourced locally.

## **THE PROPOSAL**

This report recommends the adoption of a policy that supports the local economy through a preference being given to local businesses in relation to Council's procurement activities.



## 5.7 Local Preference Policy - Procurement (contd)

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A draft "Local Preference Policy – Procurement" forms Attachment 1 to this report and is recommended for adoption. The draft was developed with input from Council's legal services provider.

The draft policy has been prepared to recognise Council's objective to support the local economy whilst ensuring that this is balanced against the need to maintain competition amongst bidders for Council work to ensure reasonable value for money is continued to be obtained from expenditure on goods and services.

Key components of the draft Local Preference Policy - Procurement and rationale are discussed in the following:

1. Local preference to be applied to content generated from within the Central Coast i.e. Wyong Shire & Gosford City Local Government Areas.

**Rationale:** The Federal and NSW State Governments recognise the Central Coast as a regional area. Wyong Shire represents approximately half the region in terms of both geography and population. The application of a Central Coast approach accords with objectives outlined in Council's Management Plan, including collaborating with the Dept. of State & Regional Development and Regional Development Australia (formerly Business Central Coast) to actively promote the region and foster economic growth.

2. A preference weighting of 10% is to be applied to the assessed level of local content contained in tenders, quotations etc.

**Rationale:** A 10% weighting provides a reasonable differentiation that acknowledges the benefits to the local economy from acquiring goods and services locally. Given that the assessment of tenders for Council's more significant expenditure generally requires the application of price and non-price evaluation criteria, the preference weighting will not therefore equate to a simple 10% price benefit as the preference weighting will affect in a holistic manner both the price and non-price aspects of tenders etc.

3. The policy will only be applied to individual procurement needs greater than \$20,000.00 (ex GST).

**Rationale:** Much of Council's current low-value expenditure is already spent with Central Coast based businesses. The policy will therefore not have any significant impact upon expenditure below the \$20,000.00 threshold. The additional administrative tasks involved in applying the policy also do not warrant application to relatively low-value expenditure.

4. The policy incorporates limitations on the financial impact to Council as a result of applying the policy. The limitations are incremental (increasing as the value of procurement increases) and capped at defined maximum values.

**Rationale:** To ensure that reasonable value for money is continued to be obtained, it is vital that Council continues to encourage a competitive environment between firms bidding for Council business. Financial limitations will ensure that the price component of tenders remains a competitive factor. It is relevant to again highlight that price is just one evaluation criterion used in the assessment process for major procurement. For example, a tender with high local content may be competitive in the price criterion, but less competitive in other non-price criteria. The application of the local preference weighting can therefore have the effect of off-setting lower assessments for both price and non-price criteria. As a result, the incorporation of financial limitations will not diminish the intent of the policy.

5. Financial limitations (as per 4 above) have been categorised at three levels i.e:
- Procurement primarily for Services
  - Procurement primarily for Goods and;
  - Procurement for Works (i.e primarily for construction or rehabilitation of physical assets)

**Rationale:** It is recognised that procurement primarily involving services will have the greatest effect on stimulating the local economy as such procurement is by nature labour intensive requiring the contractor / provider to allocate resources for an extended period. The labour component will therefore be a significant factor in the overall tendered price. Procurement of goods on the other hand is far less labour intensive with the majority of the tendered price being incorporated in the actual goods, which will have little (if any) local content. For example, stationary supplies will be manufactured overseas or elsewhere in Australia with little value-adding occurring in the local region. Of relevance too is the fact that most of Council's major procurement is for services, while most procurement for goods is already sourced locally and/or is below the \$20,000.00 threshold for application of the policy (as per 3 above). The third category of works addresses the majority of Council's major contracts and acknowledges that procurement involving the construction or rehabilitation of assets generally has a significant component of both services and goods. With this in mind, the financial limitations for this category must balance both the labour component and the goods component which will likely be embodied in the tendered price in reasonably equal proportions.

In summary, the limitations follow the hierarchy below (all values ex GST):

- Services – Higher value limits with maximum of \$50,000.00
- Works - Intermediate value limits with maximum of \$35,000.00
- Goods – Low value limits with maximum of \$20,000.00

For the categories of Services and Works, the maximum limit triggers once the value of procurement is greater than \$2M and \$2.3M respectively. The maximum limit for Goods commences at procurement greater than \$4M.

The limitations are considered consistent with Council's spend in the defined categories and provide reasonable scope to implement the policy in a manner that ensures that the policy's objectives and intent to stimulate the local economy are realisable, particularly in the labour intensive categories of Services and Works.

Whilst there will be a cost to Council in situations where application of the policy is to off-set a price disadvantage contained in a recommended tender etc, this must be viewed in the context of the benefits flowing to community through Council's increased spend in the local region.

6. Governance measures aimed at ensuring probity and transparency in relation to the policy are embodied within the policy.

**Rationale:** ICAC & DLG have issued a number of discussion papers and guidelines in relation to local preference policies within the Local Government sector. In view of the recommendations set-out by these two bodies, the local preference policy incorporates a number of requirements to ensure that adoption, use and review of the policy is conducted in open session by Council.

These requirements will include regular reporting of the financial ramifications from application of the policy, recommendations for updates and amendments to the policy and the effectiveness of the policy in stimulating the local economy.

To assist with the implementation and on-going administration of the local preference policy, the following facilitating actions are to be undertaken:

- The local preference policy will be articulated in an abbreviated form in all tender documentation and other formalised requests for competitive offers.
- The policy will be published in full on Council's web-site.
- To support the assessment process, tender and other documentation used for seeking formalised requests will be enhanced to require tenderers / bidders to identify the locality and estimated spend with suppliers and sub-contractors from the local region. (Tenderers' own locality being already identified)
- Existing internally used systems and tools will be adjusted to cater for the introduction of the policy. There will also be a need to develop procedures and systems to enable accurate reporting to Council on application of the policy.
- A training programme will be undertaken to educate staff re: the policy and its operation.

The need to undertake a number of ancillary actions to successfully implement the policy will require a reasonable period of time between adoption of the policy and its implementation. A significant factor will be the training of staff which will need to be conducted through formalised sessions. The approaching Christmas / New Year holiday period is a barrier to staff training and it would be anticipated that training would be conducted in late January / early February 2010. For these reasons it is recommended that the actual commencement of the policy should be 1 March 2010.

## **OPTIONS**

Councils that have adopted a local preference policy have used various approaches. These can be summarised as follows:

1. A single level of preference based upon the Council's LGA or defined region (as per the recommended approach for Wyong Council)
2. A multi-level preference that applies a scaled weighting based on the source of the content e.g.
  - Content from within own LGA = High Preference
  - Content from neighbouring LGA = Medium Preference
  - Content from specified geographic region = Low Preference
  - Content from interstate = No Preference
3. A policy which states that local offers will be favoured where they are equal to the most competitive offer.

It is considered that that the alternative approaches to that of the recommended policy are not suitable and/or desirable for Wyong Council for the following reasons.

A multi-level preference is inherently complex resulting in difficulty in understanding and application.

A policy that simply favours the local offer when “all things are equal” will have little practical application as it is highly improbable that two bids will be exactly equal.

The recommended approach of a single level of preference is relatively more easily understood and, with appropriate internal training and systems, can be practically applied.

## 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 Economy	Improve the socio-economic base of the Shire by higher income levels.	2.1 & 2.2 Employment and Incomes

## CONTRIBUTION TO THE PRINCIPAL ACTIVITY

The recommended local preference policy will enable Council to further demonstrate support for the local economy through the acquisition of goods and services for Council’s operational needs.

## FINANCIAL IMPLICATIONS

Notwithstanding the inclusion of financial limitations, the recommended local preference policy will have some degree impact on Council’s financial position. This is not to say that all procurement that is influenced by application of the policy will result in Council paying more as price is only one criterion used in the assessment of major procurement.

## PRINCIPLES OF SUSTAINABILITY

The policy will support the development of a sustainable economy in the Central Coast region through a degree of preference being given to local business.

## CONSULTATION

Policies of Councils that have implemented local preference policies were sought and considered.

Council’s legal services provider assisted with development of the draft policy.

## LEGISLATION

The need to observe the tendering requirements of the NSW Local Government Act have been embodied in the draft policy.

**GOVERNANCE**

Governance measures are incorporated in the draft policy to ensure transparency and probity in relation to adoption, implementation and application of the policy.

**CONCLUSION**

Council has a primary obligation to its community, dictated by the Council Charter, to be effective and efficient in respect of Councils activities as they contribute to the community's well-being.

Council also has a role in developing and stimulating the local economy. This occurs through various activities and objectives outlined in the Management Plan. A local preference policy is consistent with these activities and objectives.

The adoption of a local preference policy is intended to enhance the opportunity for local business to secure work in providing goods & services to Council through applying a reasonable level of preference when considering local content contained in tenders etc.

Through incorporation of appropriate financial limitations and governance measures, the policy can be applied in a manner that continues to achieve value for money for Council whilst also assisting to stimulate the local economy.

The adoption of a local preference policy will however require a number of internal changes and the undertaking of staff training to ensure it is effectively implemented. To this end, a transitional period between adoption of a policy and its actual commencement is necessary.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | OM 25-11-2009 Attachment 1 - Draft Local Preference Policy - Procurement                     | D02076079 |
| 2 | OM 25-11-2009 Attachment 2 - Extracts From ICAC and DLG Papers Re: Local Preference Policies | D02076089 |

## **A. POLICY SUMMARY**

- A.1 This document sets out Council's policy in relation to considering and favouring Local Content when acquiring goods and services.

## **B. POLICY OBJECTIVES**

- B.1 Council is committed to obtaining the best possible value for ratepayers through the implementation and management of a fair and appropriate procurement system.
- B.2 Council also recognises its role in the local community as a purchaser of significant quantities of goods and services. Given that role within the local community, it is important that it also consider the potential positive effect it can have in encouraging and facilitating the local economy through considering the level of Local Content contained in Offers for the supply of goods and services.
- B.3 Through the provisions of this Policy, Council aims to encourage the development and promotion of business and industry within the Central Coast region, and, in so doing, assist in creating growth and employment in the region.
- B.4 In accordance with this Policy, Council will apply a preference as specified herein to Offers for the provision of goods and services that demonstrate a level of Local Content.
- B.5 To act transparently and publicly document the objective criteria which may be considered in the assessment of procurement decisions.

## **C. DEFINITIONS**

- C.1 "Local" - means the NSW Central Coast, specifically the Wyong Shire and Gosford City Local Government Areas.

- C.2 “Local Content” – means goods, services and any value-adding included in offers that are generated from persons, businesses and enterprises which have a Physical Presence within the Local area.
- C.3 “Offers” – means quotations, tenders, expressions of interest and submissions made under a competitive basis for the provision of goods and services to Council.
- C.4 “Physical Presence” – means the person, business or enterprise must employ at least one person working in a full-time position in a workplace within in either or both of the local government areas of Wyong Shire or Gosford City and has done so for a period of no less than six (6) months prior to the date of first advertising or calling for Offers.
- C.5 “Most Competitive Offer” – means the Offer that is assessed as the highest scoring prior to evaluation of Local Content.
- C.6 “Preferred Offer” – means the Offer that is assessed as the highest scoring following evaluation of Local Content.
- C.7 “Policy” – means this Local Preference Policy – Procurement.
- C.8 “Services” – means procurement under which the provider primarily supplies time, effort and/or expertise to Council. Examples: Trade services for asset maintenance, provision of plant with operator, undertaking a feasibility study.
- C.9 “Goods” – means procurement primarily concerning the transfer of the title in products, commodities, equipment and other tangible items from the provider to Council. Examples: Supply and delivery of quarry products, purchase of plant & equipment.
- C.10 “Works” – means procurement requiring the provider to construct or significantly rehabilitate assets necessitating the use of substantial levels of both Services and Goods. Examples: Construct new community centre, reconstruct road pavement, supply and install air-conditioning system.

## D. LEGISLATIVE AND GOVERNANCE MATTERS

D.1 This Policy recognises the procurement of goods and services by Council must be in accordance with the legislative framework that is set out in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, as well as relevant requirements under Commonwealth and other State and Federal legislation, specifically:

D.1.1 Section 55 of the Local Government Act 1993

Details the provisions for tenders.

D.1.2 Local Government (General) Regulation 2005

Clauses 165-181, which detail the administration of tenders, including prerequisite requirements, submissions and opening of tenders and determining tenders.

D.1.3 Clause 209 provides for the particular responsibilities of the General Manager.

D.1.4 Clause 211 provides for the authorisation of expenditure.

D.1.5 Trade Practices Act 1974 (Commonwealth)

The purpose of this legislation is to promote competition and fair trading.

D.2 To support good governance in the implementation, operation and management of this Policy, the following will be observed:

D.2.1 This Policy will be adopted by Council in open session.

D.2.2 Subsequent reviews and amendments to this Policy are to be made in open session by Council.

D.2.3 Minor administrative changes necessary to accommodate legislative changes and the like will be approved by the General Manager.



- D.2.4 The full Policy will be published on an appropriate page of Council's website.
- D.2.4 Formalised requests issued by Council seeking competitive Offers will include a statement outlining the use and application of this Policy and the internet address to obtain the full Policy.
- D.2.5 All reports to Council making recommendation for the award of contracts will include details of the effect to the recommendation arising from application of this Policy.
- D.2.5 On an annual basis, or at shorter intervals as deemed necessary by the General Manager, a report will be prepared for inclusion in a Council business paper detailing the outcomes of applying this Policy, including:
- The number of times that application of this Policy influenced procurement decisions.
  - The names of beneficiaries of decisions made through application of this Policy.
  - The financial implications to Council in applying this Policy.
  - The effectiveness of this Policy in developing and promoting business and industry within the Local region.
  - Recommendations for amendments to this Policy.
- D.3 Council's Procurement Policy is available from Council's website. It sets out administrative matters in relation to the procurement of goods and services. Regard shall be had to this Policy in the application of the Procurement Policy. The Local Preference Policy - Procurement will have precedence in the event of any conflict with the Procurement Policy.

## E. OPERATION OF POLICY

- E.1 The Policy will apply to all procurement with a definable cumulative value greater than \$20,000.00 (ex GST) that is to be sourced from a single supplier.
- E.2 Offers must be sufficiently detailed to enable Council to assess the level of Local Content included. To support assessment of the level of Local Content contained in Offers, Council may provide pro-forma templates to bidders for completion and/or require bidders to provide necessary detail in another form(s).
- E.3 In assessing Offers, Council and its officers must be reasonably satisfied as to the level of Local Content stated. It is the responsibility of bidders to provide relevant documentary evidence to establish the veracity of the claimed level of Local Content. Council retains the right within its sole discretion to accept the veracity of stated Local Content.
- E.4 To assess Offers, Council may develop appropriate evaluation criteria for individual procurement transactions. Price and Local Content will be mandatory criteria. Other non-price criteria may also be applied dependent on the specific circumstances.
- E.5 A weighting will be applied to each evaluation criterion. Local Content will have a mandatory weighting of 10% of the total evaluation criteria. Weights applied to price and non-price criteria will have a maximum cumulative weighting of 90%.
- E.6 The maximum adverse financial implication to Council per procurement transaction arising from the application of this Policy will be limited. In setting the limitations, Council recognises that different types of procurement will have varying effects on the Local economy. For this reason, this Policy recognises three types of procurement and are defined under Clauses C8, C9 & C10 of this Policy i.e.
1. "Services"
  2. "Goods"
  3. "Works"

E.7 Where as a direct consequence of applying this Policy an Offer is assessed as the Preferred Offer, then reference shall be made to this Clause prior to acceptance of such Offer. The limitations will be applied as follows:

E.7.1 Financial Limitations - Procurement Primarily for Services

<b>Expenditure Range - Most Competitive Offer (ex GST)</b>	<b>Maximum Unfavourable Financial Implication %</b>
>\$20,000 to <\$50,000	10% or \$5,000 above the price component of the Most Competitive Offer, whichever is the lower.
\$50,000 to <\$150,000	7.5% or \$11,250 above the price component of the Most Competitive Offer. Whichever is the lower
\$150,000 to <\$500,000	5% or \$25,000 above the price component of the Most Competitive Offer, whichever is the lower.
\$500,000 to <\$1M	3.5% or \$35,000 above the price component of the Most Competitive Offer, whichever is the lower.
>\$1M	2.5% above the price component of the Most Competitive Offer, <u>up to a maximum of \$50,000.</u>

E7.2 Financial Limitations – Procurement Primarily for Goods.

<b>Expenditure Range - Most Competitive Offer (ex GST)</b>	<b>Maximum Unfavourable Financial Implication %</b>
>\$20,000 to <\$50,000	2% or \$1,000 above the price component of the Most Competitive Offer, whichever is the lower.
\$50,000 to <\$150,000	1.5% or \$2,250 above the price component of the Most Competitive Offer, whichever is the lower.
\$150,000 to <\$500,000	1.25% or \$6,250 above the price component of the Most Competitive Offer, whichever is the lower.
\$500,000 to <\$1M	1% or \$10,000 above the price component of the Most Competitive Offer, whichever is the lower.
>\$1M	0.5% above the price component of the most Competitive Offer, <u>up to a maximum of \$20,000</u>

## E7.3 Financial Limitations – Procurement for Works

<b>Expenditure Range - Most Competitive Offer (ex GST)</b>	<b>Maximum Unfavourable Financial Implication %</b>
>\$20,000 to <\$50,000	7.5% or \$3,750 above the price component of the Most Competitive Offer, whichever is the lower.
\$50,000 to <\$150,000	5% or \$7,500 above the price component of the Most Competitive Offer, whichever is the lower.
\$150,000 to <\$500,000	3% or \$15,000 above the price component of the Most Competitive Offer, whichever is the lower.
\$500,000 to <\$1M	2% or \$20,000 above the price component of the Most Competitive Offer, whichever is the lower.
>\$1M	1.5% above the price component of the most Competitive Offer, <u>up to a maximum of \$35,000</u>

E.8 In the event a Preferred Offer exceeds the applicable limitation threshold as stated at Clause E.7, the Offer to be accepted will be, in order, either:

- The next ranked Preferred Offer which does not exceed the applicable limitation threshold.

Or, in the event that all Preferred Offers are in excess of the applicable limitation threshold:

- The most Competitive Offer.

E.9 Examples of the methodology of the assessment of Offers under this Policy, including application of financial limitations are included in the appendix.

## **F. EXTERNALLY ESTABLISHED ARRANGEMENTS**

F.1 Where Council acquires goods and services under standing offer arrangements established by external authorities and co-operative bodies, acquisitions made

under such arrangements will be subject to this Policy insofar as the specific arrangement enables a choice of providers and/or the ability to seek competitive pricing, with a condition that the price is limited to the maximum price prescribed in the arrangement (if any). Such acquisitions will generally occur via standing offer arrangements established by:

- NSW State Contracts Control Board
- Local Government Procurement Pty Ltd
- Hunter Councils (Incorporated)
- Municipal Authorities Purchasing Scheme (MAPS) Group Pty Ltd

F.2 Where an externally established arrangement does not enable the selection of providers and/or ability to seek competitive pricing, then the maximum price payable by Council will be the rate prescribed within the arrangement.

## **G. SELECTIVE SOURCING OF OFFERS**

G.1 For acquisition of goods and services that are not required to be sourced via a public tender in accordance with the NSW Local Government Act, Council officers will source Offers from known providers considered capable of fulfilling the specific requirements.

G.2 Where there are a sufficient number of known providers capable of ensuring a competitive choice and which have a Physical Presence in the Local region and can demonstrate an ability to meet Council's needs in relation to:

- Availability
- Suitability
- Capacity

Council will source Offers from such providers to a level commensurate with the estimated expenditure as specified in the Procurement Policy.

Where there are insufficient known providers which have a Physical Presence in the Local region to ensure competitive choice, then Council may choose from any provider, including any that may have a Physical Presence in the Local region.

G.3 The adoption of this Policy does not compel Council to invite Offers from any particular providers. The following will be applied when considering Providers who are to be invited to provide Offers:

G.3.1 Council may preclude inviting Offers from providers where past poor performance in the provision of goods and services has been established. The Director of the Department incurring the expenditure shall have jurisdiction over the preclusion (and re-inclusion) of any providers under this Clause.

G.3.2 Council will confirm Local Content undertakings contained in accepted Offers through an appropriate level of validation. Providers who fail to materially meet Local Content undertakings may be subject to preclusion from future opportunities to submit Offers in accordance with Clause G.3.1.

Example 1

	Firm's Name	Koala Contractors	Kangaroo Services			
	Total Cost to Council:	\$280,000	\$292,000			
	Evaluation Criteria	Weight	Score			
	Total Cost to Council:	50%	58.0	47.0		
	Other weighted criteria:					
	Other weighted criteria total:	40%	36.0	29.0		
Most Competitive Offer	Total Weighted Score:	90%	58.0	76.0		
		% Local Content	% Local Content			
	Local Preference	10%	40%	4.0	100%	10.0
	Total Weighting Applied:	100%				
Preferred Offer	Score After Local Preference			64.0	86.0	

Offer of Koala Contractors is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from Kangaroo Services becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is \$12,000 (Kangaroo cost less Koala cost). The limitation on the financial implication for this value of work is \$14,000 as per Clause E.7.1 (\$280,000 x 5%).

The financial implication is below the threshold. The Preferred Offer of Kangaroo Services is to be accepted.

Example 2

	Firm's Name	Koala Contractors	Kangaroo Services			
	Total Cost to Council:	\$280,000	\$295,000			
	Evaluation Criteria	Weight	Score			
	Total Cost to Council:	50%	58.0	47.0		
	Other weighted criteria total:	40%	38.0	29.0		
Most Competitive Offer	Total Weighted Score:	90%	38.0	76.0		
		% Local Content	% Local Content			
	Local Preference	10%	40%	4.0	100%	10.0
	Total Weighting Applied:	100%				
Preferred Offer	Score After Local Preference			82.0	86.0	

Offer of Koala Contractors is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from Kangaroo Services becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is \$15,000 (Kangaroo cost less Koala cost). The limitation on the financial implication for this value of work is \$14,000 as per Clause E.7.1 (\$280,000 x 5%).

The financial implication is above the threshold. The Most Competitive Offer of Koala Contractors is to be accepted.

## Example 3

	Firm's Name	Koala Contractors		Kangaroo Services	
	Total Cost to Council:		\$280,000		\$275,000
	Total Cost to Council:	50%		49.1	50.0
	Other weighted criteria:				
	Other weighted criteria total:	40%		35.0	38.0
Most Competitive Offer	Total Weighted Score:	90%		84.1	78.0
			% Local Content		% Local Content
	Local Preference	10%	20%	2.0	100%
	Total Weighting Applied:	100%			
Preferred Offer	Score After Local Preference			86.1	88.0

Offer of Koala Contractors is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from Kangaroo Services becomes the Preferred Offer.

There is no adverse financial implication in accepting the Preferred Offer as this is the lowest priced Offer (\$5,000 less). The financial limitations are therefore not applicable.



**Example 1**

**Example 2**

Firm's Name		Generic Wholesale		Bland Supplies	
Total Cost to Council:		\$29,600		\$30,000	
Total Cost to Council:	85%		85.0		83.9
Other weighted criteria total:	5%		5.0		2.0
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>90%</b>	<b>90</b>		<b>85.9</b>
		<b>% Local Content</b>		<b>% Local Content</b>	
	<b>Local Preference</b>	<b>10%</b>	<b>0%</b>	<b>0.0</b>	<b>10.0</b>
<b>Preferred Offer</b>	<b>Score After Local Preference</b>		<b>90.0</b>		<b>95.9</b>

Firm's Name		Generic Wholesale		Bland Supplies	
Total Cost to Council:		\$29,600		\$30,200	
Total Cost to Council:	85%		85.0		83.3
Other weighted criteria total:	5%		5.0		2.0
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>90%</b>	<b>90</b>		<b>85.3</b>
		<b>% Local Content</b>		<b>% Local Content</b>	
	<b>Local Preference</b>	<b>10%</b>	<b>0%</b>	<b>0.0</b>	<b>10.0</b>
<b>Preferred Offer</b>	<b>Score After Local Preference</b>		<b>90.0</b>		<b>95.3</b>

Offer of Generic Wholesale is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer of Bland Supplies becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is **\$400** (Bland cost less Generic cost). The limitation on the financial implication for this value of work is \$592 as per Clause E.7.2 (\$29,600 x 2%)

The financial implication is below the threshold. The Preferred Offer of

Offer of Generic Wholesale is assessed as the most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer Bland Supplies becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is **\$600** (Bland cost less Generic cost). The limitation on the financial implication for this value of work is \$592 as per clause E.7.2 (\$29,600 x 2%).

The financial implication is above the threshold. The Most

Example 3

	Firm's Name:	Generic Wholesale		Bland Supplies		
	Total Cost to Council:	\$29,600		\$29,500		
	Evaluation Criteria:	Weight:	Score		Score	
	Total Cost to Council:	85%	84.7		85.0	
	Other weighted criteria total:	5%	5.0		0.0	
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>90%</b>	<b>89.7</b>		<b>85.0</b>	
			<b>% Local Content</b>		<b>% Local Content</b>	
	Local Preference	10%	2.0		10.0	
	Total Weighting Applied:	100%				
<b>Preferred Offer</b>	<b>Score After Local Preference</b>		<b>91.7</b>		<b>85.0</b>	

Offer of Generic Wholesale is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from Bland Supplies becomes the Preferred Offer.

There is no adverse financial implication in accepting the Preferred Offer of Bland Supplies as this is the lowest priced Offer (\$100 less). The financial limitations are therefore not applicable.

**Example 1**

Firm's Name		ABC Constructions	XYZ Civil
Total Cost to Council:		\$4,640,000	\$4,876,000
Evaluation Criteria	Weight	Score	Score
Total Cost to Council:	60%	60.0	59.5
Other weighted criteria total:	30%	25.0	24.5
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>85.0</b>	<b>84.0</b>
	<b>% Local Content</b>	<b>35%</b>	<b>30%</b>
Local Preference	10%	3.5	3.0
Total Weighting Applied:	100%		
<b>Preferred Offer</b>	<b>Score After Local Preference</b>	<b>88.5</b>	<b>92.0</b>

Offer of ABC Constructions is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from XYZ Civil becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is **\$36,000** (XYZ cost less ABC cost). The limitation on the financial implication for this value of work is \$50,000 as per Clause E.7.1 (Maximum limitation \$50K).

The financial implication is below the threshold. The Preferred Offer of

**Example 2**

Firm's Name		ABC Constructions	XYZ Civil
Total Cost to Council:		\$4,640,000	\$4,715,000
Evaluation Criteria	Weight	Score	Score
Total Cost to Council:	60%	60.0	58.0
Other weighted criteria total:	30%	25.0	24.5
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>85.0</b>	<b>83.5</b>
	<b>% Local Content</b>	<b>35%</b>	<b>30%</b>
Local Preference	10%	3.5	3.0
Total Weighting Applied:	100%		
<b>Preferred Offer</b>	<b>Score After Local Preference</b>	<b>88.5</b>	<b>91.5</b>

Offer of ABC Constructions is assessed as the Most Competitive Offer prior to evaluation of Local Content.

Following assessment of Local Content, the Offer from XYZ Civil becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is **\$75,000** (XYZ cost less ABC cost). The limitation on the unfavourable financial implication for this value of work is \$50,000 as per clause E.7.1 (Maximum limitation \$50K).

The financial implication is above the threshold. The Most Competitive

**Example 3**

Firm's Name		ABC Constructions			XYZ Civil			Smith Building		
Total Cost to Council:		\$4,640,000			\$4,700,000			\$4,665,000		
Total Cost to Council:	60%			60.0			59.2			59.7
Other weighted criteria total:	30%			25.0			24.5			25.0
<b>Most Competitive Offer</b>	<b>Total Weighted Score:</b>	<b>90%</b>		<b>85.0</b>			<b>83.7</b>			<b>84.7</b>
			<b>% Local Content</b>		<b>% Local Content</b>		<b>% Local Content</b>			
	<b>Local Preference</b>	<b>10%</b>	<b>35%</b>	<b>3.5</b>	<b>80%</b>	<b>8.0</b>	<b>55%</b>	<b>5.5</b>		
	<b>Total Weighting Applied:</b>	<b>100%</b>								
<b>Preferred Offer</b>	<b>Score After Local Preference</b>			<b>88.5</b>			<b>91.7</b>			<b>90.2</b>

Offer of ABC Constructions is assessed as the Most Competitive Offer prior to evaluation of Local Content. Following assessment of Local Content, the Offer from XYZ Civil becomes the Preferred Offer.

The financial implication in accepting the Preferred Offer is **\$60,000** (XYZ cost less ABC cost). The limitation on the financial implication for this value of work is \$50,000 as per Clause E.7.1 (Maximum limitation \$50K). The financial implication is above the threshold. The Offer of XYZ Civil therefore cannot be accepted.

The Offer of Smith Building is the second ranked Preferred Offer. The financial implication in accepting the second ranked Preferred Offer is **\$25,000** (Smith cost less ABC cost). The financial implication is below the threshold. The second ranked Preferred Offer of Smith Building is to be accepted.

## Attachment 2 – Extracts From ICAC and Dept. Local Government Papers Re: Local Preference Policies

The NSW Independent Commission Against Corruption (ICAC), NSW Dept. of Local Government and the Australian Consumer & Competition Commission have issued papers and/or oversee legislation that impacts on the issue of a local preference policy. Relevant extracts from these documents and legislation follow:

### **'Taking the Con out of Contracting' (ICAC May 2001):**

*Local preference policies....., practices conflict with competitive tendering requirements and raise doubts about whether best value for money solutions are achieved by local preference arrangements. Additionally, such arrangements can create negative perceptions about the probity of Council practices and conflicts of interests for council employees and Councillors. In some circumstances, local preference practices have created situations where corruption has flourished."*

### **'Managing Risk: Reducing Corruption Risks in Local Government' (ICAC Sept 2001):**

*Local preference policies present a moderate to high corruption risk in our opinion. This is because they can be anti-competitive in application, create circumstances for conflicts of interest to arise and may result in the council being captured into using the same service provider.*

1. *The decision to have a local preference policy should be taken in open council and communicated to the community.*
2. *Councils should determine how local preference is to be applied in the procurement/tender process. For example, is local preference to be applied only after all factors have been considered and the proponents are otherwise equal, or is it to be a separately weighted item against which all proponents are scored, either by adding the appropriate weighting from the local supplier or subtracting the weighting from non-local suppliers?*
3. *The term local should also be defined. For example, is a business which is located outside the council boundary, but whose employees live inside the council boundary entitled to the benefits of the policy?*
4. *Each proponent in a procurement process in which local preference is to be applied, whether under the tender threshold or not, should be advised that local preference will be applied and how it will be applied.*
5. *If local preference is applied in a procurement process, the community should be notified accordingly, together with advice about the cost to the community of applying the policy.*
6. *Tender processes where local preference is to apply should preferably include a non-local independent on the tender panel.*
7. *Procurement resulting in local preference should be capable of identification and verification through the council's audit or internal control mechanism.*
8. *Councils should report annually on their use of local preference procurement, including who the beneficiary of the decision was, the number of instances local preference was applied, and the measures taken by council to measure the cost and effectiveness of such a policy".*

**The NSW Dept. of Local Government's Draft Tendering Guidelines:**

*The implementation of local preference policies is not necessarily inconsistent with the principles of National Competition Policy. However, the use of local preference in the evaluation of tenders and awarding of contracts possesses inherent risks in terms of anti-competitiveness and the maintenance of defensibility, accountability and probity.*

*Where a council wants to consider local preference as a factor in the supply of goods and services or the disposal of property, it should develop and adopt a local preference policy. This policy should be based on sound reasoning and outline the circumstances in which the council would bring this policy into effect. For example, where an additional cost would be incurred by the council in implementing its local preference policy, the maximum amount or percentage of that additional cost should be specified and the particular circumstances in which the amount should also be acceptable to the local community.*

*The policy should be explained, including the basis for its use, to any potential tenderers prior to their decision to submit a tender. Such a policy should be included in the tender documents and identified in the evaluation criteria. When reporting the result of a tender evaluation process, the application of the policy should be clearly referred to and details provided regarding any additional costs to be incurred by the council if it accepts a tender, other than the lowest tender, as a result of the implementation of the policy.*

*Councils should also consider seeking legal opinion regarding their proposed local preference policy to ensure the policy does not breach either the Trade Practices Act or various international trade agreements.*

## 5.8 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2009/01723 - D02067761

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 \$5,600 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

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

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

### Contribution of Proposal to the Principal Activity

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

### Link to Key Focus Areas

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

### Financial Implications

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

## CONSULTATION

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

## GOVERNANCE

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

## CONCLUSION

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

### Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 11/11/2009	2,775	2,900	5,048	4,149	4,091	1,650	850	5,650	4,520	6,235	37,868
Available allocation as at 11/11/2009	12,225	12,100	9,952	10,851	10,909	13,350	14,150	9,350	10,480	8,765	112,132
Proposed Allocations for 25 November 2009											
2261 Out of the Box Inc (\$3,000)		500	500		350			850	500	300	3,000
Breakthru People Solutions (\$500)	50			75					250		375
Central Coast Family Support (\$5,000)										500	500



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

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

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
<b>Allocation 01/07/2009 - 30/06/2010</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>150,000</b>
<b>Expenditure up to and including Ordinary Council Meeting of 11/11/2009</b>	<b>2,775</b>	<b>2,900</b>	<b>5,048</b>	<b>4,149</b>	<b>4,091</b>	<b>1,650</b>	<b>850</b>	<b>5,650</b>	<b>4,520</b>	<b>6,235</b>	<b>37,868</b>
<b>Available allocation as at 11/11/2009</b>	<b>12,225</b>	<b>12,100</b>	<b>9,952</b>	<b>10,851</b>	<b>10,909</b>	<b>13,350</b>	<b>14,150</b>	<b>9,350</b>	<b>10,480</b>	<b>8,765</b>	<b>112,132</b>
<b>Proposed Allocations for 25 November 2009</b>											
Central Coast Multiple Sclerosis and Handicapped Group Inc (\$500) (payment in advance)			500								500
Community Fire Units 184 and 222 (\$500) (payment in advance)		500									500
Lifeline Central Coast (\$3,000) (\$500 already allocated)										500	500
The Ambassadors (\$500)	50			75							125
Toukley Adult Day Care (\$200)	50			50							100
<b>Total Proposed Allocations for 25/11/2009</b>	<b>150</b>	<b>1,000</b>	<b>1,000</b>	<b>200</b>	<b>350</b>	<b>0</b>	<b>0</b>	<b>850</b>	<b>750</b>	<b>1,300</b>	<b>5,600</b>
<b>Total Accumulated Allocations as at 25/11/2009</b>	<b>2,925</b>	<b>3,900</b>	<b>6,048</b>	<b>4,349</b>	<b>4,441</b>	<b>1,650</b>	<b>850</b>	<b>6,500</b>	<b>5,270</b>	<b>7,535</b>	<b>43,468</b>
<b>Balance Uncommitted as at 25/11/2009</b>	<b>12,075</b>	<b>11,100</b>	<b>8,952</b>	<b>10,651</b>	<b>10,559</b>	<b>13,350</b>	<b>14,150</b>	<b>8,500</b>	<b>9,730</b>	<b>7,465</b>	<b>106,532</b>

## ATTACHMENTS

Nil

## **5.9 2009-10 Management Plan - September 2009 Quarter Review**

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TRIM REFERENCE: F2004/07006 - D02063263

AUTHOR: BR

### **SUMMARY**

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

### **RECOMMENDATION**

- 1 That Council receive the report 2009-10 Management Plan – September 2009 Quarter Review.**
- 2 That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.**

### **BACKGROUND**

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council within two months after the end of each quarter on the extent to which the performance targets set by Council's current Management Plan have been achieved during that quarter.

This report contains an overview of progress against Council's Key Focus Areas and the Performance Measures and Strategic Programs identified in the 2009-10 Management Plan. It highlights achievements during the quarter and potential impediments to implementing actions or meeting performance targets.

### **HIGHLIGHTS OF THE QUARTER**

#### **Spring Creek Park open**

Spring Creek Park in Olney Drive, Blue Haven officially opened in July and is a great advertisement for community participation in design. With a state-of-the-art playground, half basketball court, barbeque area and bike pathway, the park is set apart from the ordinary by beautiful artworks hand made by 300 people in the community. Each of the artworks symbolise the natural elements of the Spring Creek Reserve - from the curve of the creek in the metal sculptures to the wood carvings of animals, birds and fish, and the pebble mosaics representing the pools of water in the creek.

#### **Shire Strategic Vision**

During the first quarter of 2009-10, Council exhibited a draft community vision document. The Shire Strategic Vision provides a 20-year direction for our community and was formulated with extensive input from the community, State Government and Council. The Shire Strategic Vision document outlines eight Priority Objectives and related Strategies that would help our community achieve its long-term vision of "Creating Our Ideal Community: caring... prosperous... sustainable."

Over 1,000 residents received detailed information concerning the draft vision during the two month exhibition period. Recommendations arising from community submissions were incorporated into a final document endorsed by Council on 9 September. Council is now developing a Delivery Program that will outline how it will start to implement the priority strategies to achieve the community's Vision.

### **Mardi-Mangrove Review of Environmental Factors Approved**

The environmental assessment for the Mardi-Mangrove Link Project was formally adopted by Council in September. The assessment, known as the Review of Environmental Factors (REF), provides a comprehensive review of potential environmental impacts and outlines a number of mitigation measures to be implemented. The many issues considered by the REF include aquatic ecology, terrestrial ecology, water quality, noise, traffic and indigenous heritage. Approval means the project can now move forward towards construction.

The Link is the largest water infrastructure project on the Central Coast in more than 25 years. An initiative of Gosford City and Wyong Shire Councils, with Australian Government funding of \$80.3 million, it is due for completion and commissioning in mid-2011. Formal tenders were called on October 16 2009 and construction is anticipated to commence early next year.

### **Adoption of The Entrance Peninsula Planning Strategy**

In July 2009, Council adopted the planning strategy for The Entrance Peninsula. The strategy covers the area of the Shire from North Entrance to Shelly Beach and will guide the future planning of this area. The preparation of the strategy involved extensive community input and the final adopted version included several amendments to address the community's concerns. The implementation of the strategy is now underway and the recommended rezonings will be incorporated into Wyong LEP 2011.

### **Adoption of the Public Art Development Control Plan**

In September 2009, Council adopted the Public Art Development Control Plan (DCP). The development of the DCP was one of the key outcomes identified in Council's previously adopted Public Art Policy. The DCP will apply to major commercial, retail, government and public buildings with a construction value of over \$5 million. For developments that meet this criteria, the DCP will require that 1% of the total value of the development be directed towards public artwork, including coordination of community engagement, artist fees and the cost of materials and construction.

### **Infrastructure projects**

Council has completed more than \$1.5 million of work on five community projects courtesy of the Federal Government's \$800 million Community Infrastructure Program, designed to support local jobs and boost local economies.

Almost all projects were completed at the end of September on the following projects:

- \$520,000 to upgrade Canton Beach playground. Work involved the construction and installation of a playground and landscape works, additional picnic tables, barbecue facilities and public art. This is a unique playground that caters for visually impaired children.
- \$259,000 for a shared pathway between Waverley Road and Griffith Street at Mannering Park.
- \$250,000 for an extension to the shared pathway at Buff Point along the Budgewoi Lake foreshore reserve.

- \$100,000 for a new accessible amenities block and new pathways to the existing playground at Saltwater Creek, to meet disability standards.
- \$400,000 for six new netball courts at Baker Park Wyong, will be completed in November.

### **Bush dumping blitz**

A blitz on illegal dumping conducted in September has provided invaluable information to help Council monitor sites and prosecute illegal dumpers. The location of the 40 illegal dump sites have now been mapped with GIS, recording the details of the quantity and types of rubbish dumped which will help to identify the culprits.

### **Commitment to staff health and wellbeing wins Council a Local Government Award**

Wyong Shire Council became the inaugural winner of the Employee Wellbeing Program category in the Heart Foundation Local Government Awards in August. In the past three years, a number of programs have been implemented focussing on the wellbeing of staff.

Some of the programs introduced include:

- **Workfit program:** This gives employees and their families a choice of a number of gyms and recreational facilities including pools in Wyong Shire, Gosford City and Newcastle at a reduced rate. There are more than 600 Council employees in the Workfit program.
- **Weight Watchers:** Almost 100 employees have participated in the Weight Watchers at Work program with a combined loss of more than 400 kilograms since the program was introduced in December 2008.
- **Yoga:** A number of employees have taken advantage of regular weekly classes.
- **Walking Group:** A group of up to 15 Council employees regularly walk during their lunch break.

The aim is to encourage employees to look at their lifestyles and see what changes can be made to improve their health and wellbeing. In the past year, Council has held a Wellbeing Expo at Council's Civic Centre, as well as having more than 120 employees participating in heart week activities including blood pressure checks and taking advantage of Council's Skin Cancer screening program.

### **KEY FOCUS AREAS**

In addition to Council's ongoing commitment to a range of services and facilities, the 2009-10 Management Plan includes a list of priority medium-term actions, or Key Focus Areas.

The twelve key focus areas area:

<b>Reference</b>	<b>Key Focus Area</b>
1 Wyong Shire Cultural Centre	<ul style="list-style-type: none"> <li>• Build a performing arts/entertainment centre in Wyong</li> </ul>
2 Sports Grounds	<ul style="list-style-type: none"> <li>• Construct sports grounds at Warnervale-Wadalba</li> </ul>

<i>Reference</i>	<i>Key Focus Area</i>
3 Shared Pathways	<ul style="list-style-type: none"> <li>Extend the shared pathway system</li> </ul>
4 Warnervale town centre	<ul style="list-style-type: none"> <li>Complete the Warnervale town centre – including construction of a Recreation &amp; Aquatic Centre</li> </ul>
5 Employment projects	<ul style="list-style-type: none"> <li>Implement employment generating projects</li> </ul>
6 Town Centre Strategies	<ul style="list-style-type: none"> <li>Complete Stage I of the town centre strategies at The Entrance, Toukley, Warnervale and Wyong/Tuggerah</li> </ul>
7 The Entrance town centre	<ul style="list-style-type: none"> <li>Complete The Entrance town centre upgrade</li> </ul>
8 Estuary Management Plan	<ul style="list-style-type: none"> <li>Adopt, seek funding for and implement the Estuary Management Plan</li> </ul>
9 Pacific Highway	<ul style="list-style-type: none"> <li>Lobby for funding for the Pacific Highway between Tuggerah and North Wyong</li> </ul>
10 Water Supply	<ul style="list-style-type: none"> <li>Secure the water supply</li> </ul>
11 Buttonderry	<ul style="list-style-type: none"> <li>Plan for the future of Buttonderry Waste Management Facility</li> </ul>
12 Shire Strategic Vision	<ul style="list-style-type: none"> <li>Develop an integrated sustainable Shire Strategic Vision</li> </ul>

Action plans have been developed to implement each of the twelve key focus areas and they are being emphasised in work programs across the organisation. Pages 92-94 of the Management Plan Quarterly Review enclosure contain the timelines for the Key Focus Area projects.

Progress to date is reported below:

### **1 Wyong Shire Cultural Centre**

\$700,000 has been allocated across the 2008-09 and 2009-10 Management Plans to proceed with the planning of the Cultural Centre (previously referred to as the Performing Arts Centre) from preliminary design to development application. On the ongoing basis the Cultural Centre will be one of a number of Council owned community facilities which provide non commercial returns. There will be a shortfall in operational funding of the Cultural Centre to be met on an annual basis. Information in the Operating Business Plan concludes that a realistic annual Council subsidy to run and maintain the Cultural Centre (before depreciation and financing) is within the range of \$0.7M up to \$1.0M. These financial projections contain conservative assumptions from sources of income including venue hire, box office fees, catering profits and donations.

Potential external funding sources for the capital cost of the Cultural Centre are Federal and State arts and infrastructure funding, Section 94 contributions and private sector sponsorship. Council staff have liaised with ArtsNSW in 2007 and 2008 with positive responses. Sketch designs and developed programming options for the Cultural Centre will be required for any submissions to State and Federal grant programs.

In May 2009, the Minister for Planning directed Council to prepare a business plan to be independently reviewed and submitted to the Department of Planning – supporting the continuation of the ability to levy contributions for the Cultural Centre. This work is currently underway.

It is estimated, that the Cultural Centre could be designed and constructed within five years i.e. opening in early 2014, subject to funding. Stage 2 involves the preparation of a sketch design through to the approval of a development application. During the June quarter of 2009, Council resolved to proceed to Stage 2 of the Wyong Shire Cultural Centre on the Wyong Memorial Hall site, including development of DA sketch designs which would include options for staged construction with the first stage not exceeding \$15m. The DA designs will be used in the official request to State and Federal funding bodies to contribute to the capital costs of the Centre. Council also resolved to establish a Project Working Party with interested Councillors as well as members of the original Advisory Group and to seek development of a Regional Cultural Strategy with Gosford City Council.

Sketch design tenders are currently being called with a preferred tender to be recommended to Council in December 2009. The Working Party has been established and has held three meetings to date. Discussions at a senior staff level have occurred with Gosford City Council to develop a Regional Cultural Strategy.

## **2 Sportsgrounds**

### **Bateau Bay Playing Fields**

On 29 August 2009 the multi-purpose hard court and senior children's playground at the northern end of this site were opened for public use as part of a progressive release of components of the total project. Works are proceeding on the remainder of the site with completion of the two junior soccer fields and the AFL oval scheduled for completion by the end of December 2009. Provided the turf surfaces are sufficiently established over the summer months, the facility should be available for competition sport by the beginning of the 2010 winter season.

Three sportsgrounds in the Warnervale area are at various stages of development:

The contract for the construction of the Woongarra Sports Facility was awarded in April 2009. Works commenced in May 2009 and are proceeding satisfactorily after substantial wet weather delays in June and July. Earthworks are now complete, stormwater 50% complete, amenities building has commenced, the main floodlight towers have been installed and Hakone Road works have commenced. The completion target remains as the Winter 2010 season, with turf scheduled to be installed in December 2009.

Progress on detailed investigations and design for the Warnervale District Fields (off Virginia Road) will depend upon resolution of issues with the Warnervale Town Centre. No dates are available as to when these issues will be resolved.

A contract for the design of the Hamlyn Terrace Sports fields including a new Community Centre in Minnesota Road, adjacent to the new Warnervale Public School was awarded in April 2009. Design is proceeding in accordance with the Design Program and is on target for completion in November 2009. DA approval for the Community Centre is anticipated late October 2009. Construction should commence April/May 2010 for completion and use in early 2011.

## **3 Shared Pathways**

A number of shared pathway projects were underway as at September 2009 in various locations across the Shire.

At Buff Point the 2008-09 Estuary Management Plan has already funded pathway construction to extend to a point approximately 600 metres east of Matumba Road. Planning is also nearing completion for the balance of the Buff Point pathway project.

It is expected that the \$250,000 Estuary Management Plan funding for 2009-10 will enable the substantial completion of the Buff Point pathway through to Sonoma Road, Budgewoi. This has been assisted by Federal Infrastructure Grant funds for the Kemp Close section.

The pathway section undertaken at Kemp Close, Budgewoi under the Federal program was opened at the end of September for use. Planning approval for the remaining (Buff Point east) 1,000m section has been received. Works are planned to be undertaken on this section from December 2009 through to June 2010.

Work at Mannering Park for 900 metres of foreshore pathway was also completed by 30 September 2009 in line with the requirements of the Federal Infrastructure grant.

Work on the North Entrance shared pathway continued in 2009/2010. A further 200 metres of shared pathway was constructed through Crown Land in July and August 2009. A total of 700 metres of pathway through Crown land is now open to the public. This section of pathway provides a link from the North Entrance residential area through the reserve and out to Wilfred Barrett Drive. Further construction works will continue in 2009/2010 with the allocated funding.

#### **4 Warnervale Town Centre**

##### ***New Railway Station/Interchange at Warnervale***

The Department of Environment, Climate Change and Water (DECCW) originally refused to give concurrence to the development application (DA) for the new railway station at Warnervale Town Centre due to the issue of the impact on the Heath Wrinklewort (Wyong Daisy).

On 10 February 2009, DECCW advised Council that it would be willing to provide concurrence for the Warnervale Railway Station project on the understanding that:

- Progress has been made in other areas, for example, the land proposed for the establishment of the "Daisy Conservation Reserve" has been rezoned for conservation purposes;
- The "Daisy Conservation Reserve" will be established and that a Plan of Management (POM) will be submitted for DECCW's consideration.
- There is a commitment from Council that the funds required to achieve the outcomes of the Plan Of Management will be obtained and secured for the long term management of the Daisy Conservation Reserve.

A draft Plan of Management has been prepared by RailCorp and was submitted to Council in late June 2009. A meeting was held in early July 2009 between representatives from Council and RailCorp and as a result of this meeting RailCorp will be amending the Plan of Management for re-submission to Council. Once the Plan of Management is satisfactory to Council concurrence from DECCW will be sought. Until this concurrence is provided Council cannot grant development consent. In addition, Council is still waiting for information from RailCorp in relation to stormwater management, compliance with the Warnervale Town Centre DCP and the connection and integration of the railway station to the existing and future road and pedestrian networks.

In summary: until the Plan of Management is amended by RailCorp and concurrence is issued by DECCW Council is unable to approve the railway station. Therefore, the timing of this project is unclear. RailCorp representatives have indicated to Council that construction of the Railway Station will commence in 2013 and that the Railway Station will be operating by the end of 2014.

### ***Warnervale Town Centre Masterplan***

At its meeting held on 27 May 2009, Council resolved to seek assistance from the Federal Member for Dobell to access grant funds to fast track the development of community facilities within the town centre. Council also resolved to seek a joint delegation with the Federal Member for Dobell to the Federal Minister for Infrastructure to seek Federal funding assistance. At the end of September, a response to these requests had not been received.

At its meeting held on 23 September 2009, Council also resolved to make representations to Mr David Harris MP to seek his assistance in facilitating the construction of the lead in road for the town centre.

Council remains concerned that there are a number of unresolved issues which are having significant implications on any further planning and development of the Warnervale Town Centre site, including:

1. State Infrastructure Contributions

The State Government has imposed a new state infrastructure contribution of \$141,000 per hectare on residential development within the Warnervale Town Centre although this is currently being reviewed by the Department of Planning.

2. Section 94 Contributions Plan

The Department of Planning and Council staff are currently working together to review the "*Draft Section 94 Development Contributions Plan - Warnervale Town Centre*" with a view to reducing the contributions to assist with the viability of development of the area. Council believes that there is little ability to reduce contributions without impacting on the provision of necessary infrastructure. It is anticipated that the revised draft S.94 Plan for the Warnervale Town Centre will be completed by early 2010.

3. Biocertification

Due to a legal challenge against the Biodiversity Certification under the SEPP (Sydney Region Growth Centres) 2006, Biodiversity Certification (Biocertification) cannot currently be granted for the Warnervale Town Centre site. The SEPP (Sydney Region Growth Centres) 2006 legislation needs to be amended before it can be applied to Warnervale Town Centre – and DECCW are currently preparing a cabinet minute as the first stage to amend the legislation. The cabinet minute is expected to go to Parliament towards the end of 2009. Once the legislation is amended the Warnervale Town Centre can be Biocertified without delay.

4. North Warnervale Railway Station

Due to the potential impacts on the Wyong Daisy population on-site, Council cannot approve the DA for the Warnervale Town Centre railway station without DECCW's concurrence or the site being Biocertified. A Plan of Management specifically regarding the Wyong Daisy is needed prior to concurrence being considered by DECC – a draft Plan of Management has been prepared by RailCorp and was submitted to Council in late June 2009. A meeting was held in early July 2009 between representatives from Council and RailCorp and as a result of this meeting RailCorp will be amending the Plan of Management for re-submission to Council. Once the Plan of Management is satisfactory to Council concurrence from DECCW will be sought. Until this concurrence is provided Council cannot grant development consent.



## **5 Employment Projects**

### ***Wyong Employment Zone***

In late January 2009 the Department of Planning asked Council to review its Contribution Plan for the Wyong Employment Zone with a view to reducing contributions by 20-30% in order to provide a better return for developers. Council is currently reviewing all costs in the draft WEZ Contribution Plan, however, there is little scope to reduce these any more. Further discussions are taking place with the Department of Planning and the RTA with a view to resolving outstanding issues by early in 2010.

At the same time, the State Government has imposed a new State Infrastructure Contribution of \$91,000 per hectare on the Wyong Employment Zone. DECCW is withholding biodiversity certification for the project pending an internal legal review of this process. A draft Management Plan has been prepared for conservation areas within the WEZ, but this cannot be finalised until DECCW provides guidance on what changes, if any, are needed to obtain biodiversity certification.

### ***Precinct 14***

Precinct 14 is located on the western side of the freeway and north of Sparks Road. Council staff have assessed this proposal and a submission was forwarded to the Minister for Planning outlining key issues and recommended development consent conditions. Council staff have attended a number of meetings with the proponent to negotiate development consent conditions and matters that need to be covered in a Voluntary Planning Agreement.

A draft Voluntary Planning Agreement has been reviewed by Council staff and comments provided to the proponent, in anticipation of finalising this agreement prior to approval being issued to the proponent by the DoP.

### ***Retail Strategy***

Council's revised Retail Strategy and DCP were adopted by Council in December 2007. This long-term strategy provides Council and the community with direction for its retail development over the next 25 years.

## **6 Town Centre Strategies**

Work has continued on finalising the Toukley Strategy while implementation of The Entrance Peninsula Planning Strategy has commenced and implementation of the Wyong/Tuggerah Strategy has progressed. These strategies continue to be influenced by direction arising from the Central Coast Regional Strategy (CCRS) and the implications of the State Government's requirement for a Shire-wide population capacity target model.

### ***Wyong/Tuggerah***

Council adopted the Wyong/Tuggerah Planning Strategy in October 2007. The strategy identified three distinct precincts: Wyong Town Centre, Tuggerah Straight and Tuggerah. The recommendations of the Strategy included the completion of the master planning exercise for both Baker Park and the Active River Foreshore. The masterplans for these precincts were adopted by Council on 23 September 2009. Council continues to progress a draft LEP Amendment (No. 178) for the Wyong Town Centre that will facilitate residential and commercial densities within the town centre, consistent with the Central Coast Regional Strategy. Council is resolving issues surrounding viability, flooding, carparking, floor space ratios and height with a view to finalising a submission to the Department of Planning seeking approval to exhibit the draft LEP. Staff are also presently progressing work on the revised DCP Chapter 7 – Wyong Town Centre. As part of this review, consultants have

completed a draft report to refine the heritage theme and prepare appropriate development guidelines for the Wyong Town Centre.

On 23 January 2009, the Minister for Planning gave official notice in the Government Gazette No. 20 that she had received a proposal to amend Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 to include the Tuggerah Town Centre as a State Significant Site. The Tuggerah Town Centre area covers approximately 120 hectares, including land adjacent to the Tuggerah Railway Station and Westfield Limited land holdings. Council staff have been assisting the Department of Planning in preparing the Tuggerah Town Centre Stage Significant Site Study.

On 1 May 2009 the Minister further advised that she has agreed to Westfield Limited lodging a concept plan under Part 3A of the Environmental Planning and Assessment Act, 1979 for a proposal involving residential, retail, community and employment generating uses on their Tuggerah land holdings, including the Gateway site, the existing Shopping Centre and land to the east of the Shopping Centre known as the "Triangle site".

### **The Entrance**

The Entrance Peninsula Planning Strategy was adopted by Council on 8 July 2009. Work is currently underway on the implementation of the Strategy including the preparation of Masterplans and an Economic and Tourism Plan for the area. A memorandum of understanding with the Department of Planning in relation to funding for the Local Environmental Plan amendment and Development Control Plan preparation has been drafted and forwarded to the State Government.

### **Toukley**

A review and revision of the March 2006 version of the Toukley Planning Strategy has been completed considering factors including public submissions, WaterPlan 2050, the final version of the Central Coast Regional Strategy and the Toukley Economic Viability Study. The Strategy was presented in a detailed briefing to Council in October 2009 with a site inspection to follow prior to the Strategy being placed on public exhibition. It is expected that the final version would be reported to Council for adoption in the second quarter of 2010 with implementation of the key recommendations to follow.

### **Ourimbah**

Work on the Ourimbah Town Centre Strategy has been deferred pending resolution of issues relating to the RTA upgrade of the Pacific Highway, sporting field upgrades, the Ourimbah Sawmill review and Ourimbah Campus master planning.

## **7 The Entrance Town Centre**

This Key Focus Area – completion of The Entrance Town Centre upgrade works – was finalised in 2007.

## **8 Estuary Management Plan**

The Estuary Management Plan Implementation Program is on track and achieving significant results for the protection of the Tuggerah Lakes.

Of particular interest, extensive works have been completed to rehabilitate 2.18km of streambank on Saltwater Creek and 5.54km of streambank on Tumbi Creek, saving tonnes of sediment and nutrients from reaching the estuary.

Significant Saltmarsh rehabilitation works are due to commence in October 2009 to assist in the breakdown of wrack along the foreshore preventing the build up of black ooze. Other significant Streambank Rehabilitation works are also due to commence in October 2009 on Wyong River and Ourimbah Creek.

Work is progressing and to date, all obligations have been met with respect to the Federal Government Grant. All work is being continually monitored and reviewed.

## **9 Pacific Highway**

### ***Tuggerah***

Four lanes of the Pacific Highway between Anzac Road and Mildon Road were opened to traffic in April 2008. The tender for construction of Stage 2 (Mildon Road to Johnson Road) was awarded to Nace Constructions. Stage 2 construction commenced in April 2008. It is anticipated to be completed by the end of 2009. \$5.5 million has been allocated by the State Government for 2009-10. The RTA has agreed that the Pacific Highway/Wyong Road intersection is strategically important. However, there remains no commitment from the RTA for improvements to this intersection. The State Government has allocated \$1.0 million in 2009-10 to continue planning for this intersection upgrade.

### ***Wyong***

The first round of concept plans for the redevelopment of the Pacific Highway through Wyong was exhibited in November 2006. The RTA is currently reviewing the traffic report and preparing engineering concept drawings in order to assess the Wyong Chamber of Commerce's preferred option. It is anticipated that a joint meeting between the RTA, Council and Chamber of Commerce representatives will be held shortly. The State Government has allocated \$0.5 million in 2009-10 to continue planning for the Highway upgrading through Wyong.

### ***Ourimbah***

The RTA completed construction of Stage 1 (Dog Trap Road, including the intersection at the Pacific Highway) in July 2007. The Stage 2 (Burns Road to Glen Road) construction contract commenced in June 2008, with its anticipated completion date in 2010. The RTA does not intend to do any works at the roundabout at the Pacific Highway/Chittaway Road intersection. The RTA anticipates that this roundabout (Pacific Highway/Chittaway Road) will provide adequate service for the next 10 to 15 years. The State Government has allocated \$15.6 million in 2009-10. The RTA commenced construction of the Burns Road connection to the "Old" Highway in July 2009. The State Government has also committed \$2.5 million to planning the next stage, south of Glen Road to Railway Crescent.

## **10 Water Supply**

Council's progress to secure the water supply is detailed in the Board papers for the meeting of the Gosford/Wyong Councils' Water Authority scheduled for 18 November 2009 and in the enclosure to that report. Included in that report will be an update on the Mardi to Mangrove link, which is due for completion in mid 2011. The expressions of interest process has recently been completed and tenders have been called.

## **11 Buttonderry**

Planning for the future of the Buttonderry Waste Management Facility involves maximising the value of the asset and optimising the financial and operational performance of the facility. The development of a Masterplan for the site was completed in June 2007.

Tenders were called in 2008 to develop a commercial strategy to maximise the economic value of the site and to ensure long-term access for waste disposal. Council decided not to pursue this proposal at present and resolved to develop a scoping paper to identify potential alternative use options for the western side (Area 5) of the Buttonderry Waste Management Facility. This scoping paper has now been developed and was presented to Council at a briefing in April 2009. Tenders are currently being assessed to engage a consultant to investigate and evaluate in detail each alternative use option and recommend the preferred uses and go on to develop a commercial strategy.

It is anticipated that the contract be awarded in November 2009 and the report on the Commercial Strategy will be completed by March 2010.

A business analysis for Buttonderry Waste Management Facility was completed in December 2007 which will be used, together with the commercial strategy, to develop a long-term financial strategy for the site and a site management plan.

The construction of the new office, carpark and transfer area has been completed and the upgrade of the entry road and landscaping are currently in progress. It is anticipated that the upgrade work will be completed in October 2009.

The construction of a wheel wash facility has been completed. This facility will minimize the risk of mud and sediment being tracked onto Hue Hue Rd during time of inclement weather. The wheel wash facility works by pumping large volumes of water onto the wheels and undercarriage of vehicles as they pass through the unit. The water is then recycled through recycling tanks where the sediment is screened out, allowing the water to be reused.

In preparation for the construction of the next landfill cell (cell 4.2b), survey and geotechnical investigations and a leachate and water balance have been completed. Detailed designs for the cell were completed and the contract for the construction and lining of the cell will be awarded in October 2009 with construction to commence in November 2009.

## 12 Shire Strategic Vision

The Shire Strategic Vision was adopted by Council in September 2009.

Work has now commenced on developing a Delivery Program that, along with the Annual Plan for 2010-11, will replace the current Management Plan. The Delivery Program will identify the activities that Council will undertake to achieve the priority objectives of the Shire Strategic Vision. To determine these activities, Council will undertake an extensive review of its services to ensure that resources are directed to those programs and functions that best support the Shire Strategic Vision priorities.

The Delivery Program is part of Council's integrated planning framework and will be underpinned by three resourcing strategies:

- An Asset Management Strategy – that will establish how Council will manage its asset portfolio and provide the required level of service to the community;
- A Long-Term Financial Strategy – that will ensure fiscal responsibility (an underlying principle of the Shire Strategic Vision) in the short and long term; and
- A Workforce Plan – that will ensure Council's staff resources and skills are appropriate to achieve both statutory responsibilities and the priority objectives of the Shire Strategic Vision.

The Delivery Program and Annual Plan are scheduled to be placed on public exhibition in April/May 2010 for adoption and implementation in 2010-11.

## PERFORMANCE MEASURES

The 2009-10 Management Plan includes performance measures to assess whether Council is moving towards its longer term goals of a more sustainable community, economy and environment. Thirty long-term performance measures have been included in the 2009-10 Management Plan and are updated on an annual basis.

Volume I of the Management Plan identifies 40 performance measures against Council's Key issues which are reviewed and reported on a quarterly basis.

Since the adoption of Council's 2009/10 Management Plan a minor amendment has been made to two adopted performance measures. These changes are explained below:

**Water and Sewer - Standard response times achieved for system malfunctions**

The Standard response times achieved for system malfunctions for both water and sewer was previously defined as the time to advise the complainant as to when the gang will be arriving on site to rectify the problem. It has proven to be difficult to reliably capture this information on contact times given the number of people involved in the process (customer services, depot clerks, supervisors etc). The response time has been redefined as the time taken for the gang to arrive on site to attend to the problem as this figure is easily recorded within the current systems. Given the new definition the target has changed to 4 hours for major complaints and remains at 48 hours for complaints.

**STRATEGIC TARGETS**

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

At the end of September it was anticipated that 53 (or 95%) of the 56 actions would be achieved by 30 June 2010 and 3 (or 5%) are currently uncertain as to whether they will be achieved by 30 June 2010. Of the 3 actions (or 5%) that are uncertain to meet their original timeframe they were all due to factors outside of Council's control.

**2009-10 Management Plan - Summary of Strategic Targets**

1	2	A Bett er Co mm unit y	3	A B et te r E c o n o m y	4	A Bette r Envir onm ent	5	Infrastructure	6	Organisation	7	Totals
8	Currently <b>on track</b> to meet original timefram e.	9	22	10	4	11	10	12	9	13	8	<b>14</b> <b>53</b>
15	Currently <b>uncertai n</b> to meet original timefram e <b>16</b> <b>Matter outside Council control</b>	17	3	18	0	19	0	21	0	22	0	<b>23</b> <b>3</b>
24	Currently not on track to meet original timefram e.	26	0	27	0	28	0	29	0	30	0	<b>31</b> <b>0</b>

25	Matter within Council control												
<b>32</b>	<b>Total</b>	<b>33</b>	<b>25</b>	<b>34</b>	<b>4</b>	<b>35</b>	<b>10</b>	<b>36</b>	<b>9</b>	<b>37</b>	<b>8</b>	<b>38</b>	<b>56</b>

The following strategic targets were identified in the September quarter as uncertain to be completed within their original timeframe:

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

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

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

### **Revised Completion Date – Uncertain**

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

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

### **Revised Completion Date – Uncertain**

#### **1.8.4.1 Subject to finalisation of the Warnervale Town Centre Master Plan, recommence work on the procurement of the Warnervale Recreation and Aquatic Centre (WRAC) project.**

No change to situation since June 2009. Funding remains an issue with Developer Contributions still uncertain although recent discussions with the Department of Planning have been positive. Delays to Warnervale Railway Station may also impact on the start of Town Centre Project and Aquatic Centre.

### **Revised Completion Date – Uncertain**

### **ACTIONS CARRIED OVER FROM 2008-09 MANAGEMENT PLAN**

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

Of the 12 actions from 2008-09 Management Plan that were not completed, 8 (66%) were incorporated into 2009-10 or future actions of the Management Plan and 4 (44%) are in progress. Of the 4 actions that are in progress one has been completed, two are expected to be completed in the December quarter and one in the March quarter.

### 2008/09 Management Plan - Actions Carried Forward

	A Better Community	A Better Economy	A Better Environment	Infrastructure	Organisation	Totals
Incorporated into 2009-10 or future actions	3	0	3	1	1	8
In progress	3	0	0	0	0	3
Completed	0	0	1	0	0	1
<b>Total</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>12</b>

### ROLLING WORKS PROGRAM

The revised 2008-09 Rolling Works Program is included as an enclosure to this report.

There have been a number of minor changes made to the programmes, each project is classified as either Complete, On Track to be completed, Uncertain or Removed/Deferred.

### FINANCIAL PERFORMANCE OVERVIEW

The September Quarter performance is well within budget largely due to significant under-expenditure on capital brought about by various delays in design and planning processes coupled with inaccurate budget phasing.

At this early stage the year-end projection is a surplus of \$210,000 arising from an increased allocation under the Federal Assistance Grant. These funds will provide capacity to meet minor cost variability throughout the year.

Budget financial risks and opportunities identified include the ongoing impacts of the global financial crisis, economic stability of Council's investments and the Shire's growth / development related income and expenditures.

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

Operations will continue to manage increased costs of associated with waste programs in-line with 2009/10 Budget targets and apart from the potential increased waste remediation works, there are no significant indications of variance.

### Investments year- to-date –

On a positive note Council's Investments have regained \$1.4m in value up to the end of September, which is a significant recoupment on the paper losses reported and recognised in 2008/09 (\$3.5m), which is a recovery of 40%. The hold to maturity strategy continues to be the preferred option in recovering markets.

In addition, Council's interest earnings are exceeding budget by \$311,000 at \$1.5m. Despite this early progress, market volatility still exists and coupled with inconsistencies in the timing of distributions from Funds, it is appropriate to maintain conservative forecasts.

Council's investments have a strong underlying asset quality and the investment strategies in place to hold these undervalued quality assets to maturity (where possible) will avoid realising in an undervalued market.

Council does not hold any investments in Collateralised Debt Obligations (CDO's). Council's investment advisors CPG Advisory are strongly supportive and continue to endorse the hold to maturity strategies.

## SEPTEMBER QUARTER IN DETAIL

Contents:

- I. 2009/10 Budget Variations – September Quarter
- II. 2009/10 Budget Risks and Opportunities
- III. 2009/10 Management Plan Financials – Analysis of Actual versus Budget
- IV. 2009/10 Financial Statements as at 30 September
- V. Overview of Business Units

### I. 2009/10 Budget Variations – September Quarter

Several Management Plan changes (Budget Adjustments) are proposed that will have a favourable \$210,000 impact (year-end) on the bottom line due to the additional funding received under the Federal Assistance Grant (General Component \$104,000 and Roads Component \$106,000).

More detail is provided in Attachment 3.

In general, budgets are currently forecast to be on-track with no significant adjustments, and budget risks continue to be monitored.

Included in the Revised Annual Budget are the 2008-09 carry-over budgets which were reported to the Governance Committee and Council in August. The impact of these adjustments by Management Plan line item, is reported in Attachment 2. These brought-forward amounts show as revised budgets in the Income Statements.

### II. 2009/10 Budget Risks and Opportunities

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

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

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

Council continues to manage and develop strategies to manage within the allocated Management Plan Budgets. As management become aware of risks to meeting the agreed budget or service level, all options available are investigated before seeking additional funding from Council.



**Table 1: Planning Risks (Financial impact)**

Directorate	Issue
Shire Services	Mardi to Mangrove Link Project - The project cost estimates are currently in the range of \$125.0m to \$170.0m. Contracts will be awarded in December 2009 which will provide greater certainty over construction estimates.
Shire Services	DECCW related issues including costs associated with the unauthorised disposal of waste materials at closed landfill sites and previous DECCW audit issues.
Shire Services	Remediation at Council's closed landfill sites have been estimated (Gwandalan, Toukley, Halekulani, and Shelly Beach) however actual costs will be subject to results of investigations, studies, detailed rehabilitation plans, and tendering processes.
Shire Services	Increased contribution from Holiday Parks to general fund for Administration Charges of \$400,000 is subject to approval by Department of Lands. If not approved this would result in a shortfall in general fund but surplus funds in Holiday Park reserves.
Shire Services	Fisherman's Wharf legal dispute with contractor yet to be determined.
Shire Planning	Construction of the Cabbage Tree Harbour Toe Drainage Structure may result in additional costs – as reported to Council, a further report on costing will be provided in November. The Part 5 application has been approved.
Shire Planning	Cabbage Tree Harbour Surveillance increased costs – surveillance of the beach has continued for reasons of public safety and is required to be continued until orders on the properties on the top of the cliff face have been complied with.

### III. 2009/10 Management Plan Financials –

#### Summary - Actual vs Budget

Council's Management Plan performance by Principal Activity and Source of Funds summarised below.

PRINCIPLE ACTIVITY	ANNUAL BUDGET		YTD ACTUALS	YTD BUDGET	
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000
<b>EXPENDITURE</b>					
PA 1 - Society	56,429	60,017	13,098	15,048	1,950
PA 2 - Economy	4,437	4,764	1,413	1,223	(189)
PA 3 - Natural Environment	14,211	19,743	3,036	4,277	1,241
PA 4 - Infrastructure	291,032	292,684	37,394	52,261	14,867
PA 5 - Organisation	37,732	39,214	8,301	9,305	1,005
<b>TOTAL EXPENDITURE</b>	<b>403,841</b>	<b>416,422</b>	<b>63,241</b>	<b>82,114</b>	<b>18,873</b>
<b>SOURCE OF FUNDS</b>					
Revenue	(175,889)	(175,907)	(127,406)	(132,310)	(4,903)
Grants	(55,232)	(51,548)	(5,224)	(7,642)	(2,417)
Contributions	(83,180)	(83,538)	(326)	(2,857)	(2,532)
Loans	(66,825)	(66,825)	0	0	0
Asset Sales	(6,723)	(6,723)	(599)	(413)	186
Internals	(20,286)	(20,286)	(5,870)	(5,403)	467
Transfers to / (from) restricted assets	4,294	(11,805)	0	(4,011)	(4,011)
<b>TOTAL SOURCES OF FUNDS</b>	<b>(403,841)</b>	<b>(416,633)</b>	<b>(139,426)</b>	<b>(152,635)</b>	<b>(13,209)</b>
<b>RESULT (SURPLUS) / DEFICIT</b>	<b>0</b>	<b>(210)</b>	<b>(76,184)</b>	<b>(70,521)</b>	<b>(5,663)</b>

The detailed Management Plan Financials are included in Attachment 1.

The main movements between the Original Budgets and the Revised Annual Budgets by Principal Activity are the increased expenditure Budgets to complete works carried over from 2008-09, which have been offset by corresponding transfers from restricted assets.

The Revised Annual Budget is based on the Adopted Management Plan Budget for 2009-10 adjusted for the proposed September Quarter Budget Variations (Attachment 3) and the carry-overs already adopted by Council (Attachment 2).

The Revised Annual Budget for Contributions also includes an underlying reclassification of budgeted income from Operating to Capital. This correction appears on the Financial Income Statement reports and was related to the Mardi to Mangrove Project contribution from Gosford City Council. This will subsequently be netted off the Capital Expenditure.

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

To date no permanent negative variations which would have a bottom-line impact and which are not being managed have been reported.

Results show capital expenditure year-to-date is under-spent across the board this has arisen from the methodology of phasing the budget and not from any particular operational problem although some commonly encountered process delays have occurred in project preparation and planning, e.g. time-lags between design and construction.

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

**Principal Activity 1 Society** – The first quarter is generally under-expended due to budget phasings being evenly spread across the year, with the first quarter focused on conducting condition assessments and pre-construction type works including tender preparation:

- Community Building Construction – timing difference under spent \$430,000, budget phasing.
- Lakes Foreshore and Aquatic Infrastructure – under spent \$215,000 due to significant work on jetties and boat ramps which is pending an audit of condition and prioritisation of works. Also, lakes beach cleaning operations have continued to be delayed until the finalisation of the Wrack Management Strategy and the issuing of permits.
- Open Space Improvements / Acquisitions are currently under budgeted year to date expenditure by \$1.2m with the works program expected to be completed within the financial year with the exception of the Surf Lifesaving Club replacement/upgrade program. These projects may be deferred to maximise State and Federal Grant Funding opportunities.
- Floodlight Upgrade – timing difference under spent by \$302,000 but design has been completed and tenders called, with upgrade expenditure yet to be incurred.
- Infrastructure Grant Commonwealth Government – timing difference of \$632,000 due to budget phasing, works are on schedule for completion within budget.

**Principal Activity 3 Society** – The year to date variation is due to timing differences between the phased budget and actual works commencing: the significant variation is in the Dredging and Foreshore Nourishment, under spent by \$341,000, and the Estuary Management Plan, under spent by \$706,000. The full year works remain on-track to budget.

**Principal Activity 4 Infrastructure** – The budget phasing is not reflecting the real time schedule for works with major variations in Water Capital Works \$6.3m and Sewer Capital Works \$4.3m (refer to Overview of Business Units). Secondary Roads Construction is also under spent to the phased budget but preconstruction activities are continuing. Construction on the Link Road is proceeding with the contract awarded in October and work scheduled to commence in November. Minnesota Road are yet to commence but design contracts have been awarded and construction is expected in May 2010.

**Principal Activity 5 Organisation** – Budget phasing variations include:

- Risk Management - over spent \$349,000 due to the payment of the annual Public Liability Insurance of \$476,000 against a year to date budget of \$159,000, but within the full year budget of \$480,000.

- Shire Services Salaries - tracking over budget by \$258,000 against a year-to-date budget \$1.859m. This variation is being investigated to confirm that costs are being fully allocated to jobs where appropriate, some corrections will be processed in the second quarter. This trend will be further evaluated in the second and third quarters, which will reflect the impacts of peak holiday periods that are costed to employee leave entitlements.
- Holiday Park Business Unit – year-to-date variations total \$425,000 under spent across operations, loans, and capital works (refer Overview of Business Unit for details).
- Information Services - over spent \$202,000 year-to-date which is purely timing and full year budget remains on-track.
- Shire Services Operations - over spent year-to-date \$381,000 mainly due to incorrect costing for the establishment of the Halekulani Waste Site to receive virgin excavated natural material with actuals year-to-date \$245,000 which will be reallocated to works.
- Future Planning Operations and Studies - Overall actual expenditure is \$249,000 against a year to date budget of \$808,000. This is under-expended by \$559,000 due to less than budgeted being spent on planning studies year-to-date but are expected to be expended during the year. However, timing remains uncertain due to interdependencies with other strategic plans and processes.

**Sources of Funds** – There are primarily timing variations in the sources of funds and the only full-year adjustments have been the Transfers from Reserves to fund the carry-over budgets, and the correction to the Federal Assistance Grant to reflect additional \$210,000 received (less the amount received in June 2009 which is now part of the transfers from reserve).

**Revenue** – Year-to-date variation is due to timing differences in Water Usage billing against the phased budget which is currently showing a \$3.229m shortfall. External Tipping Charges are also behind budget \$505,000 due to lower than budgeted tonnages of commercial waste, this trend continues to be monitored (this shortfall is offset by Councils internal tipping fees being well over budgeted tipping income). No permanent variations have been forecast at this time,

**Grants** – year-to-date budget short-fall is due to \$2.626m Grants for the M2M project were budgeted to be received in September and will now be received in October.

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

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

**Transfers to and from Reserves** – These transactions have historically only been processed as year end adjustments. Investigations of how to better match the transfers to expenditure are being undertaken.

#### **IV. 2009-10 Financial Statements as at 30 September**

In accordance with previous recommendations by the Governance Committee the September Performance Review includes financial reports for Council's consolidated business and business activities. The reports include Income Statements and Balance Sheets and are included as Attachment 5.

Attachment 4 provides a reconciliation of the items which are reported differently between the Management Plan view and the Financial Statements.

#### **V. Overview of Business Units**

##### **Water Services - Operating Result**

Operating income is accrued for water consumption and is expected to be in-line with the full year budget. Interest on investments is running above budget year-to-date, arising from an earlier than expected market recovery.

Year-to-date operating expenses appear as favourable by \$818,000, due to budget phasing in the Bulk Water Security Program not taking correct account of when a payment (\$950,000) to DECCW for Council's contribution to the Climate Change Fund was actually due (later than was budgeted).

##### **Capital Expenditure**

The year-to-date capital program was budgeted at \$13.718m. Year to date actual expenditure is \$7.419m, 54% of the full year Capital Budget is \$118.2m and whilst there is some variability due to the actual timing of payments to contractors and phasing of the budget, overall works are on-track.

In the main it is expected that the works program will be achieved for the full year with the exception of the Warnervale Town Centre and Warnervale Employment Zone works which may experience delays if the level of developer activity does not support the works being required at this stage.

##### **Highlights and risks**

The M2M total project cost estimates range from \$125m to \$170m against the previous budgeted estimate of \$110m. No Management Plan changes (budget adjustments) have yet been proposed pending the outcome of the construction tender process.

There is significant potential for the M2M project to exceed budgeted figures in many aspects of the cost profile including (but not exclusively so) :-

- Unforeseen construction conditions
- Land acquisitions – delays and acquisition costs
- Planning and design processes extending commencement of construction
- Construction costs - tenders exceeding estimates
- Design changes
- Construction delays

##### **Sewerage - Operating Result**

Operating expense are favourable by \$534,000 resulting from decreased loading on the system and the associated lower running costs. However, it is expected that as the warmer, higher load, summer season arrives that additional chemical and energy expenditure will result in the operating expense increasing in line with the budget.

**Sewerage - Capital Expenditure**

The capital program was budgeted at \$4.792m year to date however, actual expenditure is only \$515,000 because:-

- Warnervale Town Centre/Wyong Employment Zone expenditure minimal - \$100,000 out of a planned \$2.6m. An assessment on the appropriate timing of this project will need to be made in response to the levels of developer activity.
- The sewer treatment works program has experienced delays in finalising investigations and receiving approvals - budgeted at \$1m with only \$300,000 spent to date. Delays have also been experienced at the Charmhaven Treatment Plant due to environmental issues and asbestos contamination which requires redesign.

Additionally, a revised works program will be updated based on new population projections (July 2009) and industry demand projections which will impact on the timing and scale of works at the Wyong South Treatment Plant as revised predictions indicate some works may be deferred.

- The pump station refurbishment program is under-expended year to date due to budget phasing which did not allow the time for preconstruction activities in the first quarter. In the first quarter condition reports have been completed and works will now be prioritised and scheduled. Works will be completed in accordance with budget for the full year.
- Under expenditure of \$325,000 in the planned replacement of fixed plant workshop equipment, due to timing delays pending receipt and review of quotations and business cases.

**Waste****Waste - Summary**

Waste is currently off-track to achieve the target year-end operating result due to changes in the DECCW funding arrangements (see below). No budget or work adjustment has been processed pending evaluation of the trends emerging in the second quarter, given the high dependency of operations on activity levels across the rest of year.

**Waste - Operating Result**

The 2009-10 budget includes Grant Income of \$550,000 anticipated from DECCW under the Waste & Sustainability Improvement Payments (WaSIP). Previously these funds were able to be used to support general waste management activities.

However, DECCW has placed conditions on the grant funding for 2009-10 and \$450,000 is now allocated to general sustainability activities which are over and above the budgeted expenditures. The balance remaining of \$100,000 for Waste programs will be used to conduct two e-waste collections in the Shire.

This restricted funding effectively reduces Waste Income by \$450,000 and increases the waste expenses by \$100,000.

Expenditure is over budget primarily due to the EPA Levy which trending upward (offset by increased internal revenue) due to higher than anticipated quantities of waste received from Council's roads and drainage operations. An alternative disposal site has been identified for Virgin Excavated Natural Materials (VENM) which should see this trend reverse across the full year.

**Waste - Capital Expenditure**

The original capital program budgeted \$12.9m including Tip Rehabilitation and Tip Capital works and cell construction. Year to date actual expenditure achieved is \$3.045m, or 24% expended.

Major programs include:

- Tip Rehabilitation - year to date \$1.497m against full year budget \$4.875m is on-track to year end budget, 31% expended currently.
- Tip Capital Works – year to date \$1.548m against full year budget \$2.025m, 76% expended. This year-to-date expenditure includes upgrade of works at Buttonderry Waste Management Facility to build new office, carpark and small vehicle transfer area.

This project has experienced significant latent site conditions which have resulted in construction variations which have been reported and approved by Council. These additional costs will be funded from the Waste Reserve.

These works have exceeded the 2009-10 budget allocation of \$900,000 and are estimated to cost \$1.600m, requiring a budget adjustment of \$700,000 from reserves to fund short-fall. Note, in 2008-09 the budget was under-expended by \$200,000 due to timing of works with the balance being held in reserves, the net un-budgeted impact on reserves is the additional \$500,000 short-fall.

Two other budget adjustments are required to increase the Capital Works Budget –

- i. Buttonderry Upgrade – carry forward \$200,000 from unexpended budgets and \$500,000 additional due to change in scope and higher construction costs
- ii. Buttonderry Wheel Wash – carry forward \$200,000 from unexpended budgets

**Waste -Impact on Reserves**

The budgeted transfer to Waste Reserves was \$3.502m, against an opening reserve of \$9.525m. Taking into account additional \$900,000 to be transferred from reserves for capital works, the revised transfer from reserve will be \$4.402m with a projected closing balance of \$5.123m.

**Waste - Highlights and risks**

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

**HOLIDAY PARKS****Summary**

Overall the Holiday Parks result for the first quarter is behind budget due to lower than budgeted income, which has not been off-set by reduced costs.

The reduced income was partly the result of an optimistic estimate when setting the first quarter budget for income. The first quarter had one week less school holiday period, some disruptive capital work and a greater number of storage vans leaving the park than predicted.

The estimate for budget income for the 2009-10, has been revised in the Business Strategy and whilst the end of year estimate is optimistic it is likely to be achieved. This is provided the growth continues, the momentum created by previous and current improvements and increased promotional activity meets expected occupancy rates.

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

To address this potential short-fall and increase occupancy rates a strong marketing campaign has commenced that is targeted to increase occupancy across all parks over the coming months.

### **Operating Result**

The September Quarter result is an operating deficit of \$219,000 against a budgeted deficit of \$320,000, showing a year-to-date favourable variation of \$101,000. However, this variation is before taking into account a \$100,000 underpayment of the first quarter for Council's Administration Charge pending approval by the Department of Land for the proposed increase.

Actual Income was \$1.578m against year to date budget of \$1.791m, or \$0.213m or 13.5% below budget.

Expenses of \$1.797m were under the year to date budget of \$2.111m due primarily to a reduction of the first quarter administration fee \$100,000 (as above) and timing variation of the payment to Council for the Estuary Management Plan contribution. The first quarter saw permanent budget reductions in lower payments to the Contractor \$68,000 favourable and the reduced CALM levy \$7,000 favourable, and various minor variations. Included in the Holiday Parks Management Plan is a contribution to the Crown Reserves and Estuary Management Plan of \$1.940m and to Council for loans of \$591,000.

Variations in the Holiday Park result are restricted to the Holiday Park Reserves as all operations within Council's Holiday Parks are on Crown Land and subject to external restriction for use on provision of Holiday Parks and or management of Crown Lands and used to fund work in the Cluster Plan as approved by the Department of Lands. The Cluster Plan includes work on Crown Reserves including those identified in the Estuary Management Plan.

### **Capital Expenditure – Management Plan**

The capital program budget year-to-date is \$544,000 of which \$426,000 has been expended. Capital works are scheduled for the winter / off-peak periods and the forecast remains that the full year budget of \$1.167m will be expended. The first quarter included the Norah Head Holiday Park pool and camp kitchen and the Toowoona Bay camp kitchen, with works at both sites still in progress.

### **Highlights and Risks**

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

Note, in the event that approval for the increased administration charge is not approved by the Department of Lands then the General Fund will be short funded by \$400,000, however these funds would be retained within Holiday Parks restricted asset.



Due to a number of prime sites being vacated by storage vans, there is an opportunity to install additional cabins improving overall trading position. This will be the subject of a separate report to Council.

## CARE AND EDUCATION

### Operating Result

The year to date favourable variance is due to budget phasing of labour costs which is \$88,000 understated. The full year forecast is expected to achieve the full year budget.

### Highlights and risks

There is a budget risk that Vacation Care utilisation continues to be lower than forecast resulting in lower income with little or no ability to decrease operational expenditure, and an analysis of reducing from Vacation Care from five to three centres in 2010 is under consideration and will be reported separately to Council.

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

## ATTACHMENTS

1	2009-10 Management Plan Financial Report September 2009	D02082590
2	2008-09 Carry Overs Summary Governance Committee 4 November 2009	D02064374
3	2009-10 Management Plan Budget Adjustment - Detail Governance Committee 4 November 2009	D02064378
4	2009-10 Management Plan Income Statement Reconciliation Governance Committee 4 November 2009	D02064379
5	2009-10 Financial Statements as at 30 September 2009	D02081814
6	Revised 2009-10 Rolling Works Program	D02066510
7	September Quarter Review - 2009-10 Management Plan (distributed under separate cover)	Enclosure

WYONG SHIRE COUNCIL - MANAGEMENT PLAN FINANCIALS SUMMARY

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000	YTD COMMIT \$'000
<b>SEPTEMBER 2009</b>								
<b>EXPENDITURE</b>								
PA 1 - Society	56,429	60,017	9,701	3,307	13,098	15,048	1,950	6,266
PA 2 - Economy	4,497	4,784	1,355	58	1,413	1,223	(189)	149
PA 3 - Natural Environment	14,211	19,743	2,541	495	3,036	4,277	1,241	1,873
PA 4 - Infrastructure	29,092	292,664	25,439	1,955	27,394	52,261	14,867	56,277
PA 5 - Organisation	37,732	39,214	6,275	2,025	8,301	9,305	1,005	17,293
<b>TOTAL</b>	<b>403,841</b>	<b>416,422</b>	<b>45,310</b>	<b>17,831</b>	<b>63,241</b>	<b>82,114</b>	<b>18,873</b>	<b>81,858</b>
<b>SOURCE OF FUNDS</b>								
Revenue	(175,888)	(175,807)	0	0	(127,406)	(132,310)	(4,903)	0
Grants	(55,232)	(51,546)	0	0	(5,224)	(7,642)	(2,417)	0
Contributions	(83,160)	(83,538)	0	0	(326)	(2,857)	(2,532)	0
Loans	(66,825)	(66,825)	0	0	0	0	0	0
Asset Sales	(8,723)	(8,723)	0	0	(599)	(413)	186	0
Internals	(20,266)	(20,288)	0	0	(5,870)	(5,403)	467	0
Transfers to / (from) restricted assets	4,294	(11,805)	0	0	0	(4,011)	(4,011)	0
<b>TOTAL</b>	<b>(403,841)</b>	<b>(416,633)</b>	<b>0</b>	<b>0</b>	<b>(139,426)</b>	<b>(152,635)</b>	<b>(13,208)</b>	<b>0</b>
<b>RESULT Unfavourable / (Favourable)</b>	<b>0</b>	<b>(210)</b>	<b>45,310</b>	<b>17,831</b>	<b>(76,184)</b>	<b>(70,521)</b>	<b>(5,863)</b>	<b>81,858</b>

**COLUMN DEFINITIONS:**  
 Encumbrance (Encumb): Approved Purchase Orders raised but not received or invoiced - these may relate to future years

Principal Activity: 1  
Society

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<i>1.1 Community Support &amp; Development</i>																
10101	1,084	1,094	564	0	564	548	(18)	0	1,094	0	0	0	0	0	0	0
10102	386	396	220	0	220	0	(220)	0	396	0	0	0	0	0	0	0
10103	1,246	1,310	258	93	349	452	103	7	453	1,358	0	0	0	0	0	0
10104	31	31	5	0	5	8	2	1	3	0	0	0	0	0	0	0
10105	20	20	5	0	5	5	0	0	20	0	0	0	0	0	0	0
10106	1,368	1,378	265	29	294	279	(15)	139	1,178	0	0	200	0	0	0	0
10107	1,520	2,739	0	146	146	616	430	212	0	0	1,505	0	0	0	1,225	0
10108	301	574	21	0	21	136	115	4	310	264	0	0	0	0	0	0
10109	21	21	0	0	0	0	0	0	2	0	0	0	0	0	0	0
10110	15	15	0	0	0	0	0	0	15	0	0	0	0	0	0	0
10111	274	274	27	0	27	88	60	0	274	0	0	0	0	0	0	0
10112	57	57	12	0	12	14	2	0	57	0	0	0	0	0	0	0
10113	54	54	19	0	19	54	35	0	54	0	0	0	0	0	0	0
10114	55	55	7	0	7	14	7	0	55	0	0	0	0	0	0	0
10115	10	10	0	0	0	0	0	0	10	0	0	0	0	0	0	0
10116	40	40	7	0	7	9	3	0	7	33	0	0	0	0	0	0
10117	387	387	49	0	49	90	41	7	367	0	0	0	0	0	0	0
10118	584	594	116	0	116	135	19	143	235	359	0	0	0	0	0	0
10119	474	474	0	167	167	118	(49)	1	474	0	0	0	0	0	0	0
10120	3,419	3,419	755	0	755	846	91	142	2,914	505	0	0	0	0	0	0
10121	142	142	15	0	15	24	9	0	142	0	0	0	0	0	0	0
<i>1.2 Education</i>																
<i>1.3 Health</i>																
10301	70	70	11	0	11	16	4	0	20	50	0	0	0	0	0	0
<i>1.4 Housing for Disadvantaged</i>																
<i>1.5 Community Safety</i>																
<i>1.6 Public Transport</i>																

Comments:  
Year to date budget variations are due to differences between the timing of actual events and the expected budget phasing. All budgets remain on track to achieve full year outcomes.

Principal Activity: 1  
Society

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>1.7 Leisure, Recreation and Open Space</b>																
1.07.01	617	688	36	0	36	250	215	75	638	0	0	50	0	0	0	0
1.07.02	4,845	4,874	1,142	0	1,142	1,264	122	78	4,231	129	0	514	0	0	0	0
1.07.03	133	133	21	0	21	32	11	4	103	30	0	0	0	0	0	0
1.07.04	1,245	1,358	0	37	37	340	302	35	135	0	91	0	0	0	1,129	0
1.07.05	735	277	0	123	123	139	19	11	125	25	0	127	0	0	0	0
1.07.06	9,922	10,348	0	1,774	1,774	2,948	1,175	3,771	124	78	8,663	0	0	0	1,484	0
1.07.07	383	801	43	0	43	102	59	15	351	0	0	50	0	0	0	0
1.07.08	61	61	61	0	61	61	0	0	61	0	0	0	0	0	0	0
1.07.09	1,789	1,840	19	14	24	52	28	19	119	0	0	0	0	0	1,724	0
1.07.10	103	103	25	0	25	27	1	3	103	0	0	0	0	0	0	0
1.07.11	90	90	19	0	19	22	4	3	90	0	0	0	0	0	0	0
1.07.12	50	50	0	0	0	0	0	0	50	0	0	0	0	0	0	0
1.07.13	811	811	136	1	137	198	62	1,140	811	0	0	0	0	0	0	0
1.07.14	740	740	183	0	183	179	(4)	0	640	0	0	0	0	0	100	0
1.07.15	0	1,327	(0)	964	964	332	(632)	419	0	1,154	0	174	0	0	0	0
<b>1.8 Open Space</b>																
1.08.01	920	920	226	9	235	283	28	16	920	0	0	0	0	0	0	0
1.08.02	150	150	59	0	59	37	(21)	0	150	0	0	0	0	0	0	0
1.08.03	336	538	64	0	64	57	(6)	3	366	0	0	0	0	0	150	0
1.08.04	342	842	214	0	214	189	(25)	14	769	0	0	73	0	0	0	0
<b>1.10 Heritage</b>																
1.10.01	5	5	5	0	5	5	0	0	5	0	0	0	0	0	0	0
1.10.02	5	5	1	0	1	1	(0)	0	5	0	0	0	0	0	0	0
1.11.01	20,412	20,412	5,103	0	5,103	5,101	(2)	0	20,412	0	0	0	0	0	0	0
<b>TOTAL ACTIVITY</b>	<b>58,429</b>	<b>60,017</b>	<b>9,701</b>	<b>3,397</b>	<b>13,098</b>	<b>15,049</b>	<b>1,950</b>	<b>8,268</b>	<b>38,771</b>	<b>3,984</b>	<b>10,281</b>	<b>1,188</b>	<b>0</b>	<b>0</b>	<b>5,812</b>	<b>0</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

- 1.07.01 Lakes Foreshore and Aquatic Infrastructure Management: Significant works on jetties and boat ramps is yet to begin pending an audit of condition and prioritisation of works. Lakes Beach Cleaning operations have continued to be delayed until the finalisation of the Wreck Management Strategy and the issuing of permits to undertake these works. The Entrance Sea wall repairs have commenced.
- 1.07.02 Open Space Maintenance: Further restoration works on sports fields yet to be completed and will be caught up in the next quarter.
- 1.07.04 Floodlight Upgrading: The year to date variance of \$302K or 38% is due to budget phased to first quarter - design has been completed and tenders called, but the upgrade expenditure has not yet occurred.
- 1.07.06 Open Space Improvements / Acquisitions: Open Space Improvements / Acquisitions are currently under budgeted year to date expenditure by \$1.2m with the works program expected to be completed within the financial year with the exception of the Surf Lifesaving Club replacement/upgrade program. These projects may be deferred to maximise State and Federal Grant Funding opportunities.
- 1.07.15 Infrastructure Grant Commonwealth Government: Works are nearly complete, year to date actual expenditure \$964K against full year budget \$1,327K.

Principal Activity: 2  
Economy

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<i>2.1 &amp; 2.2 Emp. Wage Structure &amp; Overtime</i>																
2.01.01 Town Centre Maintenance	438	438	95	0	95	108	14	0	436	0	0	0	0	0	0	0
2.01.02 The Entrance Town Centre Mgt	1,330	1,390	658	0	658	345	(513)	0	1,380	0	0	0	0	0	0	0
2.01.03 Trukley Town Centre Management	139	139	35	0	35	35	0	0	139	0	0	0	0	0	0	0
2.01.04 Wyong Town Centre Management	62	62	16	0	16	16	0	0	62	0	0	0	0	0	0	0
2.01.05 The Entrance Multi Storey Carpark	110	110	28	0	28	22	(5)	8	110	0	0	0	0	0	0	0
2.01.06 Urban Improvements Programme	200	325	1	0	1	31	30	13	0	0	0	0	0	0	325	0
2.01.07 Town Centre Refurbishments	50	50	123	0	123	50	(73)	67	50	0	0	0	0	0	0	0
2.01.08 Town Centre Sinking Funds	140	140	0	0	0	0	0	0	140	0	0	0	0	0	0	0
2.01.09 Contribution to Economic Development	415	415	39	0	39	17	131	0	415	0	0	0	0	0	0	0
2.01.10 Marketing & Promotions	112	112	3	0	3	31	28	4	112	0	0	0	0	0	0	0
2.01.11 Coastal Area Improvements	60	262	7	28	31	81	50	4	0	0	0	262	0	0	0	0
2.01.12 Council Land Development	0	0	22	30	52	0	(52)	52	0	0	0	0	0	0	0	0
2.02.01 Allocation of Salaries & Overheads	1,333	1,333	333	0	333	333	0	0	1,333	0	0	0	0	0	0	0
<b>TOTAL ACTIVITY</b>	<b>4,437</b>	<b>4,764</b>	<b>1,355</b>	<b>58</b>	<b>1,413</b>	<b>1,223</b>	<b>(189)</b>	<b>148</b>	<b>4,177</b>	<b>0</b>	<b>0</b>	<b>262</b>	<b>0</b>	<b>0</b>	<b>325</b>	<b>0</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

2.01.02 The Entrance Town Centre Mgt Payment has been made to The Entrance Town Centre Management for the first six months of the year, up to December 2009 against a quarterly phased budget. Full year budget is on track.

2.01.07 Town Centre Refurbishments Expenditure on The Entrance Town Centre will be funded by the Town Centre Sinking Funds (MP Line Item 2.01.08) budgeted at \$100K in 2009/10. Funds will be reallocated based on expenditure.

Principal Activity: 3  
Natural Environment

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<del>3.01 Landcare</del>																
3.01.01 Landcare	141	153	27	0	27	44	18	11	141	2	0	10	0	0	0	0
<del>3.02 Water</del>																
3.02.01 Sediment Traps	187	187	49	0	49	48	(3)	0	187	0	0	0	0	0	0	0
3.02.02 Dredging and Foreshore Nourishment	500	500	105	0	105	34	236	20	124	0	0	376	0	0	0	0
3.02.04 Aquatic Wreck Collection	352	352	72	0	72	96	14	14	352	0	0	0	0	0	0	0
3.02.04 Creek Dredging	0	0	(22)	0	(22)	0	22	27	0	0	0	0	0	0	0	0
3.02.05 Lakes Improvements	197	457	16	4	20	35	15	302	127	95	0	235	0	0	0	0
3.02.06 Stream Bank Improvements	0	0	5	0	5	0	(5)	2	0	0	0	0	0	0	0	0
3.02.07 Beach Infrastructure and Dune Management	109	109	33	0	33	26	(7)	0	109	0	0	0	0	0	0	0
3.02.08 Coastal Management & Hazard Plan	188	338	(0)	0	(0)	84	84	75	168	168	0	0	0	0	0	0
3.02.09 Cabbage Tree Harbour Works	0	819	67	75	142	230	88	26	658	261	0	0	0	0	0	0
3.02.10 Pollution Monitoring & Health	209	209	41	0	41	52	10	0	209	0	0	0	0	0	0	0
3.02.11 Major Wetland Management	103	103	1	0	1	26	25	10	103	0	0	0	0	0	0	0
3.02.12 Estuary Mgt Plan & Other Stormwater Mgt Works	7,600	11,625	986	417	1,403	2,109	706	1,300	4,066	6,047	0	1,492	0	0	0	0
<del>3.03 Wetlands/Biodiversity</del>																
3.03.01 Community Environmental Works	105	272	53	0	53	68	15	82	105	167	0	0	0	0	0	0
<del>3.04 Air &amp; Climate</del>																
3.04.01 Climate Change - Flood Studies	85	85	0	0	0	21	2	0	29	56	0	0	0	0	0	0
3.05.01 Allocation of Salaries & Overheads	4,435	4,435	1,109	0	1,109	1,109	(1)	0	4,435	0	0	0	0	0	0	0
<b>TOTAL ACTIVITY</b>	<b>14,211</b>	<b>19,743</b>	<b>2,541</b>	<b>495</b>	<b>3,036</b>	<b>4,277</b>	<b>1,241</b>	<b>1,873</b>	<b>10,833</b>	<b>6,797</b>	<b>0</b>	<b>2,113</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variances are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

- 3.02.02 Dredging and Foreshore Nourishment: Dredging works are yet to begin on both The Entrance Channel and Boat Harbour. The dredge is currently being surveyed for sea worthiness. Works at The Entrance Channel are expected to commence in October / November and Boat Harbour is scheduled for an early December start.
- 3.02.12 Estuary Mgt Plan & Other Stormwater Mgt Works: The under expenditure is due to timing differences between the budget schedule and actual works. The main variances are in Porters Creek \$200K budgeted for the first quarter but works now to be delivered by March 2010; Stormwater Treatment works at Jetty Avenue and Lowana Avenue, Charmhaven, \$523K budgeted for first quarter which have been delayed due to the Contractor not submitting required environmental documentation - works now scheduled to commence in November 2009; Saltmarsh at Barkley Vale \$295K budgeted for first quarter but works rescheduled to November based on resources availability, and Stormwater Treatment Works at Saltwater Creek in progress but delayed due to rain.

Principal Activity: 4  
Infrastructure

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMBR.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib. \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>4.1 Streets</b>																
4.1.01	113	113	5	0	5	49	43	0	93	0	0	20	0	0	0	0
4.1.02	3,031	3,081	341	116	457	773	316	94	30	3,051	0	0	0	0	0	0
4.1.03	7,759	8,512	0	125	125	1,877	1,752	71	0	0	8,512	0	0	0	0	0
4.1.04	9,957	10,567	1,095	628	1,723	2,324	601	702	6,730	3,290	0	547	0	0	0	0
4.1.05	5,037	5,037	1,259	95	1,354	1,220	(134)	80	4,551	271	0	215	0	0	0	0
4.1.06	405	645	78	(9)	69	99	30	52	56	0	0	0	0	0	589	0
4.1.07	110	110	8	2	10	27	17	0	110	0	0	0	0	0	0	0
4.1.08	2,104	2,104	250	0	250	340	90	0	1,857	27	0	0	0	0	0	0
4.1.09	291	291	105	0	105	74	(31)	9	65	225	0	0	0	0	0	0
4.1.10	30	30	7	0	7	6	(1)	80	15	0	0	15	0	0	0	0
4.1.11	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
<b>4.2 Drainage</b>																
4.2.01	1,291	1,291	279	0	279	323	43	9	1,291	0	0	0	0	0	0	0
4.2.02	9,302	9,302	49	1,208	1,257	1,581	624	382	7,189	0	2,113	0	0	0	0	0
4.2.03	425	425	10	0	10	106	96	53	142	283	0	0	0	0	0	0
<b>4.3 Water</b>																
4.3.01	555	555	176	0	176	139	(37)	11	555	0	0	0	0	0	0	0
4.3.02	1,000	1,000	176	0	176	250	74	0	1,000	0	0	0	0	0	0	0
4.3.03	3,169	3,166	775	0	775	797	16	32	3,166	0	0	0	0	0	0	0
4.3.04	237	237	52	0	52	99	8	7	237	0	0	0	0	0	0	0
4.3.05	489	488	76	0	76	122	46	4	489	0	0	0	0	0	0	0
4.3.06	918	918	266	0	266	229	(36)	30	918	0	0	0	0	0	0	0
4.3.07	1,062	1,062	110	0	110	146	36	33	531	0	0	531	0	0	0	0
4.3.08	2,060	2,060	464	0	464	517	53	7	2,060	0	0	0	0	0	0	0
4.3.09	18,180	18,180	2,002	0	2,002	1,002	(1,001)	0	1,380	0	0	0	16,800	0	0	0
4.3.10	118,140	118,140	1,788	6,232	7,419	13,718	6,299	44,947	1,287	28,657	2,281	54,715	31,200	0	0	0
4.3.11	198	198	0	0	0	0	0	0	198	0	0	0	0	0	0	0
4.3.12	3,727	3,727	228	45	273	937	658	239	3,727	0	0	0	0	0	0	0

Principal Activity: 4  
Infrastructure

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>4.2 Sewer</b>																
4.01.01 Sewer Pump Station Maintenance	1,423	1,423	420	0	420	358	(64)	13	1,423	0	0	0	0	0	0	0
4.01.02 Sewer Pump Station Operations	1,791	1,791	278	0	278	448	(170)	72	1,791	0	0	0	0	0	0	0
4.01.03 Sewer Mains Maintenance	1,471	1,471	309	0	309	368	(59)	7	1,471	0	0	0	0	0	0	0
4.01.04 Sewer Mains Operations	411	411	104	0	104	103	(1)	11	411	0	0	0	0	0	0	0
4.01.05 Sewer Treatment Plant Maintenance	1,381	1,881	353	0	355	470	(115)	31	1,381	0	0	0	0	0	0	0
4.01.06 Sewer Treatment Plant Operations	3,079	3,079	665	0	665	769	(104)	98	3,079	0	0	0	0	0	0	0
4.01.07 Sewer Administration	1,615	1,615	253	0	253	404	(151)	61	1,615	0	0	0	0	0	0	0
4.01.08 Sewer Loan Repayments	5,317	5,517	717	0	717	717	(0)	0	5,263	0	0	0	254	0	0	0
4.01.09 Sewer Capital Works	19,175	19,175	0	515	515	4,792	4,277	4,062	0	0	1,429	0	17,746	0	0	0
4.01.10 Sewer Tax Equivalent Payment (TER)	181	181	0	0	0	181	181	0	181	0	0	0	0	0	0	0
<b>4.3 Waste</b>																
<b>Domestic Waste (DWA)</b>																
4.05.01 Domestic Waste Collection & Recycling Contract	8,307	8,307	2,032	0	2,032	2,085	(53)	2	8,307	0	0	0	0	0	0	0
4.05.02 EPA Levy - Domestic Waste	1,973	1,973	501	0	501	493	(8)	0	1,423	0	0	550	0	0	0	0
4.05.03 Domestic Waste Tip Rehabilitation	1,505	1,505	47	22	69	18	113	1,741	1,505	0	0	0	0	0	0	0
4.05.04 Domestic Waste Green Waste Processing Contract	1,011	1,011	185	0	185	174	(11)	67	1,011	0	0	0	0	0	0	0
4.05.05 Domestic Waste Salaries, Promotion, Rds & Drainage	551	551	36	0	36	138	(102)	11	551	0	0	0	0	0	0	0
<b>Commercial Waste</b>																
4.05.06 Commercial Waste Collection & Recycling Contract	558	558	125	0	125	137	(1)	0	558	0	0	0	0	0	0	0
4.05.07 EPA Levy - Commercial Waste	186	186	35	0	35	48	(12)	0	186	0	0	0	0	0	0	0
4.05.08 Commercial Waste Tip Rehabilitation	94	94	0	3	3	9	(6)	0	94	0	0	0	0	0	0	0
4.05.09 Commercial Waste Salaries, Promotion & Rds Contrib	74	74	7	0	7	18	(12)	0	74	0	0	0	0	0	0	0
<b>Litter</b>																
4.05.10 Litter Collection - General	1,141	1,141	73	0	73	284	(211)	0	1,141	0	0	0	0	0	0	0
<b>Tipping Operations</b>																
4.05.11 Tip Operations	4,708	4,708	991	0	991	1,177	(186)	2,791	4,708	0	0	0	0	0	0	0
4.05.12 Tip EPA Levy	6,082	6,082	1,958	0	1,958	1,520	(438)	0	6,082	0	0	0	0	0	0	0
4.05.13 Tip Cell Area Works	6,000	6,000	(0)	62	62	13	(50)	22	6,000	0	0	0	0	0	0	0
4.05.14 Tip Green Waste Processing Contract	1,047	1,047	100	0	100	29	(180)	54	1,047	0	0	0	0	0	0	0
4.05.15 Future Tip Replacement & Return on Current Operat	490	490	0	0	0	122	(122)	0	490	0	0	0	0	0	0	0
4.05.16 Tip Rehabilitation	3,276	3,276	786	1,425	2,211	2,826	(615)	0	3,276	0	0	0	0	0	0	0
4.05.17 Tip Capital Works	2,025	2,025	0	1,485	1,485	675	(610)	362	2,025	0	0	0	0	0	0	0
4.05.18 Allocation of Salaries & Overheads	25,865	25,865	6,466	0	6,466	6,464	(2)	0	25,865	0	0	0	0	0	0	0
<b>TOTAL ACTIVITY</b>	<b>291,032</b>	<b>292,694</b>	<b>25,439</b>	<b>11,955</b>	<b>37,394</b>	<b>52,261</b>	<b>14,967</b>	<b>56,277</b>	<b>119,173</b>	<b>35,994</b>	<b>14,335</b>	<b>56,593</b>	<b>66,000</b>	<b>0</b>	<b>589</b>	<b>0</b>

Commentary:

Year to date budget variations are primarily due to timing of budget phasing, however Water and Waste budgets may remain subject to timing risks (ie where budgets reflect design and construction but works may not be fully expended in the financial year) and final estimates of construction.

- 4.01.02 Main Roads: The RTA has advised works for this financial year only includes AC overlay and heavy patching and that there are no major road reconstruction projects planned. Council has quoted for works, however the RTA have only issued limited work orders on Council to date and are in discussion over rates. There exists risk that the extent of works under the RTA contract will not meet budget predictions, which will not have a bottom-line budget impact as long as the resources can be utilised on other funded projects and/or substituted for works which may have otherwise been contracted out.
- 4.01.03 Secondary Roads Construction: Secondary Roads Construction is also under spent to the phased budget but preconstruction activities are continuing. Construction on the Link Road is proceeding with the contract awarded in October and work scheduled to commence in November. Minnesota Road are yet to commence but design contracts have been awarded and construction is expected in May 2010.
- 4.3 Water: Refer Business Unit Commentary. Water Capital Works are subject to the final construction estimates for the Mardi to Mangrove Project currently out to tender. Budget adjustments will be proposed following Council's acceptance of tender.
- 4.5 Waste: Refer Business Unit Commentary. Waste Operations remain under review due to the changes to the DECCW funding which has placed restrictions on how these funds can be utilised, creating a budget short-fall in Waste. Waste Capital Works are forecast to exceed budget by \$900K due to Buttoncerry Waste Management Site Upgrade which includes a new office, car park, and small vehicle transfer area. The construction variations were due to significant latent site conditions and change in scope of works through-out the project, these variations have been reported and approved by Council.



Principal Activity: 5  
Organisation

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB. YTD COMMIT \$'000	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000	Reserves Assets \$'000
<b>SEPTEMBER 2009</b>																
<b>5.1 Workforce</b>																
5.1.01	614	614	158	0	158	153	(5)	1,122	614	0	0	0	0	0	0	0
5.1.02	444	444	114	0	114	111	(4)	47	444	0	0	0	0	0	0	0
5.1.03	1,873	1,856	1,349	0	1,349	1,000	(349)	0	1,856	0	0	0	0	0	0	0
5.1.04	22,676	22,676	4,398	0	4,398	4,519	121	16	22,676	0	0	0	0	0	0	0
5.1.05	7,009	7,636	1,804	0	1,804	1,759	(45)	7	7,009	0	0	0	0	0	0	0
5.1.06	8,035	8,085	2,116	0	2,116	1,859	(258)	5	7,626	39	0	420	0	0	0	0
5.1.07	7,214	7,214	1,648	0	1,648	1,663	15	14	6,559	0	195	260	0	0	0	0
5.1.08	1,173	1,173	264	0	264	270	6	0	1,173	0	0	0	0	0	0	0
<b>5.2 Finance</b>																
5.2.01	852	852	150	0	150	129	(21)	128	852	0	0	0	0	0	0	0
5.2.02	481	481	121	0	121	115	(6)	4	481	0	0	0	0	0	0	0
5.2.03	1,119	1,116	404	0	404	504	100	98	1,119	0	0	0	0	0	0	0
5.2.04	1,193	1,193	24	0	24	60	36	0	1,193	0	0	0	0	0	0	0
5.2.05	7,869	8,216	1,623	0	1,623	1,694	271	684	7,869	0	0	348	0	0	0	0
5.2.06	1,167	1,167	0	426	426	544	118	572	342	0	0	0	825	0	0	0

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

5.01.03 Risk Management Timing only - premiums for Public Liability Insurance paid on 1 July for full twelve months.

5.01.06 Shire Services Salaries Currently trending over budget, investigating to ensure correct allocation of salaries is occurring, eg where engineering staff are working on funded projects costs need to be allocated.

5.02.05 Holiday Park Operations Refer Business Unit Commentary - favourable to budget year to date, however this is a combination of the under payment of Council's Administration charge (budgeted at 10% of revenue, but paid at 5%) pending approval from the Department of Lands for the increase, and timing of the Contribution to Council & Esbury Management Plan works which is yet to be processed.

Principal Activity: 5  
Organisation

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS								
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000	Restricted Assets \$'000
<b>SEPTEMBER 2009</b>																	
<b>5.3 Support Systems &amp; Equipment</b>																	
5.3.01	Plant & Fleet Running Costs	9,254	8,258	2,258	0	2,258	2,432	174	54	9,258	0	0	0	0	0	0	
5.3.02	Plant & Fleet Purchases	6,243	6,982	0	1,284	1,284	2,161	867	1,226	5,259	0	0	0	0	1,723	0	
5.3.03	Information Systems	4,715	4,485	1,200	61	1,267	1,065	(202)	12,454	4,082	0	0	0	0	0	393	
5.3.04	Shire Services Operations	2,718	2,719	831	255	1,086	705	(381)	333	2,673	0	0	46	0	0	0	
5.3.05	Future Planning Operations & Studies	2,172	2,812	249	0	249	808	559	349	1,871	70	0	651	0	0	220	
5.3.06	Organisation Development	46	46	6	0	6	11	6	0	46	0	0	0	0	0	0	
5.3.07	Equipment Purchases	20	20	0	0	0	5	5	1	20	0	0	0	0	0	0	
<b>5.4 Governance</b>																	
5.4.01	Legal Expenses	746	746	185	0	185	136	1	98	746	0	0	0	0	0	0	
5.4.02	Administrative Services	809	809	286	0	286	203	(83)	66	809	0	0	0	0	0	0	
5.4.03	Internal Audit	70	70	(8)	0	(8)	17	26	0	70	0	0	0	0	0	0	
5.4.04	Council Support	489	489	59	0	59	123	23	10	489	0	0	0	0	0	0	
5.4.05	Election	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	
5.4.06	Sustainability	100	100	0	0	0	25	25	0	100	0	0	0	0	0	0	
5.5.01	Allocation of Salaries & Overheads	(52,045)	(52,045)	(13,011)	0	(13,011)	(13,006)	5	0	(52,045)	0	0	0	0	0	0	
<b>TOTAL ACTIVITY</b>		<b>37,732</b>	<b>39,214</b>	<b>8,275</b>	<b>2,025</b>	<b>8,301</b>	<b>9,305</b>	<b>1,065</b>	<b>17,283</b>	<b>33,824</b>	<b>109</b>	<b>365</b>	<b>1,725</b>	<b>825</b>	<b>1,723</b>	<b>220</b>	<b>393</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

5.03.03 Information Systems A Budget reduction has been processed as a September Quarter Budget Variation to correct funding for Information Services Oracle Upgrade based on final reserves and estimates of cost.

5.03.04 Shire Services Operations Over budget year to date due to incorrect costing of project (Halekulani Waste Site \$245,000) which is to be reallocated to Waste. Remaining variance is being investigated and budget allocations are currently being reviewed in light of improving cost information where required budget reallocations will be proposed in the second quarter.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS								
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000	Restricted Assets \$'000
<b>SEPTEMBER 2009</b>																	
<b>6.1 General Rates &amp; Levies</b>																	
6.01.01	Rates Levy - Current Year	(56,577)	(56,577)	0	0	(56,515)	(56,577)	(62)	0	(56,577)	0	0	0	0	0	0	0
6.01.02	Rates Abandonments	2,441	2,441	0	0	2,383	2,425	42	0	2,441	0	0	0	0	0	0	0
6.01.03	Special Rates	(995)	(995)	0	0	(983)	(249)	715	0	(995)	0	0	0	0	0	0	0
6.01.04	Waterways Environmental Levy	(1,713)	(1,713)	0	0	(1,679)	(1,713)	(34)	0	(1,713)	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>(56,844)</b>	<b>(56,844)</b>	<b>0</b>	<b>0</b>	<b>(56,775)</b>	<b>(56,114)</b>	<b>661</b>	<b>0</b>	<b>(56,844)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.2 Assets/Charges</b>																	
6.02.01	Water Availability Charges	(7,913)	(7,913)	0	0	(7,852)	(7,913)	(61)	0	(7,913)	0	0	0	0	0	0	0
6.02.02	Water Pensioner Abandonments	1,234	1,234	0	0	956	987	11	0	1,234	0	0	0	0	0	0	0
6.02.03	Sewerage Service Charges	(26,374)	(26,374)	0	0	(26,100)	(26,374)	(274)	0	(26,374)	0	0	0	0	0	0	0
6.02.04	Sewerage Pensioner Abandonments	1,247	1,247	0	0	1,193	1,247	54	0	1,247	0	0	0	0	0	0	0
6.02.05	Domestic Waste Management Charge	(19,866)	(19,866)	0	0	(19,646)	(19,866)	(220)	0	(19,866)	0	0	0	0	0	0	0
6.02.06	Domestic Waste Pensioner Abandonments	1,132	1,132	0	0	1,132	1,124	(8)	0	1,132	0	0	0	0	0	0	0
6.02.07	Garbage Charges - Commercial	(1,457)	(1,457)	0	0	(1,423)	(1,409)	14	0	(1,457)	0	0	0	0	0	0	0
6.02.08	Drainage Service Charge	(5,647)	(5,647)	0	0	(5,278)	(5,647)	(369)	0	(5,647)	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>(57,644)</b>	<b>(57,644)</b>	<b>0</b>	<b>0</b>	<b>(57,018)</b>	<b>(57,871)</b>	<b>(653)</b>	<b>0</b>	<b>(57,644)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.3 User Charges</b>																	
6.03.01	Hire of Civic Centre & Halls	(200)	(200)	0	0	(61)	(35)	26	0	(200)	0	0	0	0	0	0	0
6.03.02	Library Photocopying Charges	(22)	(22)	0	0	(5)	(5)	(3)	0	(22)	0	0	0	0	0	0	0
6.03.03	Hire of Sporting Fields/Circuses	(186)	(186)	0	0	1	(2)	(3)	0	(186)	0	0	0	0	0	0	0
6.03.04	Child Care Charges	(3,779)	(3,779)	0	0	(997)	(1,028)	(31)	0	(3,779)	0	0	0	0	0	0	0
6.03.05	Water Usage	(20,749)	(20,749)	0	0	(4,034)	(7,262)	(3,229)	0	(20,749)	0	0	0	0	0	0	0
6.03.06	Sewer Usage	(773)	(773)	0	0	(381)	(271)	111	0	(773)	0	0	0	0	0	0	0
6.03.07	Effluent & Sanitary	(130)	(130)	0	0	(33)	(33)	1	0	(130)	0	0	0	0	0	0	0
6.03.08	Recycled Water	(352)	(352)	0	0	(70)	(88)	(18)	0	(352)	0	0	0	0	0	0	0
6.03.09	Trade Waste	(689)	(689)	0	0	7	(171)	(178)	0	(689)	0	0	0	0	0	0	0
6.03.10	Tipping Charges	(11,750)	(11,750)	0	0	(2,412)	(2,917)	(505)	0	(11,750)	0	0	0	0	0	0	0
6.03.11	Holiday Parks Charges	(8,400)	(8,400)	0	0	(1,578)	(1,791)	(213)	0	(8,400)	0	0	0	0	0	0	0
6.03.12	Vehicle Entry Sacrifice Charges	(978)	(978)	0	0	(269)	(224)	45	0	(978)	0	0	0	0	0	0	0
6.03.13	Property Rentals & Other Administration Charges	(950)	(950)	0	0	(479)	(950)	(471)	0	(950)	0	0	0	0	0	0	0
6.03.14	Copy Shop External Charges	(25)	(25)	0	0	(5)	(5)	0	0	(25)	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>(48,993)</b>	<b>(48,993)</b>	<b>0</b>	<b>0</b>	<b>(10,317)</b>	<b>(14,783)</b>	<b>(4,466)</b>	<b>0</b>	<b>(48,993)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes with the exception of Domestic Waste Management Charge, Drainage Service Charge, Tipping Charges & Holiday Park income.

6.02.05 Domestic Waste Management Charge Domestic Waste Mgmt Charge under budget based on annual levy, with some supplementary levies to be raised, however budget may require adjustment. Will be reassessed after second quarter trends have emerged.

6.02.06 Drainage Service Charge Drainage Charge under budget based on annual levy, with some supplementary levies to be raised, however budget may require adjustment. Will be reassessed after second quarter trends have emerged.

6.03.10 Tipping Charges Refer Business Unit Commentary for Waste. Tipping Charges are down due to lower volumes of waste than forecast, this trend will be monitored with the possibility of this being recouped if activity picks up. (Note that Internal Tipping Fees paid by Council's operations are up due to higher levels of waste, however is expected to trend lower across remainder of year with sites for VENM being set up).

6.03.11 Holiday Park Charges Refer Business Unit Commentary. Monitoring trends over the upcoming Christmas Holiday season, year to date under budget primarily due to North Head Holiday Park due to construction works impacting on bookings.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>Fee Fees</b>																
6 24 01	(100)	(100)	0	0	(13)	(29)	(16)	0	(100)	0	0	0	0	0	0	0
6 24 02	(148)	(148)	0	0	(18)	(50)	(32)	0	(148)	0	0	0	0	0	0	0
6 24 03	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6 24 04	(1,000)	(1,000)	0	0	(278)	(411)	(133)	0	(1,000)	0	0	0	0	0	0	0
6 24 05	(50)	(50)	0	0	(54)	(4)	50	0	(50)	0	0	0	0	0	0	0
6 24 06	(170)	(170)	0	0	(35)	(42)	(7)	0	(170)	0	0	0	0	0	0	0
6 24 07	(400)	(418)	0	0	(111)	(138)	(27)	0	(418)	0	0	0	0	0	0	0
6 24 08	(310)	(310)	0	0	(129)	(82)	46	0	(310)	0	0	0	0	0	0	0
6 24 09	(328)	(328)	0	0	(100)	(82)	18	0	(328)	0	0	0	0	0	0	0
6 24 10	(37)	(37)	0	0	(3)	0	3	0	(37)	0	0	0	0	0	0	0
6 24 11	(120)	(120)	0	0	(44)	(27)	17	0	(120)	0	0	0	0	0	0	0
6 24 12	(70)	(70)	0	0	(5)	(17)	(12)	0	(70)	0	0	0	0	0	0	0
6 24 13	(115)	(115)	0	0	(55)	(74)	(19)	0	(115)	0	0	0	0	0	0	0
6 24 14	(47)	(47)	0	0	92	(29)	(118)	0	(47)	0	0	0	0	0	0	0
6 24 15	(350)	(350)	0	0	(52)	(166)	(115)	0	(350)	0	0	0	0	0	0	0
6 24 16	(135)	(135)	0	0	(40)	(24)	15	0	(135)	0	0	0	0	0	0	0
6 24 17	(241)	(241)	0	0	(48)	(56)	(8)	0	(241)	0	0	0	0	0	0	0
6 24 18	(300)	(300)	0	0	(110)	(93)	17	0	(300)	0	0	0	0	0	0	0
6 24 19	(50)	(50)	0	0	(11)	(12)	(1)	0	(50)	0	0	0	0	0	0	0
6 24 20	(265)	(265)	0	0	(11)	(130)	(119)	0	(265)	0	0	0	0	0	0	0
6 24 21	(214)	(214)	0	0	(33)	(214)	(181)	0	(214)	0	0	0	0	0	0	0
6 24 22	(37)	(37)	0	0	(21)	(9)	12	0	(37)	0	0	0	0	0	0	0
6 24 23	(10)	(10)	0	0	(2)	(2)	(0)	0	(10)	0	0	0	0	0	0	0
6 24 24	(240)	(240)	0	0	(82)	(80)	22	0	(240)	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>(4,827)</b>	<b>(4,845)</b>	<b>0</b>	<b>0</b>	<b>(1,163)</b>	<b>(1,754)</b>	<b>(581)</b>	<b>0</b>	<b>(4,845)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variations in Fees are primarily due to timing of budget phasing and whilst trends are only early where variations are occurring budgets will be continue to be monitored. No budget variations have been proposed at this time.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>6.5 Interest On Investments</b>																
6.05.01	(251)	(251)	0	0	(78)	(63)	17	0	(251)	0	0	0	0	0	0	0
6.05.02	(135)	(135)	0	0	(75)	(26)	49	0	(135)	0	0	0	0	0	0	0
6.05.03	(2,453)	(2,453)	0	0	(766)	(613)	153	0	(2,453)	0	0	0	0	0	0	0
6.05.04	(2,151)	(2,151)	0	0	(704)	(538)	167	0	(2,151)	0	0	0	0	0	0	0
6.05.05	(218)	(218)	0	0	(54)	(54)	0	0	(218)	0	0	0	0	0	0	0
6.05.06	(450)	(450)	0	0	(113)	(113)	0	0	(450)	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>(5,658)</b>	<b>(5,658)</b>	<b>0</b>	<b>0</b>	<b>(1,782)</b>	<b>(1,406)</b>	<b>386</b>	<b>0</b>	<b>(5,658)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.6 Other Revenues</b>																
6.06.01	(1)	(1)	0	0	0	0	0	0	(1)	0	0	0	0	0	0	0
6.06.02	(38)	(38)	0	0	(10)	(8)	1	0	(38)	0	0	0	0	0	0	0
6.06.03	(400)	(400)	0	0	(56)	(63)	(27)	0	(400)	0	0	0	0	0	0	0
6.06.04	(150)	(150)	0	0	(15)	(37)	(23)	0	(150)	0	0	0	0	0	0	0
6.06.05	(1)	(1)	0	0	(0)	(0)	(0)	0	(1)	0	0	0	0	0	0	0
6.06.05	0	0	0	0	(3)	0	3	0	0	0	0	0	0	0	0	0
6.06.07	(34)	(34)	0	0	(5)	(8)	(4)	0	(34)	0	0	0	0	0	0	0
6.06.08	(112)	(112)	0	0	(98)	(67)	31	0	(112)	0	0	0	0	0	0	0
6.06.09	(156)	(156)	0	0	(12)	(38)	(27)	0	(156)	0	0	0	0	0	0	0
6.06.10	(185)	(185)	0	0	(54)	(42)	12	0	(185)	0	0	(1)	0	0	0	0
6.06.11	(36)	(36)	0	0	0	(8)	(8)	0	(36)	0	0	0	0	0	0	0
6.06.12	(93)	(93)	0	0	(7)	(11)	(4)	0	(93)	0	0	0	0	0	0	0
6.06.13	(51)	(51)	0	0	(0)	(13)	(13)	0	(51)	0	0	0	0	0	0	0
6.06.14	(440)	(440)	0	0	(24)	0	24	0	(440)	0	0	0	0	0	0	0
6.06.15	(10)	(10)	0	0	0	(2)	(2)	0	(10)	0	0	0	0	0	0	0
6.06.15	(86)	(86)	0	0	(18)	(14)	5	0	(86)	0	0	0	0	0	0	0
6.06.17	(97)	(97)	0	0	(28)	(24)	4	0	(97)	0	0	0	0	0	0	0
6.06.18	(3)	(3)	0	0	0	(1)	(1)	0	(3)	0	0	0	0	0	0	0
6.06.19	(35)	(35)	0	0	(9)	(18)	(7)	0	(35)	0	0	0	0	0	0	0
6.06.20	(25)	(25)	0	0	(3)	(8)	(3)	0	(25)	0	0	0	0	0	0	0
6.06.21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.06.22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>(1,933)</b>	<b>(1,934)</b>	<b>0</b>	<b>0</b>	<b>(342)</b>	<b>(382)</b>	<b>(41)</b>	<b>0</b>	<b>(1,933)</b>	<b>0</b>	<b>0</b>	<b>(1)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variances are due to timing of budget placing and all budgets remain on track to achieve full year outcomes, Interest Income is tracking above budget and depending on the economy and financial markets may exceed full year budget, however timing of distributions from Managed Funds is difficult to predict across the year.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS							
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000
<b>SEPTEMBER 2009</b>																
<b>6.7 General Purpose Grants</b>																
6.07.01	Financial Assistance Grant	(7,794)	(5,953)	0	0	(1,484)	(1,568)	(84)	0	(5,953)	0	0	0	0	0	0
6.07.02	Pensioner Rate Subsidy (General)	(1,343)	(1,343)	0	0	0	0	0	0	(1,343)	0	0	0	0	0	0
6.07.03	Pensioner Rate Subsidy (Waste)	(623)	(623)	0	0	0	0	0	0	(623)	0	0	0	0	0	0
6.07.04	Pensioner Rate Subsidy Water (WSA)	(679)	(679)	0	0	0	0	0	0	(679)	0	0	0	0	0	0
6.07.05	Pensioner Rate Subsidy Sewer (WSA)	(686)	(686)	0	0	0	0	0	0	(686)	0	0	0	0	0	0
<b>TOTAL</b>		<b>(11,125)</b>	<b>(9,284)</b>	<b>0</b>	<b>0</b>	<b>(1,484)</b>	<b>(1,568)</b>	<b>(84)</b>	<b>0</b>	<b>(9,284)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.8 Specific Purpose Grants</b>																
6.08.01	Bushfire Prevention & Equipment Issues	(873)	(875)	0	0	(131)	(148)	(17)	0	0	(873)	0	0	0	0	0
6.08.02	Youth Week	(2)	(2)	0	0	(14)	0	14	0	0	(2)	0	0	0	0	0
6.08.03	Aboriginal Youth Outreach Worker	(38)	(38)	0	0	0	(19)	(19)	0	0	(38)	0	0	0	0	0
6.08.04	Home & Community Care Aged Worker	(33)	(33)	0	0	(7)	(8)	(1)	0	0	(33)	0	0	0	0	0
6.08.05	Library Per Capita Subsidy & Other Library Grants	(335)	(359)	0	0	(13)	0	13	0	0	(359)	0	0	0	0	0
6.08.06	Child Care & Speech Therapist Grants	(505)	(505)	0	0	(124)	(126)	(2)	0	0	(505)	0	0	0	0	0
6.08.07	Immunisation Subsidy	(50)	(50)	0	0	(8)	(8)	(2)	0	0	(50)	0	0	0	0	0
6.08.08	Shared Pathways	(25)	(25)	0	0	51	0	(51)	0	0	(25)	0	0	0	0	0
6.08.09	Noxious Weeds, Fire Protection & Floodlighting	(130)	(130)	0	0	0	(32)	(32)	0	0	(130)	0	0	0	0	0
6.08.10	LandCare	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.11	Coastal Hazard Management Plan	(84)	(84)	0	0	0	0	0	0	0	(84)	0	0	0	0	0
6.08.12	Cabbage Tree Harbour Works	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.13	Creek Drudging	0	0	0	0	0	0	(9)	0	0	0	0	0	0	0	0
6.08.14	Estuary Management Plan	(5,000)	(5,000)	0	0	(2,000)	(2,000)	0	0	0	(5,000)	0	0	0	0	0
6.08.15	Climate Change - Flood Studies	(36)	(36)	0	0	0	0	0	0	0	(36)	0	0	0	0	0
6.08.16	Main Roads Engineering Fees	(3,001)	(3,001)	0	0	(538)	(238)	300	0	0	(3,001)	0	0	0	0	0
6.08.17	Roads to Recovery & Auslink	(1,026)	(1,026)	0	0	(500)	(257)	244	0	0	(1,026)	0	0	0	0	0
6.08.18	Secondary Roads Rehabilitation	(1,711)	(1,367)	0	0	(346)	(420)	(74)	0	0	(1,367)	0	0	0	0	0
6.08.19	Secondary Roads Maintenance	(271)	(271)	0	0	(70)	(68)	2	0	0	(271)	0	0	0	0	0
6.08.20	Road Safety Programme	(180)	(180)	0	0	0	(45)	(45)	0	0	(180)	0	0	0	0	0
6.08.21	Street Lighting Subsidy	(217)	(217)	0	0	0	0	0	0	0	(217)	0	0	0	0	0
6.08.22	Drainage/Flood Studies	(283)	(283)	0	0	0	0	0	0	0	(283)	0	0	0	0	0
6.08.23	Community Social Worker Salary subsidy	(20)	(20)	0	0	(6)	(5)	1	0	0	(20)	0	0	0	0	0
6.08.24	RTA Road Safety Officer	(45)	(45)	0	0	(3)	(13)	(10)	0	0	(45)	0	0	0	0	0
6.08.25	CARES Facility Outrigger	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.25	SFD projects	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.27	Infrastructure Grant	(1,528)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.28	NSW Dept Sport & Recreation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.29	Water Grants	(28,657)	(28,657)	0	0	(30)	(2,858)	(2,828)	0	0	(28,657)	0	0	0	0	0
6.08.30	June 2007 Storm Grants	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.31	Open Space & Recreation	0	(30)	0	0	(4)	(30)	(26)	0	0	(30)	0	0	0	0	0
6.08.32	Marketing & Promotions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.33	Shire Planning Grants	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.34	Rural Addressing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.08.35	Australian Water Fund	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>(44,107)</b>	<b>(42,264)</b>	<b>0</b>	<b>0</b>	<b>(3,740)</b>	<b>(8,074)</b>	<b>(2,333)</b>	<b>0</b>	<b>0</b>	<b>(42,264)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets remain on track to achieve full year outcomes.

6.07.01 Financial Assistance Grant Budget on track for full year with an additional \$210K allocation received from the Federal Government for 2009/10. Note a budget variation has been processed to reflect that a portion of the Grant was received in last financial year, and needs to be brought in as a transfer from reserve.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS								
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000	Restricted Assets \$'000
	SEPTEMBER, 2009																
<i>500 - Other Services and Divisions</i>																	
6 09 01	(1,020)	(1,020)	0	0	0	(50)	(50)	0	J	0	0	(1,020)	0	0	0	0	0
6 09 02	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 03	(8,068)	(8,068)	0	0	2	0	(2)	0	J	0	0	(8,068)	0	0	0	0	0
6 09 04	(730)	(730)	0	0	0	(182)	(182)	0	J	0	0	0	(730)	0	0	0	0
6 09 05	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 06	(7,758)	(7,758)	0	0	0	0	0	0	J	0	0	(7,758)	0	0	0	0	0
6 09 07	(2,113)	(2,113)	0	0	0	0	0	0	J	0	0	(2,113)	0	0	0	0	0
6 09 08	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 09	(395)	(395)	0	0	0	0	0	0	J	0	0	(395)	0	0	0	0	0
6 09 10	(55,246)	(55,246)	0	0	0	0	0	0	J	0	0	0	(55,246)	0	0	0	0
6 09 11	(2,281)	(2,281)	0	0	0	0	0	0	J	0	0	(2,281)	0	0	0	0	0
6 09 12	(1,428)	(1,428)	0	0	0	(1,428)	(1,428)	0	J	0	0	(1,428)	0	0	0	0	0
6 09 13	(78)	(127)	0	0	(8)	(50)	(42)	0	J	0	0	0	(127)	0	0	0	0
6 09 14	(50)	(50)	0	0	(3)	(11)	(8)	0	J	0	0	0	(50)	0	0	0	0
6 09 15	(50)	(262)	0	0	(28)	(61)	(52)	0	J	0	0	0	(262)	0	0	0	0
6 09 16	(50)	(50)	0	0	(3)	(12)	(8)	0	J	0	0	0	(50)	0	0	0	0
6 09 17	(446)	(541)	0	0	(95)	(241)	(146)	0	J	0	0	0	(541)	0	0	0	0
6 09 18	(887)	(887)	0	0	(140)	(222)	(83)	0	J	0	0	0	(887)	0	0	0	0
6 09 19	(200)	(200)	0	0	0	(200)	(200)	0	J	0	0	0	(200)	0	0	0	0
6 09 20	(420)	(420)	0	0	0	(105)	(105)	0	J	0	0	0	(420)	0	0	0	0
6 09 21	(20)	(20)	0	0	0	(20)	(20)	0	J	0	0	0	(20)	0	0	0	0
6 09 22	(517)	(517)	0	0	(22)	(35)	(13)	0	J	0	0	0	(517)	0	0	0	0
6 09 23	(15)	(15)	0	0	(2)	0	2	0	J	0	0	0	(15)	0	0	0	0
6 09 24	(10)	(10)	0	0	0	0	0	0	J	0	0	0	(10)	0	0	0	0
6 09 25	(550)	(550)	0	0	0	0	0	0	J	0	0	0	(550)	0	0	0	0
6 09 26	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 27	0	(10)	0	0	(10)	(10)	0	0	J	0	0	0	(10)	0	0	0	0
6 09 28	(837)	(837)	0	0	0	(209)	(209)	0	J	0	0	0	(837)	0	0	0	0
6 09 29	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 31	0	0	0	0	(0)	0	0	0	J	0	0	0	0	0	0	0	0
6 09 32	0	0	0	0	(0)	0	0	0	J	0	0	0	0	0	0	0	0
6 09 33	0	0	0	0	(18)	0	18	0	J	0	0	0	0	0	0	0	0
6 09 34	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
6 09 35	0	0	0	0	0	0	0	0	J	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>(83,180)</b>	<b>(83,538)</b>	<b>0</b>	<b>0</b>	<b>(328)</b>	<b>(2,857)</b>	<b>(2,532)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(23,088)</b>	<b>(60,472)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets. The Contributions Budgets are primarily Transfers from Reserves and or Internal Transfers.

Source of Funds

SERVICE	ANNUAL BUDGET		YTD OPERATING ACTUALS	YTD CAPITAL ACTUALS	YTD ACTUALS	YTD BUDGET		ENCUMB.	SOURCE OF FUNDS								
	Original Budget \$'000	Revised Annual Budget \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD VAR \$'000		YTD COMMIT \$'000	Revenue \$'000	Grants \$'000	Contrib \$'000	Other Contrib. \$'000	Loans \$'000	Asset Sales \$'000	Land Sales \$'000	Restricted Assets \$'000
<b>SEPTEMBER, 2009</b>																	
<b>6.10 Loan Funds</b>																	
6.10.01	Water Operations	(48,000)	(48,000)	0	0	0	0	0	0	0	0	0	0	(48,000)	0	0	0
6.10.02	Sewer Operations	(18,000)	(18,000)	0	0	0	0	0	0	0	0	0	0	(18,000)	0	0	0
6.10.03	Holiday Parks	(825)	(825)	0	0	0	0	0	0	0	0	0	0	(825)	0	0	0
<b>TOTAL</b>		<b>(66,825)</b>	<b>(66,825)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(66,825)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.11 State On Assets</b>																	
6.11.01	Mobile Plant and Equipment	(1,723)	(1,723)	0	0	(345)	(413)	(68)	0	0	0	0	0	0	(1,723)	0	0
6.11.02	Land Sales	(5,000)	(5,000)	0	0	(254)	0	254	0	0	0	0	0	0	0	(5,000)	0
<b>TOTAL</b>		<b>(6,723)</b>	<b>(6,723)</b>	<b>0</b>	<b>0</b>	<b>(599)</b>	<b>(413)</b>	<b>186</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(1,723)</b>	<b>(5,000)</b>	<b>0</b>
<b>6.12 Various Charges</b>																	
6.12.01	On Line Searches	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.12.02	Nursery Sales to Other Departments	(103)	(103)	0	0	(29)	(27)	(3)	0	(103)	0	0	0	0	0	0	0
6.12.03	Rangers Services to Holiday Parks	(35)	(35)	0	0	0	(9)	(9)	0	(35)	0	0	0	0	0	0	0
6.12.04	Road Opening Fees	(150)	(150)	0	0	0	0	0	0	(150)	0	0	0	0	0	0	0
6.12.05	General Fund Contribution to Drainage	(82)	(82)	0	0	0	(82)	(82)	0	(82)	0	0	0	0	0	0	0
6.12.06	Tipping Fees	(4,317)	(4,317)	0	0	(1,983)	(1,148)	837	0	(4,317)	0	0	0	0	0	0	0
6.12.07	Tipping Fees for Community Groups	(52)	(52)	0	0	0	(13)	(13)	0	(52)	0	0	0	0	0	0	0
6.12.08	Contributions to Loan Repayments	(708)	(708)	0	0	(177)	(177)	0	0	(708)	0	0	0	0	0	0	0
6.12.09	Mobile Plant Internal Hire	(14,282)	(14,282)	0	0	(3,632)	(3,627)	105	0	(14,282)	0	0	0	0	0	0	0
6.12.10	Copy Shop	(180)	(180)	0	0	(54)	(45)	9	0	(180)	0	0	0	0	0	0	0
6.12.11	Tax Ecuivalent payments from Water and Sewer Oper	(377)	(377)	0	0	0	(377)	(377)	0	(377)	0	0	0	0	0	0	0
6.12.12	WSA Contribution to Asbestos Register	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.12.13	Water Charges to Open Space	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6.12.14	Contribution from Water & Sewer to General Fund	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>(20,286)</b>	<b>(20,286)</b>	<b>0</b>	<b>0</b>	<b>(5,870)</b>	<b>(5,403)</b>	<b>467</b>	<b>0</b>	<b>(20,286)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>6.13 Transfer From/(To) Restricted Assets</b>																	
6.13.01	Transfer from/(to) Land Reserve	(43)	(1,946)	0	0	0	(476)	(476)	0	0	0	0	0	0	0	(1,946)	0
6.13.02	Transfer from/(to) Information Systems	(623)	(393)	0	0	0	0	0	0	0	0	0	0	0	0	0	(393)
6.13.03	Transfer from/(to) Election Reserve	80	80	0	0	0	0	0	0	80	0	0	0	0	0	0	0
6.13.04	Transfer from/(to) Other Reserves	633	(13,325)	0	0	0	(5,341)	(5,341)	0	(5,635)	(4,724)	(1,926)	(950)	0	0	0	0
6.13.05	Transfer from/(to) WSA Reserve	7,647	7,647	0	0	0	1,911	1,911	0	7,647	0	0	0	0	0	0	0
6.13.05	Transfer from/(to) Waste Reserve	(3,502)	(3,502)	0	0	0	0	0	0	(3,502)	0	0	0	0	0	0	0
6.13.07	Transfer from/(to) Holiday Park Reserve	0	(416)	0	0	0	(105)	(105)	0	0	0	0	(416)	0	0	0	0
6.13.08	Transfer from/(to) Cemeteries Reserve	52	52	0	0	0	0	0	0	52	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>4,294</b>	<b>(11,805)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(4,011)</b>	<b>(4,011)</b>	<b>0</b>	<b>(1,408)</b>	<b>(4,724)</b>	<b>(1,926)</b>	<b>(1,408)</b>	<b>0</b>	<b>0</b>	<b>(1,946)</b>	<b>(393)</b>

Commentary:

Year to date budget variations are due to timing of budget phasing and all budgets will, the exception of Internal Tipping Fees which is well over budget due to high levels of activity by Council's own operations involving waste. This trend is expected to decrease as Council has now implemented sites to V&M management. Transfers From/ To Reserve are processed as year end accounting entries.



## Attachment 2: 2008/09 Carry-Overs Summary

Strategy	Carry Forward	Cfwd Revenue	Cfwd Grant	Cfwd Dev Cont	Cfwd Other Cont	Cfwd Land Sales
1.01.03a Bushfire Operations & Equipment	543,929	61,273	482,656	0	0	0
1.01.03d Bushfire Risk Assessment Funding	20,356	20,356	0	0	0	0
1.01.07a Community Building Construction - Planning	982,436	0	0	307,000	0	675,436
1.01.07d Community Building Construction	177,565	0	0	177,565	0	0
1.01.08 Community Services	243,000	0	243,000	0	0	0
1.07.01 Lakes Foreshore and Aquatic Infrastructure Management	71,254	71,254	0	0	0	0
1.07.02 Open Space Maintenance	29,233	0	29,233	0	0	0
1.07.04 Floodlight Upgrading	113,112	0	0	0	0	113,112
1.07.05 Shared Pathway Improvements	50,950	0	0	0	50,950	0
1.07.06a Open Space Improvements / Acquisitions - Planning	9,557	0	0	9,557	0	0
1.07.06b Open Space Improvements / Acquisitions - Com Dev	34,486	0	34,486	0	0	0
1.07.06c Open Space Improvements / Acquisitions - Shire Services	844,742	4,075	13,034	151,020	0	676,613
1.07.06d Open Space Improvements / Acquisitions - Contracts	527,098	0	0	527,098	0	0
1.07.09 Beach Improvements	74,060	0	0	0	0	74,060
1.07.15 Infrastructure Grant Commonwealth Government	1,327,489	0	1,153,600	0	173,889	0
2.01.06 Urban Improvements Programme	125,000	0	0	0	0	125,000
2.01.11 Coastal Area Improvements	202,396	0	0	0	202,396	0
3.01.01 Landcare	2,398	0	2,398	0	0	0
3.02.05a Lakes Improvements - Open Space	259,604	0	94,802	0	164,802	0
3.02.08 Coastal Management & Hazard Plan	147,800	74,000	73,800	0	0	0
3.02.09 Cabbage Tree Harbour Works	919,260	657,880	261,380	0	0	0
3.02.12 Estuary Mgt Plan & Other Stormwater Mgt Works	4,025,199	2,372,853	1,047,483	0	604,863	0
3.03.01 Community Environmental Works	167,246	0	167,246	0	0	0
4.01.02 Main Roads	50,000	0	50,000	0	0	0
4.01.03 Secondary Roads Construction	753,483	0	0	753,483	0	0
4.01.04 Secondary Roads Rehabilitation	610,043	27,161	552,882	0	30,000	0
4.01.06 Bridge Maintenance & Construction	238,889	0	0	0	0	238,889
5.02.05 Holiday Park Operations	348,148	0	0	0	348,148	0
5.03.01 Plant & Fleet Running Costs	4,300	4,300	0	0	0	0
5.03.02 Plant & Fleet Purchases	738,700	738,700	0	0	0	0
5.03.03b Information Systems - Business Analysts	250,000	250,000	0	0	0	0
5.03.05d Future Planning - Future Planning Studies	640,478	389,121	70,300	0	181,057	0
6.09.13 Shared Pathways (Holiday Parks)	(50,950)	0	0	0	(50,950)	0
6.09.15 Coastal Reserves (Holiday Parks)	(202,396)	0	0	0	(202,396)	0
6.09.17 Lakes Improvements and Dredging and Foreshore Nourishment (Holiday Parks)	(94,802)	0	0	0	(94,802)	0
6.13.01 Transfer (from)/to Land Reserve	(1,903,110)	0	0	0	0	(1,903,110)
6.13.02 Transfer (from)/to Information Systems	(250,000)	(250,000)	0	0	0	0
6.13.04a Transfer (from)/to Other Reserves	(3,684,623)	(3,677,973)	0	0	(6,650)	0
6.13.04b Transfer (from)/to Other Reserves - Grants	(4,276,300)	0	(4,276,300)	0	0	0
6.13.04c Transfer (from)/to Other Reserves - Contributions	(2,908,882)	0	0	(1,925,723)	(983,159)	0
6.13.04d Transfer (from)/to Other Reserves - Plant Embelishment	(743,000)	(743,000)	0	0	0	0
6.13.07 Transfer (from)/to Holiday Park Reserve	(418,148)	0	0	0	(418,148)	0
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Attachment 3: Management Plan Budget Adjustments - Detail

Budget Adjustment			Budget Adjustment Fav (Unfav) \$'000	Reason	2010/11 Budget Impact
<b>IT Reserve Transfers</b>			<b>\$0</b>		
5.03.03b	Information Systems - Business Analysts	Reduce Information Services Expenditure Budget for the Oracle Upgrade by \$230K to	\$230	INT	Yes
6.13.02	Transfer from/(to) Information Systems	reflect remaining available funds as at 30 June 2009, balance of budget for Oracle Upgrade in 2009/10 is \$926K.	(\$230)	INT	Yes
5.03.03b	Information Systems - Business Analysts	Reduce Information Services Expenditure Budget due to 2008/09 Carry-Over	\$250	OBC	Yes
6.13.02	Transfer from/(to) Information Systems	duplicated in 2009/10 Original Budget.	(\$250)	OBC	Yes
<b>Financial Assistance Grant</b>			<b>\$210</b>		
6.07.01	Financial Assistance Grant	Allocation of the Federal Assistance Grant-General for 2009/10 exceeded Original Budget estimate by \$106K.	\$106	EXT	Yes
6.08.18	Secondary Roads Rehabilitation	Allocation of the Federal Assistance Grant-Roads Component for 2009/10 exceeded Original Budget estimate by \$104K.	\$104	EXT	Yes
6.07.01	Financial Assistance Grant	Reduce Income from the Federal Assistance Grant - General by \$1,947K due to the first	(\$1,947)	EXT	No
6.13.04a	Transfer (from) / to Other Reserves	payment being received before 30 June 2009 with funds now being transferred from the brought forward reserves.	\$1,947	EXT	No
6.08.18	Secondary Roads Rehab	Reduce Income from the Federal Assistance Grant - Roads Component by \$448K due to	(\$448)	EXT	No
6.13.04b	Transfer (from) / to Other Reserves Grants	the first payment being received before 30 June 2009 with funds now being transferred from the brought forward reserves.	\$448	EXT	No
<b>Transfer Glass Damage Budget to correct line</b>			<b>\$0</b>		
5.01.03	Risk Management	Move Original Budget allocation for Glass Damage from Risk Management back to	\$20	OBC	Yes
1.01.06a	Community Building Maintenance	Community Buildings Maintenance to better reflect the costs of buildings.	(\$20)	OBC	Yes
<b>Adj 09/10 Mgt Plan for Infrastructure Grant</b>			<b>\$0</b>		
1.07.05	Shared Pathway Improvements	Council received Infrastructure Grants of \$1,327K income in 2008/09 which had	\$509	EXT	No
1.07.06c	Open Space Improvements / Acquisitions	been budgeted for in 2009/10 at \$1,529K but which has now been brought in as a	\$1,020	EXT	No
6.08.27	Infrastructure Grant	2008/09 Carry-Over. Expenditure lines have been reduced and moved to a new Management Plan Line Item 1.07.15 Infrastructure Grant Commonwealth Government.	(\$1,529)	EXT	No

Budget Adjustment			Budget Adjustment Fav (Unfav) \$'000	Reason	2010/11 Budget Impact
<b>Delta Contribution Landcare</b>			<b>\$0</b>		
3.01.01	Landcare	Delta Electricity contribution to Landcare projects in the Northlakes region.	(\$10)	EXT	No
6.09.27	Landcare Contributions		\$10	EXT	No
<b>Delta Contribution Primary Schools Program</b>			<b>\$0</b>		
5.03.04c	Shire Services Operations - Cust Serv	Delta Electricity contribution to Primary Schools Program for the Schools Environment Competition.	(\$1)	EXT	No
6.06.10	Sundry Shire Service Income		\$1	EXT	No
<b>Reduce Drowning Deaths in Wyong Shire - OSR Component</b>			<b>\$0</b>		
1.07.07	Ocean Beach Management	Adopted by Council Resolution D01918038 to provide an extension of daily hours on patrolled beaches and the introduction of safety awareness program at Budgewoi Beach in an event to reduce drowning deaths in the Shire.	(\$18)	INT	No
6.04.07	Construction Certificates & Other Certificates		\$18	INT	No
<b>Lions Park Playground (From 08/09)</b>			<b>\$0</b>		
1.07.06c	Open Space Improvements / Acquisitions - Shire Services	New grant from the NSW Dept of Sport & Recreation to enhance the Lions Park by providing playground equipment, soft-fall, seating, perimeter fencing and landscaping.	(\$18)	INT	No
6.08.31	Open Space & Recreation		\$18	INT	No
<b>Playground Debra Anne Drive (From 08/09)</b>			<b>\$0</b>		
1.07.06c	Open Space Improvements / Acq - SS	New grant from the NSW Dept of Sport & Recreation to enhance Debra Anne Drive by providing exercise equipment and soft-fall areas.	(\$12)	INT	No
6.08.31	Open Space & Recreation		\$12	INT	No
<b>TOTAL BUDGET ADJUSTMENTS</b>			<b>\$210</b>		

## Attachment 4: 2009/10 Management Plan Income Statement Reconciliation

<b>MANAGEMENT PLAN 2009/10</b>				
<b>RECONCILIATION TO MANAGEMENT PLAN</b>				
<b>AS AT 30 SEPTEMBER 2009</b>				
	<b>Original Budget</b>	<b>Annual Budget</b>	<b>YTD Actuals</b>	<b>YTD Annual Budget</b>
A More Sustainable Community	\$56,429	\$60,017	\$13,098	\$13,098
A More Sustainable Economy	\$4,437	\$4,764	\$1,413	\$1,413
A More Sustainable Environment	\$14,211	\$19,743	\$3,036	\$3,036
Infrastructure	\$291,032	\$292,684	\$37,394	\$37,394
Organisation	\$37,732	\$39,214	\$8,301	\$8,301
<b>TOTAL EXPENDITURE</b>	<b>\$403,841</b>	<b>\$416,422</b>	<b>\$63,241</b>	<b>\$63,241</b>
<b>LESS TOTAL SOURCE OF FUNDS</b>	<b>(\$403,841)</b>	<b>(\$416,633)</b>	<b>(\$139,426)</b>	<b>(\$139,426)</b>
<b>RESULT</b>	<b>\$</b>	<b>(\$210)</b>	<b>(\$76,184)</b>	<b>(\$76,184)</b>
<b>Management Adjustments back to Income Statement:</b>				
Add Back: Capital Expenditure	\$191,090	\$199,805	\$20,079	\$34,429
Add Back: Loan Principal Repayments	\$9,595	\$9,595	\$2,329	\$2,399
Less: Loan Funding	(\$66,825)	(\$66,825)	\$	\$
Less: Net Internal Charges Funding	\$2,000	\$2,000	\$	\$500
Less: Net Transfer to Restrictd Assets	\$4,294	(\$11,805)	\$	(\$4,011)
Less: Book Value of Assets Sold	(\$4,317)	(\$4,317)	\$	\$
Less: Manual reduction to Contributions to reflect opening balances utilised	(\$34,542)	(\$34,542)	\$	(\$8,636)
Less: Depreciation	(\$60,687)	(\$60,687)	(\$11,674)	(\$12,939)
<b>Other Items in P&amp;L not part of MP</b>				
Add: Income not included in Management Plan - Cotnributions Income, Fair Value Adjustments for Investments, and Asset Adjustments			\$4,037	
<b>TOTAL - Balanced to the Consolidated Income Statement</b>	<b>(\$40,608)</b>	<b>(\$33,435)</b>	<b>(\$90,955)</b>	<b>(\$87,927)</b>

Refer to Attachment #5: 2009/10 Financial Statements as at 30 September 2009.

Note: The Annual Budget is the Adopted Management Plan Budget inclusive of the proposed September Budget Variations and Carry-Overs.

**Attachment 5: 2009/10 Financial Statements as at 30 September 2009**

Index:

Wyong Shire Council Consolidated Financial Statements

- i. Income Statement
- ii. Balance Sheet
- iii. Cash Flow

General Fund Financial Statements

- iv. Income Statement
- v. Balance Sheet

Wyong Shire Council Water Supply Authority Financial Statements

- vi. Income Statement
- vii. Balance Sheet

Business Unit Financial Statements – Income Statements

- viii. Water Fund
- ix. Sewer Fund
- x. Waste Management
- xi. Holiday Parks
- xii. Childcare and Education

## THE COUNCIL OF WYONG

Attachment 5(i)

## CONSOLIDATED

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual 2009 \$'000		YTD Actual 2010 \$'000	YTD Annual Budget 2010 \$'000	FYR Annual Budget 2010 \$'000	FYR Adopted Budget 2010 \$'000
	<b>INCOME from continuing operations:</b>				
	<i>Revenues</i>				
103,417	Rates & Annual Charges	113,835	114,073	114,489	114,489
49,012	User Charges & Fees	11,511	16,064	53,207	53,207
1,818	Interest and Investment Revenue	3,018	1,242	5,658	5,658
14,709	Other	3,855	657	1,931	1,931
23,264	Grants & Contributions Operating	4,588	5,093	24,851	56,647
17,699	Grants & Contributions Capital	1,968	4,591	76,880	48,223
247	Gain from the Disposal of Assets	106	413	2,750	2,750
<b>210,166</b>	<b>Total Income from continuing operations</b>	<b>138,881</b>	<b>142,133</b>	<b>279,766</b>	<b>281,905</b>
	<b>EXPENSES from continuing operations:</b>				
70,079	Employee Costs	15,791	15,623	73,710	73,710
9,307	Borrowing Costs	414	2,843	15,295	15,295
49,602	Materials and Contracts	11,829	16,328	71,511	66,477
50,333	Depreciation	11,674	12,939	60,687	60,687
27,715	Other	8,129	6,474	25,128	25,128
674	Loss from the Disposal of Assets	88	0		
<b>207,710</b>	<b>Total expenses from continuing operations</b>	<b>47,925</b>	<b>54,207</b>	<b>246,331</b>	<b>241,297</b>
<b>2,456</b>	<b>NET OPERATING RESULT FOR YEAR</b>	<b>90,955</b>	<b>87,927</b>	<b>33,435</b>	<b>40,608</b>
<b>2,456</b>	Attributable to: WYONG SHIRE COUNCIL	<b>90,955</b>	<b>87,927</b>	<b>33,435</b>	<b>40,608</b>
<b>(15,243)</b>	<i>Net operating result before capital grants and contributions</i>	<b>88,987</b>	<b>83,336</b>	<b>(43,445)</b>	<b>(7,615)</b>

*Commentary:*

Adopted Budget as per the 2009/10 Management Plan

Annual Budget inclusive of the approved Carry-Overs and the proposed September Quarter Budget Variations which reflect:

Grants & Contributions reduced by \$2.2m due to the Federal Assistance Grant being paid in June and reported as income in 2009/10 but taking into account an increase of \$210K over the budgeted amount.

Materials and Contracts have been updated to reflect the Carry-Over Budgets \$5.0m for operating expenditure which are funded by restricted assets as at 30 June.

Adjustment between Grants and Contributions Operating and Capital Income - reallocating a \$28.675m contribution incorrectly reported as Operating in the 2009/10 Management Plan but is capital funding.

Attachment 5(ii)

## WYONG SHIRE COUNCIL

## CONSOLIDATED

## BALANCE SHEET AS AT 30 SEPTEMBER 2009

Actual 2009 \$'000		Actual 2010 \$'000	YTD Movement \$'000
	<b>CURRENT ASSETS</b>		
1,197	Cash & cash equivalents	481	(716)
99,218	Investment Securities	130,024	30,806
31,123	Receivables	104,414	73,290
2,118	Inventories	2,037	(80)
805	Other	(4)	(809)
<u>134,461</u>	<b>TOTAL CURRENT ASSETS</b>	<u>236,952</u>	<u>102,491</u>
	<b>NON-CURRENT ASSETS</b>		
0	Investment Securities	0	0
1,329	Receivables	1,231	(99)
0	Inventories	0	0
4,318	Intangible Assets	4,318	0
1,713,713	Infrastructure, Property, Plant & Equipment	1,721,509	7,797
<u>1,719,360</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>1,727,058</u>	<u>7,698</u>
<u>1,853,821</u>	<b>TOTAL ASSETS</b>	<u>1,964,010</u>	<u>110,189</u>
	<b>CURRENT LIABILITIES</b>		
(31,445)	Payables	(18,044)	13,401
(8,100)	Borrowings	(10,708)	(2,609)
(26,283)	Provisions	(26,301)	(19)
<u>(65,827)</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>(55,054)</u>	<u>10,773</u>
	<b>NON-CURRENT LIABILITIES</b>		
(37)	Payables	0	37
(107,389)	Borrowings	(137,434)	(30,045)
(29,538)	Provisions	(29,538)	0
<u>(136,965)</u>	<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>(166,972)</u>	<u>(30,007)</u>
<u>(202,792)</u>	<b>TOTAL LIABILITIES</b>	<u>(222,026)</u>	<u>(19,234)</u>
<u>1,651,029</u>	<b>NET ASSETS</b>	<u>1,741,984</u>	<u>90,955</u>

*Commentary:*

Investments have increased due to the draw-down of Water & Sewer Loans from 2008/09 with \$35.0m proceeds received in July 2009.

Receivables year to date movement has increased due to the levying of the 2009/10 Rates and Annual Charges.

Infrastructure, Property, Plant and Equipment movement includes all acquisitions and capital works in progress less year to date depreciation charges.

Payables year to date movement reflects payments of 2008/09 Year End accrued accounts and current accounts.

Non-Current Borrowings have increased due to \$35.0m Water & Sewer Loans (2008/09 Borrowings) received in July.

Attachment 5(iii)

**WYONG SHIRE COUNCIL**  
**CONSOLIDATED CASH FLOW**  
**AS AT 30 SEPTEMBER 2009**

	Actual	Year To Date
	2010	Budget
	\$'000	2010
		\$'000
<b>OPERATING ACTIVITIES</b>		
<b>Receipts</b>		
Receipts from customers	52,153	52,055
Interest & Investment Revenues	3,018	1,242
Grants & Contributions	6,556	9,684
Other Revenue	4,770	1,070
<b>Payments</b>		
Employee costs	(15,791)	(15,623)
Materials & Contracts	(25,185)	(16,328)
Interest Expense	(414)	(2,843)
Other Expense	(8,199)	(11,526)
<b>Net cash from Operating Activities</b>	<u>16,908</u>	<u>17,731</u>
<b>INVESTING ACTIVITIES</b>		
<b>Receipts</b>		
Sale of Investments		
Sale of IPP&E		
<b>Payments</b>		
Purchase of Investments		
Purchase of IPP&E	(19,470)	(47,647)
<b>Net cash from Investing Activities</b>	<u>(19,470)</u>	<u>(47,647)</u>
<b>FINANCING ACTIVITIES</b>		
Net movement in Borrowings	32,653	0
Dividends		
<b>Net cash from Investing Activities</b>	<u>32,653</u>	<u>0</u>
Net increase/decrease in cash/investments held	30,091	(29,916)
Cash & Investments at beginning of period	100,415	135,415
<b>Cash &amp; Investments at end of period</b>	<u>130,506</u>	<u>105,499</u>

*Commentary:*

Receipts from Customers has been restated to reflect an estimated timing receipts in-line with Actuals. The 2009/10 Budget did not include a phased cash flow budget. A separate detailed cash flow forecast will be prepared in the second quarter to better reflect timing of cash receipts.

Materials and Contracts are over the 2009/10 Budget year to date due to the payments of brought forward accruals (in total \$13.4m but impact felt between Capital and Operating) in the first quarter. The 2009/10 Budget assumed all payments relating to 2008/09 are made by 30 June.

Other Expenses phased cash flow has been estimated and is subject to a detailed monthly cash flow forecast being completed.

Opening Cash & Investments held at start of period has been updated to reflect that at the time the 2009/10 Budget was prepared the 2008/09 Loan Proceeds were expected to be received before 30 June 2009, however these proceeds \$35m were receipted in July 2009.

Overall the year differences relate to different assumptions between actual and budget, however based on projections the full year budget remains on track. The need to develop a phased Cash Flow Budget as distinct from the Management Plan Expenditure phasing will be addressed in the second quarter.



Attachment 5(iv)

**THE COUNCIL OF WYONG**  
**GENERAL FUND INCOME STATEMENT**

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 \$'000		2010 \$'000	2010 \$'000	2010 \$'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
72,726	Rates & Annual Charges	76,578	76,111	76,845
29,001	User Charges & Fees	7,131	8,375	32,082
1,066	Interest and Investment Revenue	1,577	678	2,714
13,793	Other	523	294	6,907
22,021	Grants & Contributions Operating	4,687	2,954	17,829
12,557	Grants & Contributions Capital	732	505	19,110
247	Gain from the Disposal of Assets	106	413	1,723
<u>151,411</u>	<b>Total Income from continuing operations</b>	<u>91,235</u>	<u>89,330</u>	<u>157,209</u>
	<b>EXPENSES from continuing operations:</b>			
55,212	Employee Costs	12,822	12,715	62,136
1,961	Borrowing Costs	(35)	298	1,193
21,013	Materials and Contracts	5,333	12,298	43,157
24,854	Depreciation	4,876	6,059	28,880
22,950	Other	7,512	6,448	23,109
674	Loss from the Disposal of Assets	86	0	0
<u>126,665</u>	<b>Total expenses from continuing operations</b>	<u>30,595</u>	<u>37,817</u>	<u>158,475</u>
<u>24,746</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>60,640</u>	<u>51,513</u>	<u>(1,265)</u>
<u>12,189</u>	<i>Net operating result before capital grants and contributions</i>	<u>59,908</u>	<u>51,008</u>	<u>(20,375)</u>

*Commentary:*

Adopted Budget as per the 2009/10 Management Plan

Grants & Contributions reduced by \$2.2m due to the Federal Assistance Grant being paid in June and reported as income in 2009/10 but taking into account an increase of \$210K over the budgeted amount.

Borrowing Costs year to date are understated due timing and the reversal of year end accruals of interest payments, however these amounts have not yet come due.

Materials and Contracts have been updated to reflect the Carry-Over Budgets \$6.0m for operating expenditure which are funded by restricted assets as at 30 June.

Attachment 5(v)

## WYONG SHIRE COUNCIL

## GENERAL FUND

## BALANCE SHEET AS AT 30 SEPTEMBER 2009

Actual 2009 \$'000		Actual 2010 \$'000	YTD Movement \$'000
	<b>CURRENT ASSETS</b>		
1,183	Cash	512	(671)
58,129	Investment Securities	76,849	18,720
14,719	Receivables	63,158	48,439
1,829	Inventories	1,749	(80)
1,824	Other	1,015	(809)
<u>77,684</u>	<b>TOTAL CURRENT ASSETS</b>	<u>143,283</u>	<u>65,598</u>
	<b>NON-CURRENT ASSETS</b>		
0	Investment Securities	0	0
634	Receivables	584	(51)
0	Inventories	0	0
3,135	Intangible Assets	3,135	0
692,768	Infrastructure, Property, Plant & Equipment	699,426	6,657
<u>696,537</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>703,144</u>	<u>6,607</u>
<u>774,222</u>	<b>TOTAL ASSETS</b>	<u>846,426</u>	<u>72,205</u>
	<b>CURRENT LIABILITIES</b>		
(23,552)	Payables	(15,195)	8,357
19,030	Borrowings	0	(19,030)
(21,874)	Provisions	(21,893)	(19)
<u>(26,396)</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>(37,088)</u>	<u>(10,691)</u>
	<b>NON-CURRENT LIABILITIES</b>		
(37)	Payables	0	37
(3,460)	Borrowings	(4,371)	(910)
(28,197)	Provisions	(28,197)	0
<u>(31,695)</u>	<b>TOTAL NON CURRENT LIABILITIES</b>	<u>(32,568)</u>	<u>(873)</u>
<u>(58,091)</u>	<b>TOTAL LIABILITIES</b>	<u>(69,656)</u>	<u>(11,565)</u>
<u>716,131</u>	<b>NET ASSETS</b>	<u>776,771</u>	<u>60,640</u>

*Commentary:*

Investment Securities have increased year to date due to repayment of the \$20m cash advance made to Water Fund as at 30 June 2009.

Receivables year to date movement due to raising of the 2009/10 Rates Levy.

Infrastructure, Property, Plant and Equipment movement includes all acquisitions and capital works in progress less year to date depreciation charges.

Payables year to date movement reflects payments of 2008/09 Year End accrued accounts and current accounts.

Borrowings - as per movement in Investments, year to date movement is due to repayment of \$20m cash advance as at 30 June 2009 to Water and Sewer.

## Attachment 5(vi)

## WYONG SHIRE COUNCIL WATER SUPPLY AUTHORITY

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FY Actual 2009 \$'000		YTD Actual 2010 \$'000	YTD Annual Budget 2010 \$'000	FYR Annual Budget 2010 \$'000
	<b>INCOME from continuing operations:</b>			
30,690	Rates & Annual Charges	37,257	37,962	38,154
20,010	User Charges & Fees	4,379	7,690	22,199
753	Interest and Investment Revenue	1,441	564	2,286
8,814	Other	5,035	1,166	3,740
1,243	Grants & Contributions Operating	0	(0)	1,648
5,142	Grants & Contributions Capital	1,236	4,085	69,726
(0)	Gain from the Disposal of Assets	(0)	(0)	(0)
<u>66,652</u>	<b>Total Income from continuing operations</b>	<u>49,349</u>	<u>51,467</u>	<u>157,753</u>
	<b>EXPENSES from continuing operations:</b>			
14,867	Employee Costs	2,970	2,908	11,609
7,346	Borrowing Costs	449	15	16,102
36,486	Materials and Contracts	8,200	9,867	31,854
25,479	Depreciation	6,798	6,881	27,867
4,764	Other	617	26	104
0	Loss from the Disposal of Assets	0	0	0
<u>88,942</u>	<b>Total expenses from continuing operations</b>	<u>19,034</u>	<u>19,696</u>	<u>87,535</u>
<u>(22,290)</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>30,315</u>	<u>31,771</u>	<u>70,218</u>

*Commentary:*

Refer Business Unit Commentary  
Adopted Budget as per the 2009/10 Management Plan

Overall result reflects full year accrued income for Annual Charges against 1st quarter expenses.

Capital Grants & Contributions in the 2009/10 Management Plan incorrectly included a \$55m contribution from Gosford City Council for Joint Headworks. This will be corrected via a budget variation in the second quarter once final cost estimates of the project have been established.

Borrowing Costs - understated year to date due to timing of actual loan payments. Accrual process to be implemented.

Attachment 5(vii)

**WYONG SHIRE COUNCIL WATER SUPPLY AUTHORITY****BALANCE SHEET AS AT 30 SEPTEMBER 2009**

Actual 2009 \$'000		Actual 2010 \$'000	YTD Movement \$'000
	<b>CURRENT ASSETS</b>		
13	Cash & cash equivalents	(31)	(45)
41,089	Investment Securities	53,175	12,086
16,404	Receivables	41,256	24,852
289	Inventories	289	0
0	Other	0	0
<u>57,795</u>	<b>TOTAL CURRENT ASSETS</b>	<u>94,688</u>	<u>36,893</u>
	<b>NON-CURRENT ASSETS</b>		
	Investment Securities		0
695	Receivables	647	(48)
	Inventories	0	0
1,183	Intangible Assets	1,183	0
<u>1,020,946</u>	Infrastructure, Property, Plant & Equipment	<u>1,022,084</u>	<u>1,139</u>
<u>1,022,823</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>1,023,914</u>	<u>1,091</u>
<u>1,080,618</u>	<b>TOTAL ASSETS</b>	<u>1,118,602</u>	<u>37,985</u>
	<b>CURRENT LIABILITIES</b>		
(8,913)	Payables	(3,869)	5,044
(27,129)	Borrowings	(9,730)	17,400
(4,408)	Provisions	(4,408)	0
<u>(40,451)</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>(18,007)</u>	<u>22,444</u>
	<b>NON-CURRENT LIABILITIES</b>		
0	Payables	0	0
(103,929)	Borrowings	(134,042)	(30,113)
(1,341)	Provisions	(1,341)	0
<u>(105,270)</u>	<b>TOTAL NON CURRENT LIABILITIES</b>	<u>(135,382)</u>	<u>(30,113)</u>
<u>(145,720)</u>	<b>TOTAL LIABILITIES</b>	<u>(153,390)</u>	<u>(7,669)</u>
<u>934,897</u>	<b>NET ASSETS</b>	<u>965,213</u>	<u>30,315</u>

*Commentary:*

Investment Securities have increased year to date due to receipt of 2008/09 loan proceeds \$35m in July less repayment of the \$20m cash advance made to Water Fund as at 30 June 2009.

Receivables year to date movement due to raising of the 2009/10 Annual Charges Levy.

Infrastructure, Property, Plant and Equipment movement includes all acquisitions and capital works in progress less year to date depreciation charges.

Payables year to date movement reflects payments of 2008/09 Year End accrued accounts and current accounts.

Borrowings - as per movement in Investments, year to date movement is due to repayment of \$20m cash advance as at 30 June 2009 to Water and Sewer.

## Attachment 5(viii)

## THE COUNCIL OF WYONG

## WATER FUND

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 S'000		2010 S'000	2010 S'000	2010 S'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
6,703	Rates & Annual Charges	12,315	12,771	12,771
18,756	User Charges & Fees	3,983	7,265	20,801
370	Interest and Investment Revenue	610	139	587
744	Other	3,296	149	560
590	Grants & Contributions Operating	0	(0)	962
4,621	Grants & Contributions Capital	971	2,656	86,297
(0)	Gain from the Disposal of Assets	(0)	(0)	(0)
<u>31,784</u>	<b>Total income from continuing operations</b>	<u>21,175</u>	<u>22,980</u>	<u>123,978</u>
	<b>EXPENSES from continuing operations:</b>			
7,680	Employee Costs	1,675	1,890	7,538
5,723	Borrowing Costs	428	0	13,083
15,087	Materials and Contracts	3,409	6,197	17,414
12,550	Depreciation	3,447	3,489	16,209
2,880	Other	313	21	83
	Loss from the Disposal of Assets			
<u>43,919</u>	<b>Total expenses from continuing operations</b>	<u>9,272</u>	<u>11,596</u>	<u>54,327</u>
<u>(12,135)</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>11,902</u>	<u>11,384</u>	<u>69,651</u>
<u>(16,756)</u>	<b>Net operating result before capital grants and contributions</b>	<u>10,931</u>	<u>8,727</u>	<u>(18,646)</u>

*Commentary:*

Refer Business Unit Commentary

Adopted Budget as per the 2009/10 Management Plan

Overall result reflects full year accrued income for Annual Charges against 1st quarter expenses.

Capital Grants &amp; Contributions in the 2009/10 Management Plan incorrectly included a \$55m contribution from Gosford City Council for Joint Headworks. This will be corrected via a budget variation in the second quarter once final cost estimates of the project have been established.

Borrowing Costs - understated year to date due to timing of actual loan payments. Accrual process to be implemented.

Attachment 5(ix)

## THE COUNCIL OF WYONG

## SEWER FUND

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 \$'000		2010 \$'000	2010 \$'000	2010 \$'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
23,987	Rates & Annual Charges	24,942	25,191	25,383
1,255	User Charges & Fees	396	425	1,398
383	Interest and Investment Revenue	831	425	1,699
172	Other	36	214	214
653	Grants & Contributions Operating	(0)	(0)	686
522	Grants & Contributions Capital	265	1,429	1,429
	Gain from the Disposal of Assets			
<u>25,971</u>	<b>Total Income from continuing operations</b>	<u>26,471</u>	<u>27,684</u>	<u>30,809</u>
	<b>EXPENSES from continuing operations:</b>			
7,188	Employee Costs	1,294	1,017	4,071
1,623	Borrowing Costs	21	15	3,019
13,503	Materials and Contracts	3,087	2,867	11,474
12,929	Depreciation	3,351	3,392	15,598
1,684	Other	304	5	21
	Loss from the Disposal of Assets			
<u>37,126</u>	<b>Total expenses from continuing operations</b>	<u>8,058</u>	<u>7,297</u>	<u>34,184</u>
<u>(10,155)</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>18,413</u>	<u>20,387</u>	<u>(3,375)</u>
<u>(10,677)</u>	<b>Net operating result before capital grants and contributions</b>	<u>18,148</u>	<u>18,958</u>	<u>(4,804)</u>

*Commentary:*

Refer Business Unit Commentary

Adopted Budget as per the 2009/10 Management Plan

Overall result reflects full year accrued income for Annual Charges against 1st quarter expenses.

Borrowing Costs - understated year to date due to timing of actual loan payments. Accrual process to be implemented.

Attachment 5(x)

## THE COUNCIL OF WYONG

## WASTE MANAGEMENT

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 \$'000		2010 \$'000	2010 \$'000	2010 \$'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
17,968	Rates & Annual Charges	19,803	19,997	20,001
9,127	User Charges & Fees	2,546	3,071	11,940
122	Interest and Investment Revenue	21	27	107
(0)	Other	(0)	1	3
955	Grants & Contributions Operating	(0)	209	2,010
	Grants & Contributions Capital			
(0)	Gain from the Disposal of Assets	(0)	(0)	(0)
<u>28,172</u>	<b>Total Income from continuing operations</b>	<u>22,370</u>	<u>23,305</u>	<u>34,061</u>
	<b>EXPENSES from continuing operations:</b>			
1,300	Employee Costs	269	349	1,435
0	Borrowing Costs	0	2,826	3,276
9,015	Materials and Contracts	2,200	3,317	20,111
1,512	Depreciation	41	226	924
8,728	Other	2,493	2,062	8,250
	Loss from the Disposal of Assets			
<u>20,555</u>	<b>Total expenses from continuing operations</b>	<u>5,003</u>	<u>8,781</u>	<u>33,996</u>
<u>7,617</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>17,367</u>	<u>14,524</u>	<u>65</u>
<u>7,617</u>	<b>Net operating result before capital grants and contributions</b>	<u>17,367</u>	<u>14,524</u>	<u>65</u>

*Commentary:*

Refer Business Unit Commentary

Adopted Budget as per the 2009/10 Management Plan

Overall result reflects full year accrued income for Annual Charges against 1st quarter expenses.

Borrowing Costs - relate to Tip amortisation costs currently treated as a year end accounting adjustment.

Attachment 5(xi)

## THE COUNCIL OF WYONG

## HOLIDAY PARKS

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 \$'000		2010 \$'000	2010 \$'000	2010 \$'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
	Rates & Annual Charges			
7,564	User Charges & Fees	1,578	1,791	8,400
(0)	Interest and Investment Revenue	(0)	(0)	(0)
(0)	Other	(0)	(0)	(0)
(0)	Grants & Contributions Operating	(0)	(0)	(0)
(0)	Grants & Contributions Capital	(0)	(0)	(0)
(0)	Gain from the Disposal of Assets	(0)	(0)	(0)
<u>7,564</u>	<b>Total income from continuing operations</b>	<u>1,578</u>	<u>1,791</u>	<u>8,400</u>
	<b>EXPENSES from continuing operations:</b>			
211	Employee Costs	47	45	195
0	Borrowing Costs	0	0	0
4,734	Materials and Contracts	1,038	1,328	5,615
784	Depreciation	162	170	885
2,428	Other	550	568	2,598
	Loss from the Disposal of Assets			
<u>8,157</u>	<b>Total expenses from continuing operations</b>	<u>1,797</u>	<u>2,111</u>	<u>9,094</u>
<u>(593)</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>(219)</u>	<u>(320)</u>	<u>(694)</u>
<u>(593)</u>	<i>Net operating result before capital grants and contributions</i>	<u>(219)</u>	<u>(320)</u>	<u>(694)</u>

*Commentary:*

Refer Business Unit Commentary

Adopted Budget as per the 2009/10 Management Plan



Attachment 5(xii)

## THE COUNCIL OF WYONG

## CHILD CARE &amp; EDUCATION

## INCOME STATEMENT

AS AT 30 SEPTEMBER 2009

FYR Actual		YTD Actual	YTD Annual Budget	FYR Annual Budget
2009 S'000		2010 S'000	2010 S'000	2010 S'000
	<b>INCOME from continuing operations:</b>			
	<i>Revenues</i>			
	Rates & Annual Charges			
3,465	User Charges & Fees	1,025	1,052	3,876
	Interest and Investment Revenue			
2	Other	(0)	(0)	(0)
447	Grants & Contributions Operating	124	126	505
(0)	Grants & Contributions Capital	(0)	(0)	(0)
(0)	Gain from the Disposal of Assets	(0)	(0)	(0)
<u>3,913</u>	<b>Total Income from continuing operations</b>	<u>1,149</u>	<u>1,179</u>	<u>4,381</u>
	<b>EXPENSES from continuing operations:</b>			
3,445	Employee Costs	835	947	3,845
	Borrowing Costs			
1,250	Materials and Contracts	113	158	594
134	Depreciation	34	34	135
60	Other	15	16	64
	Loss from the Disposal of Assets			
<u>4,888</u>	<b>Total expenses from continuing operations</b>	<u>998</u>	<u>1,155</u>	<u>4,639</u>
<u>(974)</u>	<b>NET OPERATING RESULT FOR YEAR</b>	<u>151</u>	<u>24</u>	<u>(258)</u>
<u>(974)</u>	<i>Net operating result before capital grants and contributions</i>	<u>151</u>	<u>24</u>	<u>(258)</u>

*Commentary:*

Refer Business Unit Commentary

Adopted Budget as per the 2009/10 Management Plan

## Revised 2009/10 Rolling Works Programme - September 2009

Revisions to Original 2009/10 Rolling Works Programs		STATUS	COMMENT
<b>Principal Activity 1 - Better Community</b>			
<i>Community Support &amp; Development</i>			
1.1.7 Community Buildings Construction - On Track			
	Hamlyn Terrace Community Centre		Design is proceeding in accordance with Design Programme and is on target for completion in November 2009. DA approval for Community Centre is due late October 2009. Construction should commence April/May 2010 for completion and use in late December 2010.
	Performing Arts Centre		Tenders for the overall design up to documentation of Stage 1 close on 8 October 2009. Addenda were issued in response to tender queries and a pre tender meeting and site inspection has been held. The Working Party is being briefed at approximately monthly intervals, with the next briefing scheduled for 6 October 2009. A Tender Report is expected to be provided to the Ordinary Meeting of the December 2009.
	Public Art commissions		Public Art 2009/10 - The reinstatement of the Watanobbi Community Centre Public Artwork is being undertaken between October 2009 and March 2010 following a community forum in July 2009. Stage 2 of the Canton Beach Play Area Public Art project is being planned with implementation tentatively for February/June 2010. A public art plan is being developed for Hamlyn Terrace Community Centre and Sporting Facility with draft concept designs to be developed by June 2010.
	Tunkuwallin Hall Toilet		Awaiting for approval of grant funding applications for works at Tunkuwallin Hall before commencement.
	Tunkuwallin Hall Change Rooms		
<i>Open Space &amp; Recreation</i>			
	Bateau Bay Library Expansion - detailed concept plans	Deferred	The proposed expansion of the library is reliant upon the proposed rezoning of land immediately to the south of the existing library building. Once this occurs, land will be set aside for the expanded library facility. The land to be rezoned is currently subject to an undetermined Aboriginal Land Claim and this has resulted in the rezoning being placed on hold until such time as the Aboriginal Land Claim has been determined. Given these unexpected delays in the rezoning process, it is not anticipated that Council will be in a position to commence the preparation of the concept design during this current financial year.
	Design of Warnervale Knowledge Centre (library)	Deferred	Both the proposed Warnervale Knowledge Centre (library) and the Warnervale Integrated Child and Family Centre are to be located within the proposed Warnervale Town Centre business precinct. Under the provisions of the current Development Control Plan for the Warnervale Town Centre, these buildings are proposed to be located on land currently owned by Woolworths. Whilst discussions have been ongoing with Woolworths in relation to their land holdings in the town centre, it is unlikely that they will be in a position to commence detailed masterplanning of their holdings during this financial year. Until such time as the masterplan for the Woolworths site is commenced, the design of these two proposed Council facilities cannot proceed. As such, it is unlikely that this design work will occur during this financial year.
	Warnervale Integrated Child and Family Centre		As above.
<i>Open Space and Recreation</i>			
1.7.4 Floodlight Upgrades - On Track			
	Joseph Banks Oval Bateau Bay		
	Slade Park Budgewoi		
	Kurraba Oval No.1 & 2 Berkley Vale		
	Watanobbi Oval No.1 Watanobbi		
	Watanobbi Oval No.2 Watanobbi		
<i>Shared Pathways</i>			
	Ourimbah Soccer Oval No.1 & 2		Awaiting agreement for lease of land from the University of Newcastle to move forward with work.
	Ourimbah Rugby Oval		This funding may be required to be reallocated to EDSACC south lighting which was damaged during recent storms.
	EDSACC Netball Courts No.1 & 2 Bateau Bay		This funding may be required to be reallocated to EDSACC south lighting which was damaged during recent storms.
1.7.5 Shared Pathways - On Track			
	Willfred Barrett Drive from North Entrance to Noraville.		
	Manning Park Cycleway		
	Shared pathway Extension Buff Point		
1.7.6 Open Space Improvements			
<i>Open Space Improvements - Completed</i>			
	Disability toilets Saltwater Creek Park Long Jetty		
<i>Open Space Improvements - 2009/10</i>			
	Bill Sohler Park Field 3 Irrigation Ourimbah		Grant funding has been applied for under the State Government Community Building Program. Upgrade works to create an additional sportsfield with these funds are being considered.

## Revised 2009/10 Rolling Works Programme - September 2009

Revisions to Original 2009/10 Rolling Works Programs		STATUS	COMMENT
Ovals and Facilities Construction - Completed Magenta shores refund			
Ovals and Facilities Construction - On Track Woongarra Sporting Fields Stage 2 Darren Kennedy Oval design, investigation and construction Subsoil and drainage programme (in order of priority), Wyong Precinct Sporting complex (Stage 1). Tunkwallin Hall Shared path to link school. Manning Park Oval - amenities block. Manning Park Oval - access pathway. 6 Netball courts Baker Park Wyong Footpath between Roberts Rd and Hargraves St Nth Entrance Hamlyn Terrace fields and courts			Sportsfields to be open for Winter 2010 sports season.
Ovals and Facilities Construction - Changes Wadalba Environmental Corridor		Defered	Land yet to be given to Council.
Playground Refurbishment - Completed			
Playground Refurbishment - On Track Construction at 5 nominated sites including investigation and Playground at Canton Beach Provide playgrounds in areas where no S.94 contributions Ovals upgrading			
1.7.9	Beach Improvements Rebuild and refurbishment of SLSCs, including investigation, design and approval costs.		Application for matching funding have been made to the Premiers Department. Council awaiting response. The Mayor and Deputy Mayor will also be meeting with Federal and State Members of Parliament to secure funding for this project.
1.7.14	Swimming Pools Swimming Pool refurbishments - On Track Cyclical maintenance and repairs to Wyong, Toukley and The Entrance		
1.7.15	Public Toilets Public Toilets - On Track Halekulani Shopping Centre install toilet/amenities		
<b>Principal Activity 2 - Better Economy</b>			
<i>Employment and Incomes</i>			
2.1.6	Urban Improvement Programme Urban Improvement Programme - On Track Sparks Rd Warnervale Landscaping		
2.1.7	Town Centre Refurbishments Town Centre Refurbishments - On Track The Entrance		
2.1.12	Coastal Area Improvements Coastal Area Improvements - On Track Soldiers Beach works		
<b>Principal Activity 3 - Better Environment</b>			
<i>Water</i>			
3.2.5	Lakes Improvements Lakes Improvements - On Target Upgrade Picnic Shelters Terilbah Reserve Picnic Point Boat Ramp		
3.2.12	Estuary Management Plan Implementation Estuary Management Plan implementation - On Target Stormwater treatment measures in urban areas Stormwater treatment measures around lake edges Community stormwater pollution education campaigns Stormwater treatment measures in coastal areas Stormwater treatment measures around Lake Macquarie Stormwater in bushland and natural wetlands Rivers and creeks Boat access to rivers Lakeside recreation facilities and visual appearance Buff Point shared pathway East from Kemp Close		

## Revised 2009/10 Rolling Works Programme - September 2009

Revisions to Original 2009/10 Rolling Works Programs	STATUS	COMMENT
<b>Principal Activity 4 - Infrastructure</b>		
<i>Roads</i>		
<b>4.1.2 Main Roads</b>		
Main Roads - On Target		
Regional Roads Rehabilitation		
Block Grant (Maintenance component)		
Traffic Facilities		
Landscaping maintenance Wyong Rd		
RTA funded works undertaken by Council staff on State Roads		
<b>4.1.3 Secondary Road Construction</b>		
Secondary Road Construction - On Target		
Railway Rd Warnervale Stage 1 (Link Rd)		
Bus Shelters		
Preparation of designs & estimates (all plans)		
San Remo Pedestrian Facilities		
Minnesota Rd Warnervale		
Warnervale Rd (over culvert) Warnervale		
Wyong carparking investigations		
Mirvac roads refund		
<b>4.1.4 Secondary Road Rehabilitation</b>		
Upgrade - Completed		
The Corso, Gorokan Stage 2B (+ kerb & gutter and drainage)		
Wilfred Barrett Dr/Wyuna Ave, The Entrance North (service)		
Upgrade - On Target		
Street Trees		
Minnesota Road, Hamlyn Terrace		
Bush St, Norah Head Stage 2 (+ kerb & gutter and drainage)		
Brush Rd, Glenning Valley Stage 2		
Kaye Ave/ Minnamurra, Gorokan (retaining wall)		
Chittaway Rd, Chittaway Bay		
School Zone Improvements Craigie Ave, Kanwal School and		
Mataram Road, Woongarah - Contribution to developer		
Renewal - On Track		
Howarth, St Wyong		
Northumberland Dr, Bateau Bay		
Cambridge Rd, Bateau Bay		
Yates Rd, Ourimbah		
Arizona Rd Woongarah		
Alison Road, Wyong		
Hue Hue Road, Jillyby		
Evans Road, Toukley		
Chittaway Road, Chittaway Bay		
Resealing - On Target		
Regional Roads (3x3 and Block Grant)		
Local Roads		
Heavy Patching - On Target		
Heavy Patching Reseals		
Footpaving - On Target		
Robertson Road Killarney Vale		
Wallarah Road Kanwal		
Evans Road Toukley		
Germaine Ave (laneway) Bateau Bay		
Main Road Norville		
Bundling - On Target		
Moala Ave Charmhaven		
Additional		
Kerb and Gutter Infill - On Target		
Marks Rd Corokan		
Hutton Road, North Entrance		
<b>4.1.6 Bridge Maintenance &amp; Construction</b>		
Bridge Construction - On Target		
Palmdale Rd Palmdale		
Ourimbah Creek Road, Palmgrove		
Bridge Refurbishment - Changes		
Ourimbah Creek Road - Horn's Bridge		
Additional		
<b>4.1.7 Carpark Construction</b>		
Carpark Construction - On Target		
Charmhaven shops		
<b>4.1.9 Road safety</b>		
Road safety - On Target		
Dudley Road Gorokan		
Goorama Ave San Remo		
Projects to be confirmed subject to grant funding		
Programmes and operating costs.		

## Revised 2009/10 Rolling Works Programme - September 2009

Revisions to Original 2009/10 Rolling Works Programs	STATUS	COMMENT
<b>Drainage</b>		
4.2.2 Drainage		
Drainage Construction - Completed		
Curso Stage 2b (with roadworks)		
Drainage Construction - On Target		
Network Rehabilitation		
Darri Rd Wyongah		
San Remo area		
Other Category 1 and 2 Projects		
Oakland Ave/ Ashton Ave The Entrance Stage 5		
Fortune Crt Lake Munmorah		
Wyong CBD		
Quinalup St Stage 2 Gwandalan		
Toowoan Bay Rd / Nivana St / Pacific St		
George Evans		
Bush St Norah Head (with roadworks)		
Brisbane St Noraville		
Roslyn Pl Noraville		
Glenning Rd Glenning Valley		
Delia Ave Manoa Rd Halekulani		
Section 94 funded works- On Target		
Water Quality B2 land credit refunds to Allam Homes		
Water Quality B2 works credit refunds to Allam Homes		
Preparation of designs & estimates (all plans)		
Warnervale Rd Culvert		
F3 Rd Pipeline		
Minnesota Road Culverts Hamlyn Terrace		
Refund Industrial land Ourimbah		
<b>Water Supply</b>		
4.3.10 Water Supply		
Headworks - On Track		
Mardi High Lift Pump Station AND High Voltage Ring Main		
Preconstruction activities for GCC works associated with Mardi		
Mardi Dam Transfer		
Mardi to Mangrove Transfer System		
Mardi Dam Spillway and Ancillary works		
Mardi Power Supply Upgrade		
Porters Creek Stormwater Harvesting (Drainage)		
Upgrade Fishways at Wyong River		
Water Quality 2010		
Gosford Wyong Wester Transfer Main		
Infrastructure (Growth/ Effluent Reuse/ Stormwater Harvesting) - On Track		
The Entrance Bridge- Water		
DSP Works		
Warnervale Town Centre Water		
Warnervale Employment Zone Water Mains		
Second Supply to Warnervale Employment Zone		
Reclaimed Effluent Plant Upgrades - Toukley DAFF Plant		
Extension of Effluent Reuse- Budgewoi Soccer Club		
Extension of Effluent Reuse- Eastern Road		
Extension of Effluent Reuse- Adelaide Street Oval		
Extension of Effluent Reuse- Killarney Vale Oval		
Project Constructed Under Water Savings Fund - CCWSF		
Project Constructed Under Water Savings Fund - CCWSF		
Project Constructed Under Water Savings Fund - CCSWF		
Project Constructed Under Water Savings Fund - Community		
Infrastructure (Growth/ Effluent Reuse/ Stormwater Harvesting) - Changed		
Trunk Watermain Extensions- Kanangra Drive - Chain Valley	Deferred	
Bay Link Main		Deferred to 2010/11 due to funding constraints.
Refurbishment Capital - On Track		
Reservoirs		
Mains (All Types) - McDonagh Road		
Mains (All Types) - Pollock Avenue		
Office Equip and small Plant		
Main Adjustments (Relocations)		
Pump Stations		
Refurbishment Non Capital - On Track		
Pump Stations		
Mains		
Telemetry		
Water Treatment Plant Replacements/ Renewals		
Treatment General (Mechanical/ Electrical)		
Water Meter Refurbishments		
Miscellaneous Works and Services/ Prepaid		
Refurbishment Contingencies		
Standards - On Track		
Dismantling pits, Valve Bypasses and Motorised Valves		
Regulatory Based System Improvements		
Fittings and tappings band replacements		

## Revised 2009/10 Rolling Works Programme - September 2009

Revisions to Original 2009/10 Rolling Works Programs		STATUS	COMMENT
<b>Sewerage</b>			
4.4.9	Sewerage		
	Headworks - On Track		
	Wyong South STP - Inlet Works		
	Infrastructure - On Track		
	B9 Rising Main		
	The Entrance Bridge- Sewer		
	Warnervale Sge Trunk Mains		
	Infrastructure - Suspended		
	Gavenlock Road Tuggerah Sewer Main	Delayed	Delayed due to cancelling existing contract and re-tendering
	Refurbishment		
	Mains Refurbishment - On Track		
	Mains Refurbishment/Replacement		
	Effluent Disposal Mains Refurbishment		
	Pump Station Refurbishment Capital - On Track		
	Upgrade T22, T6, C16, C3, and C6		
	Upgrade WS8		
	Consultancies for Design		
	Refurbish Electrical Equipment		
	Refurbish Mechanical Equipment		
	Replace/ Upgrade Flowmeters		
	Upgrade Telemetry		
	Pump Station Refurbishment Non Capital - On Track		
	Existing odour control system refurbishment		
	Existing diesel generator refurbishment		
	Treatment Plant Refurbishment - On Track		
	Mechanical/ Electrical/ Civil Refurbishment		
	General Refurbishment - On Track		
	Refurbish Telemetry		
	Other (minor plant and office equipment)		
	Refurbishment Contingencies		
	Standards (EPA and OH&S) - On Track		
	Upgrade Mannering Park STP Inlet Works - Grit and Screening)		
	Relining/ Pipe Cracking		
	Regulatory Based System Improvements - Security Systems		
	Regulatory Based System Improvements - Fencing		
	Regulatory Based System Improvements - Lifting Equipment		
	Regulatory Based System Improvements - Chemical Closet		
	Regulatory Based System Improvements - Roads and Concrete		
<b>Waste</b>			
4.5.17	Waste		
	Waste - Completed		
	Construction of new car park and office compound and landscaping		
	Waste - On Track		
	Buttonderry Waste Management Facility		
	Site development Area 5		
	Concrete dish drain from 4.1 north along eastern side of road.		
	Upgrade internal road		
<b>Principal Activity 5 - Organisation</b>			
<b>Finance</b>			
5.2.5	Holiday Parks		
	Holiday Parks - On Track		
	Toowoomba Bay - Upgrade		
	Norah Head - Upgrade		
	Canton Beach - Upgrade		
	Budgewoi - Upgrade		
	Annual Program		

25 November 2009

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **6.1 Minutes of the Wyong Shire Governance Meeting - 4 November 2009**

TRIM REFERENCE: D01869952

AUTHOR: MW

### **SUMMARY**

Minutes of the Wyong Shire Governance Committee Meeting held on 4 November 2009.

### **RECOMMENDATION**

***That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 4 November 2009 and the recommendations contained therein be adopted.***

A meeting of the Wyong Shire Governance Committee meeting was held on 4 November 2009. The minutes and action plan of that meeting are attached

### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Minutes - Wyong Shire Governance Committee - 4 November 2009 | D02069131 |
| 2 | Action Plan Governance Committee Meeting 4 November 2009     | D02078454 |

**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 04 November 2009  
COMMENCING AT 9:30 AM**

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**PRESENT**

MR DAVID HOLMES (CHAIRPERSON), COUNCILLORS R L GRAHAM, W R SYMINGTON, S A WYNN (9.44 AM) AND MR BRUCE TURNER (INDEPENDENT MEMBER).

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF MR JASON MASTERS (INDEPENDENT MEMBER).

**IN ATTENDANCE**

GENERAL MANAGER, COUNCILLORS D J EATON, G P BEST (9.41 AM), DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, MANAGER PLANNING - LEGAL AND POLICY, INTERNAL AUDITOR, SENIOR INTERNAL AUDITOR, MANAGER FINANCIAL SERVICES, EXECUTIVE MANAGER SHIRE SERVICES, ACTING MANAGER FUTURE PLANNING, ACTING MANAGER GOVERNANCE AND ADMINISTRATION, MR DENNIS BANICEVIC (COUNCIL'S EXTERNAL AUDITOR) AND AN ADMINISTRATION OFFICER.



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

---

**RECOMMENDATION**

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

DAVID HOLMES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST FOR THE REASON THAT HE HAS A MINOR SHAREHOLDING IN CAPGEMINI.

DAVID HOLMES STATED:

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

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on Disclosure of Interest and note the disclosure.*

**1.2 Minutes of the Wyong Shire Governance Committee - 12 August 2009**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee confirm the minutes of the Wyong Shire Governance Committee Meeting held on 12 August 2009.*

**1.3 Minutes of the Wyong Shire Governance Committee Extraordinary Meeting  
7 October 2009**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee confirm the minutes of the Wyong Shire Governance Committee Extraordinary Meeting held on 7 October 2009.*

**1.4 Wyong Shire Governance Committee Action Plan - 12 August and 7  
October 2009**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee confirm the action plan of the previous Governance Committee Meetings held on 12 August and 7 October 2009.*

## **GENERAL REPORTS**

### **2.1 Executive Summary Report for Councillors**

---

#### **GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the Executive Summary Report for Councillors.*

### **2.2 Internal Auditors Report**

---

COUNCILLORS BEST AND EATON LEFT THE MEETING AT 10.50 AM AND RETURNED TO THE MEETING AT 10.53 AM DURING DISCUSSION OF THIS ITEM.

COUNCILLOR BEST LEFT THE MEETING AT 11.00 AM DURING DISCUSSION OF THIS ITEM AND DID NOT RETURN.

#### **GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on the Internal Auditors Report.*

### **2.3 Annual Review of Corporate Risks**

---

COUNCILLOR GRAHAM LEFT THE MEETING AT 11.09 AM AND RETURNED TO THE MEETING AT 11.23 AM DURING DISCUSSION OF THIS ITEM.

COUNCILLOR EATON LEFT THE MEETING AT 11.12 AM DURING DISCUSSION OF THIS ITEM AND DID NOT RETURN.

#### **GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on the Annual Review of Corporate Risks.*

### **2.4 2009-10 Management Plan - September 2009 Quarter Review**

---

#### **GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on the 2009-10 Management Plan – September 2009 Quarter Review.*

**2.5 Lease of F3 pylon signs over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale**

---

MR RAY BAULKHAM, APPLICANT, ADDRESSED THE MEETING AT 10.25 AM AND RETIRED AT 10.30 AM.

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report Lease of F3 pylon signs over part Lot 100 DP 718558 Freeway Collies Lane, Mardi and part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale.*

**INFORMATION REPORTS**

**3.1 General Manager's Attendance**

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**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on the General Manager's attendance.*

**3.2 Protected Disclosures - Designated Officers to Receive Disclosures**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on Protected Disclosures - Designated Officers to Receive Disclosures.*

**3.3 The Essentials of an Effective Audit Committee - Questions You Should Be Asking**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on The Essentials of an Effective Audit Committee - Questions You Should Be Asking.*

**3.4 Update Report on the ICAC Recommendations from the Investigation into Corruption Allegations Affecting Wollongong Council**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That the Committee receive the report on Update Report on the ICAC Recommendations from the Investigation into Corruption Allegations Affecting Wollongong Council.*

**3.5 Strategic Finance Committee Charter**

---

**GOVERNANCE COMMITTEE RESOLUTION**

*That Council receive the report on Strategic Finance Committee Charter.*

**3.6 General Business**

---

**Meeting Schedule 2010**

A list of meeting dates for 2010 will be distributed.

**Appointment**

Bruce Turner congratulated Ms Tina Baker on being granted certified internal auditor status.

**THE MEETING** terminated at 12.20 PM.

## Action Plan 4 November 2009 Governance Meeting

DATE	REPORT	ACTIONS	RESPONSIBILITY	DUE DATE	STATUS
12.11.2008	GC034 - Internal Auditor's Report	5 That the GM meet with DECC in an effort to resolve outstanding issues including Bullwhacker sub-Audit, Gwanabalar and Toukley.	General Manager	*2.08.09	DECC have continued to conduct interviews and will meet with the GM for an interview on 13 November 2009.
13.05.2009	3.3 Internal Commodities - Report on Progress	1 That the Internal Commodities be employed by 31 July 2009. Line of report has been determined to report directly to the GM.	General Manager	31.07.09	Appointment expected by the end of November.
07.10.2009	2.1 2008-2009 Annual Financial Reports	2 That the Governance Committee monitor the proposed Strategic Finance Committee's consideration of a policy on and other reserves.	Director Corporate Services	*04.10.09	Awaiting consideration of the issue by the Strategic Finance Committee.
04.11.2009	2.2 Internal Auditors Report	1 That the Mayor convene a meeting on Conflict of Interests with Independent Members, Council for Delegates, the Internal and External Auditor and other Councilors.	Mayor Graham	30.11.09	
		2 That the top areas of residual risk arising from the Fraud and Corruption Control review be expanded to address increased mitigation action.	Internal Auditor	*0.02.10	
		3 That the six most significant recommendations identified from the Fraud and Corruption Control review be monitored.	Internal Auditor	*0.02.10	
		4 That emphasis be placed on the key priorities shown under the indicator level and action taken where possible refer to page 37.	Internal Auditor	*0.02.10	
		5 That the status of the risk management recommendation reported for 1 which issues be monitored and discussed or reported held with Gosford City Council.	General Manager	31.12.09	
04.11.2009	2.3 Annual Review of Corporate Risks	1 That the Corporate Risk Register include inherent risk rating.	Manager Corporate Planning	*0.02.10	
		2 That the Strategic Finance Committee be requested to provide feedback on the establishment and level of funds held in reserve.	Director Corporate Services		Awaiting consideration of the issue by the Strategic Finance Committee.
		3 That the register be expanded beyond corporate risks to include major project and operational risks.	Manager Corporate Planning	*0.02.10	
04.11.2009	2.4 2009 10 Management Plan September 2009 Quarter Review	1 That the Committee requires an analysis of 2009/10 budgeting issues and lessons learnt and identify some improvements.	Director Corporate Services	*0.02.10	
		2 That the Committee requires an action plan be developed to improve next year's budgeting process (4 Year Plan).	Director Corporate Services	*0.02.10	

Action Plan 4 November 2009 Governance Meeting

DATE	REPORT	ACTIONS	RESPONSIBILITY	DUE DATE	STATUS
04/11/2009	2.5 Lease of 1/3 Pylon Signs over Part Lot 100 DP 718558 Troway Colles Lane, Mardie and Part Lot 5 DP 738176 Freeway Pacific Highway, Palmdale	1 That the Committee recommends the General Manager review the legal advice provided and review the process that established the agreement and investigate if any other similar agreements exist	General Manager	30/02/10	
04/11/2009	3.1 General Manager's Attendance	1 That the Mayor contact IHWI to clarify the legal advice received on the General Manager's attendance at Governance meetings.	Mayor Graham	30/02/10	
04/11/2009	3.2 Procuree Disclosure Despatched Officers to Procuree Disclosure	1 That the Committee refer the matter of Officers disclosed to receive Procuree Disclosures to the Manager at level to the Internal Auditor	General Manager	30/02/10	Awaiting appointment of the Internal Auditor

# **AMENDED REPORT**

25 November 2009

Board/Committee/Panel Meeting  
Report

To the Ordinary Meeting

Corporate Services Department

## **6.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 18 November 2009**

---

TRIM REFERENCE: F2004/06808 - D02074389

AUTHOR: SW

### **SUMMARY**

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 18 November 2009.

### **RECOMMENDATION**

***That Council receive the amended minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 18 November 2009 and adopt the recommendations contained therein.***

A meeting of the Gosford-Wyong Councils' Water Authority Board was held on 18 November 2009. The minutes of that meeting are enclosed.

### **ATTACHMENTS**

- 1 Minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 18 November 2009 (distributed under separate cover) Enclosure D02083558

## **7.1 Information Reports**

---

TRIM REFERENCE: F2009/00008 - D02061571

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 englob.

### **RECOMMENDATION**

*That Council receive the report on Information Reports.*

### **ATTACHMENTS**

*Nil.*



## 7.2 Results of Coal Mining Survey

---

TRIM REFERENCE: F2004/07086 - D02072185

AUTHOR: BR

### SUMMARY

Report on the results of a survey on community attitudes to coal mining.

### RECOMMENDATION

***That Council receive the report on Results of Coal Mining Survey.***

### BACKGROUND

Council at its meeting held on 27 May 2009;

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

- 1 That Council receive the report on "E" Coal Poll.*
- 2 That Council engage a suitably qualified polling organisation to conduct a statistically valid community poll to determine the community's views in regards to the Kores Long Wall Coal mining proposal.*

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

*AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.”*

In response, Council used the Central Coast Domestic Omnibus Survey undertaken by the Central Coast Research Foundation (CCRF) to assess community awareness of proposed coal mining operations in the valleys of Wyong Shire, and also to assess the level of community concern regarding possible impacts on the Central Coast water supply from the proposed operations.

The CCRF Omnibus is a multi-client survey, conducted biannually in March and September each year. The questions formed part of the September quarter survey conducted between 7-25 September 2009 inclusive where a random sample of 309 residents throughout the Central Coast were interviewed (51.7% from Wyong Shire).

### Survey Results

The survey found that more than two-thirds of respondents (67.3%) were aware of the proposed coal mining operations in the valleys of Wyong Shire.

## 7.2 Results of Coal Mining Survey (contd)

---

More than half of eligible respondents (56.9%) indicated that they were *very concerned* about the possible impacts the mining operations could have on the Central Coast's water supply. Less than one-fifth of eligible respondents (17.6%) were *not at all concerned* about the possible impacts.

A full copy of the CCRF report is included as an Attachment.

### ATTACHMENTS

1 CCRF Report on Community Attitudes Regarding Coal Mining Operations in Wyong Shire Valleys

D02072192

CCRF #191/09

## **Wyong Shire Council**

### **Community Attitudes Regarding Coal Mining Operations in Wyong Shire Valleys**

Report from September 2009  
Central Coast Omnibus Survey

CCRF #191/09

Central Coast Omnibus Survey  
September 2009

## Community Attitudes Regarding Coal Mining Operations in Wyong Shire Valleys

### Omnibus Report

Prepared for:

**Wyong Shire Council**

By:



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*Disclaimer: The information contained herein is believed to be reliable and accurate. However, no responsibility or liability for any information, opinions, or commentary contained herein, or for any consequence of its use, will be accepted by the Central Coast Research Foundation, or by any person involved in the preparation of this publication.*



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## EXECUTIVE SUMMARY

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### Background

- Wyong Shire Council used the Central Coast Domestic Omnibus Survey undertaken by the Central Coast Research Foundation (CCRF) to assess community awareness of proposed coal mining operations in the valleys of Wyong Shire, and also to assess the level of community concern regarding possible impacts on the Central Coast water supply from the proposed operations. The CCRF Omnibus is a multi-client survey, conducted biannually in March and September each year.
- The questions for Wyong Shire Council formed part of the September quarter survey conducted between 7 September and 25 September, inclusive, 2009. A random sample of 309 residents throughout the Central Coast was interviewed.

### Results

- **Community awareness of proposed coal mining operations :**

More than two-thirds of respondents (67.3%) were aware of the proposed coal mining operations in the valleys of Wyong Shire.

- **Level of concern regarding proposed coal mining operations:**

More than half of eligible respondents (56.9%) indicated that they were *very concerned* about the possible impacts the mining operations could have on the Central Coast's water supply.

Less than one-fifth of eligible respondents (17.6%) were *not at all concerned* about the possible impacts.



## 1 INTRODUCTION

---

- Wyong Council used the Central Coast Domestic Omnibus Survey undertaken by the Central Coast Research Foundation (CCRF) to assess community awareness of proposed coal mining operations in the valleys of Wyong Shire, and also to assess the level of community concern regarding possible impacts on the Central Coast water supply from the proposed operations. The CCRF Omnibus is a multi-client survey, conducted biannually in March and September each year.
- The questions for Wyong Council formed part of the September quarter survey conducted between 7 September and 25 September, inclusive, 2009. A random sample of 309 residents throughout the Central Coast was interviewed.
- Analysis of results follows in Section 2. A copy of the questions is contained in Appendix I, a description of the survey methods is provided in Appendix II, the survey response rate is detailed in Appendix III, and the demographic characteristics of the survey sample are presented in Appendix IV.
- The results shown in Section 2 have been weighted according to the household size of the survey sample, as well as the age and sex distribution of the Central Coast population. See Appendix II for details.

## 2 RESULTS

### 2.1 Awareness of Proposed Coal Mining Operations

All respondents were asked:

"Are you aware of the proposed new coal mining operations in the valleys of  
Wyong Shire?"

Responses presented in Table 1 indicate that:

- More than two-thirds of respondents (67.3%) were aware of the proposed coal mining operations in the valleys of Wyong Shire.
- The youngest respondents, those aged between 18 and 24 years, were significantly less aware of the proposed coal mining operations than those in the older age groups, particularly those aged 50 and over.
- There was no significant difference in awareness between the gender groupings.

**Table 1 Awareness of proposed coal mining operations (by gender and age)**

Response	All	Gender		Age				
		Male	Female	18-24	25-34	35-49	50-64	65+
Population base	221,276	106,193	115,083	23,236	31,800	62,033	52,893	51,314
Yes	63.4%	67.3%	59.9%	17.6%	51.3%	57.5%	78.5%	82.2%
No	36.6%	32.7%	40.1%	82.4%	48.7%	42.5%	21.5%	17.8%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Explanatory notes:*

1. Percentages represent a proportion of the population base (i.e. of the Central Coast population aged 18 years and over).



## 2.2 Level of Concern Regarding Proposed Coal Mining Operations

All respondents who stated that they were aware of the proposed coal mining operations (63.4%) were asked:

"On a scale where  
1 = Not at all concerned  
2 = Somewhat concerned  
3 = Very concerned

How concerned are you about possible impacts on the Central Coast's water supply from the proposed mining operations?"

The responses in Table 2 indicate that:

- More than half of eligible respondents (56.9%) indicated that they were *very concerned* about the possible impacts the mining operations could have on the Central Coast's water supply.
- Less than one-fifth of eligible respondents (17.6%) were *not at all concerned* about the possible impacts.
- One balance, older respondents, those aged 50 or older, were significantly more concerned than younger respondents about the possible impacts of the proposed operations.

**Table 2 Level of concern regarding possible impacts from the proposed coal mining operations (by gender and age)?**

Base = Respondents who had heard of proposed coal mining operations  
63.4%

Response	All	Gender		Age				
		Male	Female	18-24	25-34	35-49	50-64	65+
<i>Population base</i>	224,276	106,193	118,083	23,236	31,800	62,033	52,893	54,314
Not at all concerned	17.6%	23.7%	11.5%		7.5%	32.4%	16.0%	12.7%
Somewhat concerned	23.4%	18.1%	28.7%	100%	38.5%	23.2%	14.9%	18.9%
Very concerned	56.9%	55.7%	58.0%		46.6%	44.4%	64.8%	68.4%
Don't know	2.1%	2.5%	1.7%		7.5%		4.3%	
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Explanatory notes:*

- 1 Percentages represent a proportion of the population base who were aware of the proposed coal mining operations (n=190).



## APPENDIX I. SURVEY QUESTIONNAIRE

---

QWYC1 Are you aware of the proposed new coal mining operations in the valleys of Wyong Shire?

1. Yes 2. No 8. Don't know [DO NOT READ OUT]  
9. Refused [DO NOT READ OUT]

IF QWYC1=1

QWYC2 On a scale where  
1 = Not at all concerned  
2 = Somewhat concerned  
3 = Very concerned

8. Don't know [DO NOT READ OUT]

How concerned are you about possible impacts on the Central Coast's water supply from the proposed mining operations?

## APPENDIX II: SURVEY DESIGN

**Data collection:** The survey questions were developed in conjunction with the client. They were included in the September quarter Central Coast Domestic Omnibus Survey program. This survey was administered on the CCRF's computer aided telephone interviewing (CATI) system between 7 September and 25 September (inclusive) 2009.

**Survey area:** Gosford-Wyong Statistical Sub-division

**Sample selection:** 309 randomly selected households throughout the survey area with landline telephone connections. Contact telephone numbers for households were generated using random digit dialling methodology for number ranges within the Central Coast.

**Participants:** Individuals in the household aged 18 years or older, with random selection amongst the total number of adults in that household (i.e. households were contacted by telephone and an attempt was made to interview a randomly selected adult within that household). Up to five calls back were made to contact the household and, in the event that the required respondent was not available, a minimum of six additional calls was made to interview the selected respondent.

*The survey did not use quota sampling without 'call back'. This particular technique of data collection, with quotas based on a limited number of variables, commonly age and sex, is not as reliable in obtaining a representative sample as random sampling. For example, a quota of 18-24 year old males, without calls back, may exclude a unique group of potential respondents who are only at home at unusual times. The call back technique maximises the chances of a truly random sample since the interviewer is making a determined effort to contact the randomly chosen household and a randomly chosen person within that household.*

**Data handling and analysis:** Carried out by the HVRF using SPSS/PC statistical analysis software.

Surveying attempts to make inferences for the whole of an area's population by talking to a small sub-group (sample) within that population. As the sample only approximates the whole population, it is necessary to take this approximate nature into account when comparing the scores and measures generated by the survey.

While the absolute value of scores and measures can change, it is necessary to test these changes statistically to find out whether they simply reflect the approximate nature of the sample or if they indicate a real shift in opinion. Statistically significant changes indicate that, at the 95 per cent level of confidence, there has been a real shift in opinion, as opposed to a difference attributable to chance.

Recorded responses were weighted by:

- \* The number of people living in the household and eligible for interview. This weighting procedure ensures that people living in larger households are given the same proportional representation as people living in smaller households.
  
- \* The age and sex of the population aged 18 and over living on the Central Coast, determined by the 2006 *Census of Population and Housing*. This weighting procedure ensures that the sample is representative of the age and gender distribution of the survey population.

Population figures are presented in Section 2 tables, for the total population as well as in tables showing results cross-tabulated according to gender and age. These figures can be used to estimate the actual number of people within the Central Coast who would provide any given response.

**Statistical accuracy :**  $\pm 5.8\%$  for a prevalence of 50% at a confidence level of 95% for a sample size of 300.

**Example:** if 50% of respondents said 'yes' to a question that required a yes/no response, the true proportion of people aged 18 or over on the Central Coast who would give the same answer (if all were interviewed) would be between 44.2% and 55.8%, 95 times out of 100 (see right hand column of the table over 50%-50%).

If 50% of respondents said 'yes', the true proportion of people aged 18 or over on the Central Coast who would give the same answer would be between 44.7% and 55.3%, 95 times out of 100 (see 7th column 30-70%,  $\pm 5.3\%$ ).

**PRECISION OF ESTIMATES FOR VARIOUS SAMPLE SIZES AND PREVALENCE  
LEVELS (FOR A 95% CONFIDENCE LEVEL)**

Sample size	PREVALENCE									
	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%
	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%
100	4.4	6.0	7.1	8.0	8.7	9.2	9.5	9.8	9.9	10.0
200	3.1	4.2	5.0	5.7	6.1	6.5	6.7	6.9	7.0	7.1
300	2.5	3.5	4.1	4.6	5.0	5.3	5.5	5.7	5.7	5.8
400	2.2	3.0	3.6	4.0	4.3	4.6	4.8	4.9	5.0	5.0
500	1.9	2.7	3.2	3.6	3.9	4.1	4.3	4.4	4.4	4.5
600	1.8	2.4	2.9	3.3	3.5	3.7	3.9	4.0	4.1	4.1
800	1.5	2.1	2.5	2.8	3.1	3.2	3.4	3.5	3.5	3.5
1,000	1.4	1.9	2.3	2.5	2.7	2.9	3.0	3.1	3.1	3.2
1,500	1.1	1.5	1.8	2.1	2.2	2.4	2.5	2.5	2.6	2.6
2,000	1.0	1.3	1.6	1.8	1.9	2.0	2.1	2.2	2.2	2.2
3,000	0.8	1.1	1.3	1.5	1.6	1.7	1.7	1.8	1.8	1.8

## APPENDIX III: SURVEY RESPONSE RATE

### September 2009 Central Coast Domestic Omnibus Survey

FINAL OUTCOME	No.	No. as % of total	No. as % of eligible
<b>Ineligible</b>			
Business	72	4%	
Disconnected	648	40%	
Fax	73	5%	
Call back - exhausted attempts	0	0%	
Unavailable during survey period	45	3%	
Unsuitable	76	5%	
No answer	101	6%	
Answering machine	92	6%	
Engaged	8	0%	
Language difficulty	3	0%	
Not in study area	11	1%	
<b>Total ineligible</b>	<b>1,129</b>	<b>70%</b>	
<b>Eligible</b>			
<i>Consenters</i>			
Completed interview	309	19%	64%*
<i>Non-consenters</i>			
Household refusal	110	7%	23%
Personal refusal	65	4%	13%
Incomplete interview	2	0%	0%
<b>Total eligible</b>	<b>486</b>	<b>30%</b>	<b>100%</b>
<b>Total</b>	<b>1,615</b>	<b>100%</b>	

Response Rate

64%

\* Response Rate: number of completed interviews as a proportion of eligible contacts.

## APPENDIX IV: SURVEY DEMOGRAPHICS

**Note:** Proportions shown in the following table are based on the weighted sample and reflect the gender and age of the population as determined by the 2006 *Census of Population and Housing*.

September 2009 Central Coast Domestic Omnibus Survey		%
<i>Population base (number)</i>		224,276
<b>GENDER</b>		
Male		47.3
Female		52.7
<b>AGE</b>		
18-24 years		10.4
25-34 years		14.2
35-49 years		27.7
50-64 years		23.6
65+ years		24.2
<b>WORK STATUS</b>		
Paid full-time employment		36.8
Paid part-time/casual employment		24.3
Looking for paid employment		2.0
Full-time/part-time student		2.8
Home duties		5.6
Pensioner/retired		28.4
Refused		0.0
Not working due to illness		0.0
<b>ADULTS IN THE HOUSEHOLD %</b>		<b>WORKING ADULTS IN THE HOUSEHOLD %</b>
0	-	28.2
1	11.9	19.2
2	58.8	33.6
3	17.4	9.9
4	7.7	7.3
5+	4.2	1.8
<b>LOCAL GOVERNMENT AREA OF RESIDENCE %</b>		
Gosford		48.3
Wyong		51.7

### 7.3 Report on the Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02070209

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 months of September and October 2009.

#### RECOMMENDATION

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

#### Development Applications Received and Determined – September 2009

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	23	5,916,700	16	3,629,545
Industrial	2	305,000	8	2,100,450
Residential	109	16,514,289	101	11,110,170
Other	8	300,500	15	3,620,190
<b>Total</b>	<b>142</b>	<b>23,036,489</b>	<b>140</b>	<b>30,460,355</b>

*Note: The development applications received value for "Commercial" included \$5M for Ourimbah University for Offices, Laboratory and associated car parking.*

#### Subdivision Applications Received and Determined – September 2009

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	4	4	3	15
Rural	-	-	1	1
<b>Total</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>16</b>



**Development Applications Received and Determined – October 2009**

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	25	11,814,880	14	9,218,380
Industrial	5	35,000	2	15,000
Residential	115	12,365,035	101	113,073,394
Other	21	3,755,500	5	334,484
<b>Total</b>	<b>166</b>	<b>27,970,415</b>	<b>122</b>	<b>122,641,258</b>

*Note: The Development Applications determined value for “Residential” included \$97m for The Entrance Resort at The Entrance. The Development Applications determined value for ‘Commercial’ included extensions to Lakehaven Shopping Centre, 25 units at Watanobbi and additions to St Cecilia’s Catholic School at Wyong.*

**Subdivision Applications Received and Determined – October 2009**

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	1	1	-	-
Industrial	-	-	-	-
Residential	6	6	2	2
Rural	-	-	-	-
<b>Total</b>	<b>7</b>	<b>7</b>	<b>2</b>	<b>2</b>

**Net Median Turn-around Time**

The net median turn-around time in working days for priority applications determined during the months of September and October was 1 day. The 2 priority applications determined during this period were for a change of use from an existing community facility to a temporary community hospital at Woongarra and a change of use from a bistro/lounge area to a Registered Club at Wyong.

In accordance with Section 109 of the Environmental Planning and Assessment Regulation 2000, the days between a consent authority’s request for additional information and the date on which the information is provided are not to be taken into consideration in calculating the number of days in any of the assessment periods. Additionally, the lodgement day, the day after lodgement and the decision date are also excluded from the calculation. However, it should be noted that whilst the “clock” is technically stopped during this time, staff are generally able to continue with the assessment of the application. This practice allows the efficient determination of priority development applications in the earliest time possible.

The turn-around time for these applications was calculated at 1 day due to the fact that in both cases, the “clock” was stopped whilst Council was waiting for additional information from the respective applicants.

The net median turn-around time in working days for the development applications determined during the month of September was 14 days and in October was 18 days.

**Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined September</b>	<b>Number Determined October</b>
Trees	52	40
Section 149 D Certificates (Building Certificates)	10	15
Section 149 Certificates	17	17
Construction Certificates	73	79
Complying Development Certificates	16	18

**State Environmental Planning Policy No 1**

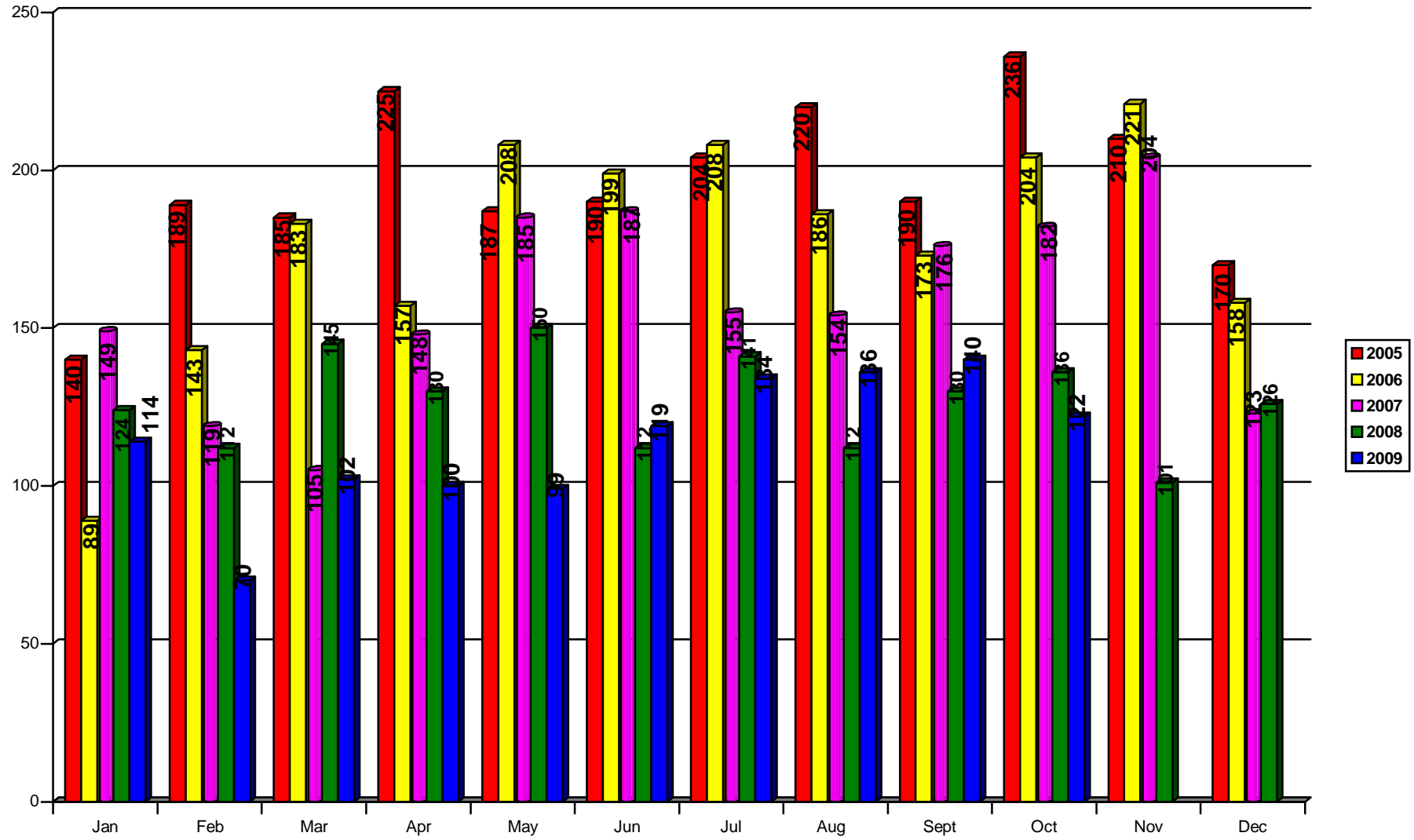
There was one application that relied on SEPP 1 variation for the Month of September which was less than 10%. This application was for a Torrens Title Subdivision of an approved dual Occupancy at Ourimbah.

**ATTACHMENTS**

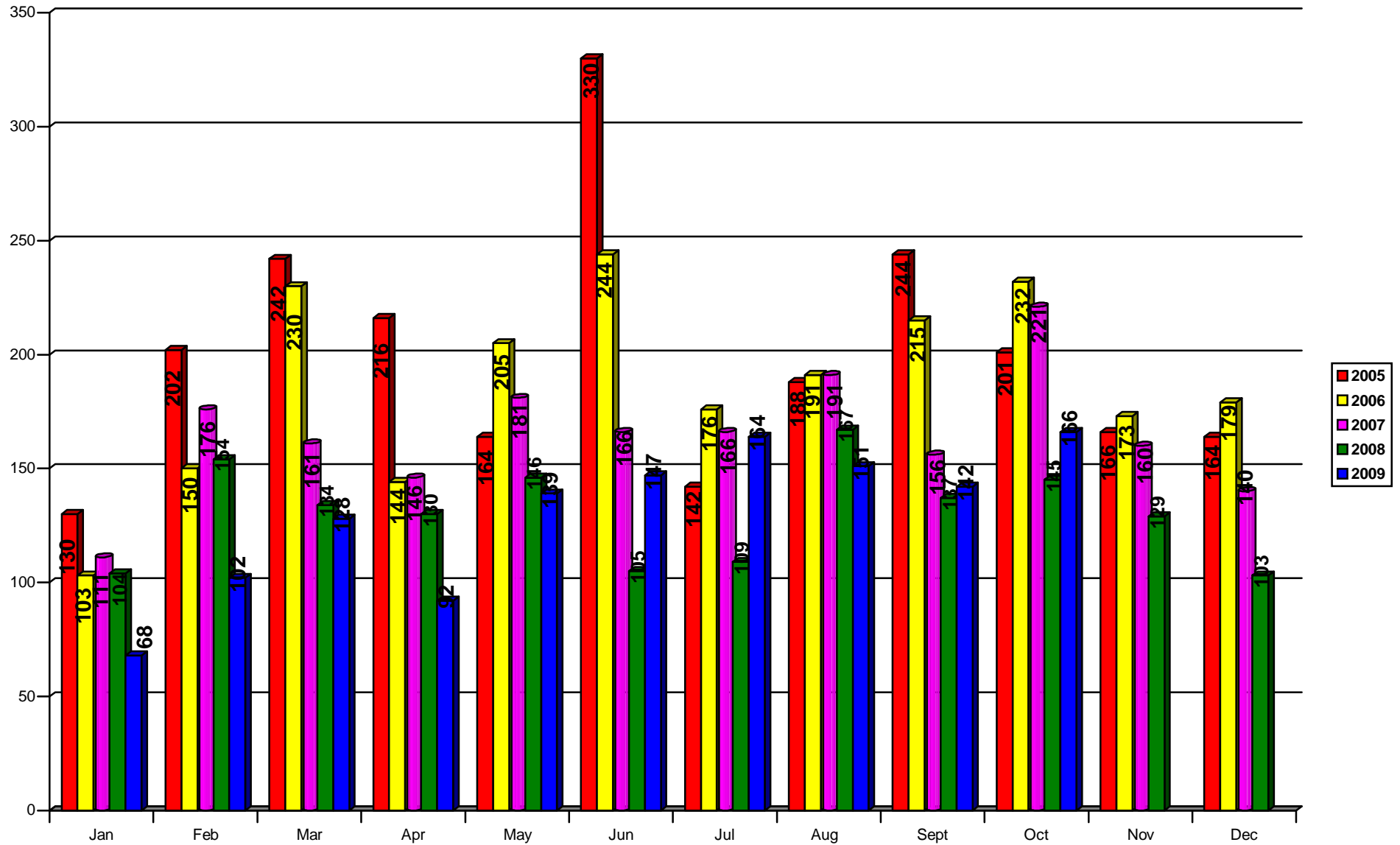
- 1 Activities Report Graph - Development Applications Lodged,  
Development Applications Determined, Construction Certificates  
Determined

D02070223

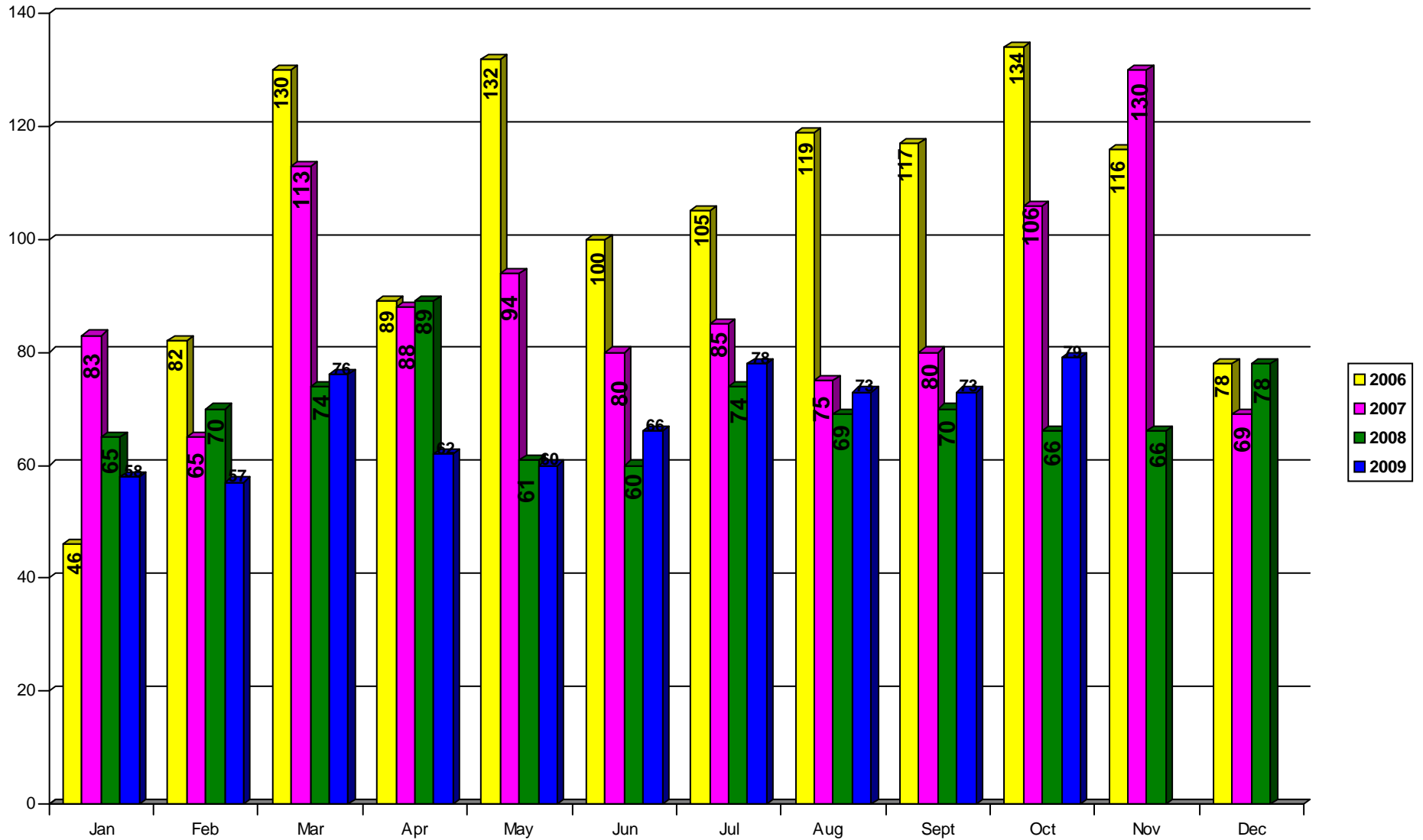
**DAs DETERMINED**



**DAs LODGED**



**CCs DETERMINED**



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

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TRIM REFERENCE: f2004/06822 - D02071768

AUTHOR: RV

### **SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for beaches in Wyong Shire for the month of October 2009.

### **RECOMMENDATION**

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

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

Wyong beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 2: NHMRC Star Rating Interpretation*.

Wyong Council has been in partnership with the Department of Environment and Climate Change (DECCW) in implementing the "Beachwatch" program during the bathing season of Summer, October through to April. This involves the sampling of 26 monitoring locations, once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and nine coastal lake sites in the Tuggerah Lakes catchment.

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

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

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

The change from a monthly to weekly reporting regime could result in each Council Report containing up to 27 Graphs. This is impractical and therefore, staff propose to only include graphs of sites which indicate one or more samples that have failed.

During the Winter season the Beachwatch program becomes inactive, sampling is conducted once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

### Summary of results for October 2009

As Council no longer recognises or encourages swimming at Tumbi Creek, Wyong and Ourimbah River, it has been determined that the inclusion of the water quality analysis for these sites are not relevant to this reporting program. Notwithstanding this decision to remove these sites from the reporting program, Council will continue to monitor water quality at these locations for review in conjunction with the Tuggerah Lakes Estuary Management Plan.

For the month of October, all ocean beach sites achieved a 3 or 4 star rating on each of the sampling days except on one occasion in which the Budgewoi site achieved a 2 star rating as defined by NHMRC 2008.

The estuary beach sites also had good water quality for the month of October, with the San Remo site and the Toukley site being the only two instances of non-compliance with NHMRC 2008 guidelines. Both sites had a 2 star rating once during the month. These two results are linked to high rainfall and an abundance of bird life at the sites. (See Table 1)

### Example format of Star Ratings for October (Table 1)

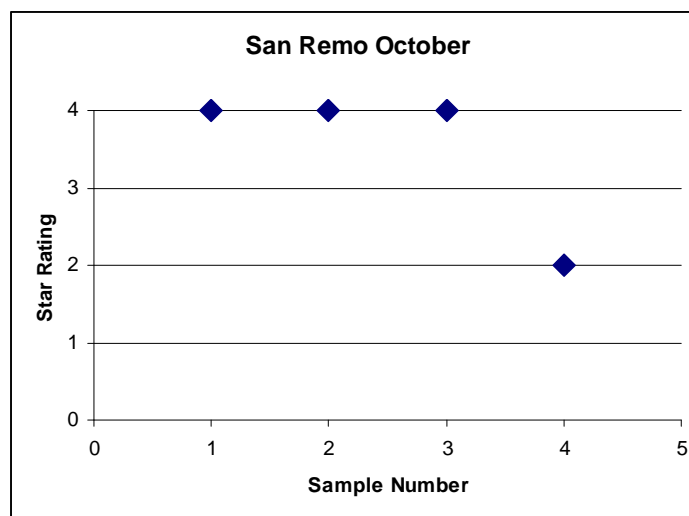


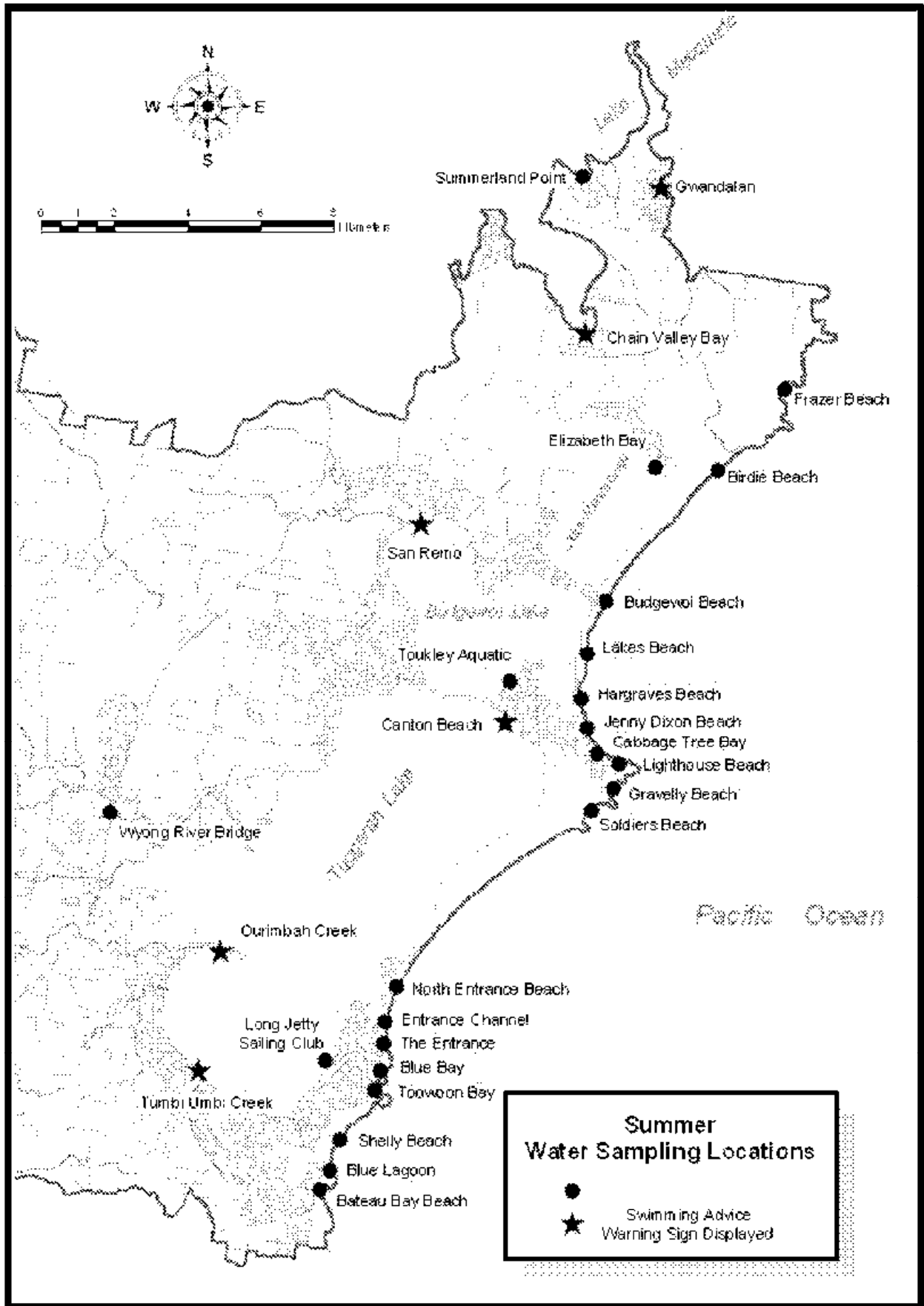
Table 2: NHMRC Star Rating Interpretation

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

## ATTACHMENTS

- 1 Summer Water Sampling Locations D01539377





## 7.5 Popularly Elected Mayor

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TRIM REFERENCE: F2004/06511 - D02061931

AUTHOR: ED

### SUMMARY

Report on the process and indicative costs associated with Council conducting a referendum on a popularly elected Mayor at the next Local Government election.

### RECOMMENDATION

***That Council receive the report on Popularly Elected Mayor.***

### BACKGROUND

Council at its meeting on 28 May 2008;

“RESOLVED on the motion of Councillor STEWART and seconded by Councillor GRAHAM:

*“That a further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor and exactly how the numbers equate as far as three wards concerned.*

FOR: COUNCILLORS GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND ROSE.”

Council at its meeting on 14 October 2009;

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

*“That staff report on the process and indicative costs associated with Council conducting a referendum at the next Local Government elections, to establish the level of support for a community/popularly elected Mayor for the four year term of the Council.*

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

AGAINST: NIL”.

The LGA requires that councils must seek the approval of the electors by holding a constitutional referendum prior to amending certain arrangements associated with the Council structure. Voting on a referendum issue is compulsory for all electors enrolled in the Local Government Area.

## 7.5 Popularly Elected Mayor (contd)

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The Local Government Act 1993 (the Act) s.16 of states that issues to be decided by constitutional referendum are:

- The division of the council area into wards or the abolishment of wards;
- The election of the mayor by electors or by the elected councillors;
- Increases or decreases in the number of councillors; or
- To change the method of election of ward councillors.

Councils are bound by constitutional referendum outcomes until a change is approved at a subsequent constitutional referendum.

The NSW Electoral Commission (EC) has previously advised that preparing for, and conducting a referendum is not as simple as printing an additional ballot paper. Systems have to be configured, returning officers have to be trained and the public has to be informed about the nature of a referendum.

Past experience by the EC indicates that councils should consider obtaining legal advice as to the wording of any matter to be put to the electorate by way of a referendum. Legislation requires that any referendum must be answered by the voter by writing the word "yes" or "no" in a box beside the question. As such, referendum questions should be clear, simple and capable of a "yes" or "no" response.

For the 2008 local government election, advice to the EC that a referendum was proposed was required by 31 May 2008 with the actual referendum wording being required by 12 noon on nomination day which was 15 August 2008.

Referenda conducted by councils in 2008 were counted on Saturday night in each polling place with postal ballot papers and pre-poll votes included in the count in the week after election day. Once finalised the referenda results were posted on the NSWEC Virtual Tally Room.

The EC has recently advised that the cost to hold a referendum in conjunction with the next election would be between 10% and 20% of the overall election cost. For Wyong Shire Council the total cost of the 2008 election was \$543,400 (per enrolled elector the cost was \$5.42) which would indicate a cost of between \$54,340 and \$108,680.

### **PROPOSAL**

If Council proposes a change in how the Mayor is elected, it will also need to consider the number of wards required and the number of councillors required to ensure equal representation throughout the Shire.

These considerations constitute a complete review of representation in Wyong Shire and Council must take into account the full requirements of the Act if a referendum is to be put to the community. In particular s.224 and s.278-s.286 apply to oblige council to include a proposed restructure of the electorate in the referendum.

It follows that Council needs to consider not just how many wards are required to make the numbers work, but why and how a particular number of wards would meet the community's best interests.

A decision of the number of councillors to be proposed would follow the choice of wards to ensure equality, but the decision would also require a consideration of why and how a particular number of councillors would serve the community's best interests.

Given the high level of community engagement that will occur in respect of a referendum, decision-making of this nature will demand a sound, documented rationale behind Council's conclusions.

Council may wish to consider each option available in terms of:-

- How ward sizes impact the continuum between representation of individual and representation of the whole community or parts thereof.
- How councillor numbers impact the continuum between representation of individual and representation of the whole community or parts thereof.
- How councillor numbers and ward divisions impact choice of candidates across the shire and within wards.
- Localisation of interest by increased numbers of wards

### **OPTIONS**

Council currently has two wards each with five councillors. If a Mayor is to be popularly elected at large, Council must consider if it should either increase or decrease the number of ward elected councillors. A parallel consideration is to decide how many wards.

### **OUTLINE**

If the number of elected members is not to increase, and nine councillors are to be elected, the number of wards would need to be three.

Should council choose to propose a popularly elected Mayor and retain two wards, the number of councillors will need to increase or decrease by one.

The approximate cost of an additional Councillor would be \$35,000 per annum.

### **CONCLUSION**

A referendum is required if council wishes to change the representation in any way. A proposal to popularly elect a Mayor will require an adjustment to the ward numbers or councillor numbers or both.

### **ATTACHMENTS**

Nil

## 7.6 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02068688

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

Expenditure to date

\$21.3m

Project Estimate

\$125m - \$170m

### Design Status

	Investigation & Preliminary Design	Concept Design	Detailed Design
Wyong River Off-take Structure & Pumping Station (Work Package (WP) 1, WP2)	100%	100%	100%
Wyong-Mardi Rising Main (WP3)	100%	100%	100%
Wyong-Mardi Inlet (WP4)	100%	100%	100%
Mardi-Mangrove Transfer Pumping Station (WP6)	100%	100%	100%
Mardi-Mangrove Transfer Main (WP7)	100%	100%	100%
<b>TOTAL</b>	<b>100%</b>	<b>100%<sup>(*)</sup></b>	<b>100%<sup>(*)</sup></b>

<sup>(\*)</sup> For the purpose of issue of Request for Tenders (RFT), the concept and detailed design are 100% complete. GHD are still undertaking design and administrative work on a number of Work Packages.

### Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	☑
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	☑
EOI closes	30 July 2009	30 July 2009	☑
Determination Approval	14 October 2009	23 September 2009	☑

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

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		<input type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009		<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.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	36	65%	62%

### Stakeholder Liaison

#### Community

- Display updated at Erina Fair Shopping Centre (long-term display).
- Display at Wyong Civic Centre.
- Media release on construction tender process closing.
- Information in two Council columns regarding the construction tender process closing.
- Project update briefing with John Asquith, Community Environment Network (CEN).
- Project brochures distributed at Brisbane Waters Oyster Festival and Kids Day Out.

#### Landholder

- Project information provided in Rural Grapevine.
- One correspondence item has been received in November.

#### Government

- Working to arrange Project update briefing with Chris Hartcher, MP.
- Liaising with Advisers to NSW Minister for Water regarding the easement acquisition process.
- Liaising with New South Wales Department of Environment, Climate Change and Water (DECCW) on outcome of water licences upgrade applications.
- Project Director, Greg McDonald, Project Manager, Rod Jewell, and Assistant Project Manager, Mike Achelles, met with Department of Environment, Water Heritage and the Arts (DEWHA) representatives in Canberra on 9 November to provide general update on the Project. DEWHA had no concerns with project progress.

**Incidents**

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

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**Major Achievements / Issues**

- Tenders closed on 12 November. All four shortlisted tenderers submitted.
  - The Commonwealth Department of Environment, Water Heritage and the Arts (DEWHA) confirmed that the Project is not a controlled action under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999, and as such, does not require assessment and approval by the Minister for the Environment, Heritage and Arts before it can proceed.
- 

**ATTACHMENTS**

*Nil.*

## 7.7 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02070144

AUTHOR: ML; AP

### SUMMARY

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

### RECOMMENDATION

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

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
The Corso, Gorokan Roads and Drainage Upgrade	700,000	100	October 2009	Works include upgrading of the existing stormwater drainage system, reconstruction of the road pavement, kerb and gutter, footpath, and installation of a roundabout and associated traffic management facilities.
Wendie Close, Tumbi Umbi Wetland	517,000	20	December 2009	Construction of artificial wetland and in-line Gross Pollutant Trap.  These works form part of the implementation of the Tuggerah Lakes Estuary Management Plan with joint funding from Council's stormwater levy and drainage charge.  Bulk excavation has commenced.
Campbell Avenue and Warrigal Street – The Entrance Drainage Upgrade.	1,488,000	100	October 2009	Upgrading of existing pipe drainage to larger capacity box culverts to alleviate flooding of the road and shops in the area.



Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Delia Avenue Stage 3 Drainage Upgrade.	706,000	30	December 2009	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.
Norah Head Lighthouse Carpark Construction.	220,000	90	November 2009	Works include formalisation and sealing of carpark and include installation of kerb and gutter, linemarking and traffic facilities, footpath and bus parking. Placement of asphalt is scheduled for November 2009.
George Evans Rd, Killarney Vale Drainage and Pavement Upgrade.	\$322,000	75	November 2009	Works to alleviate flooding of houses include upgraded drainage pipes, road reconstruction including changes to pavement levels and geometry, and kerb and gutter.
Brooke Avenue, Killarney Vale Road Reconstruction and School Zone Improvements Works	395,000	90	November 2009	Road reconstruction incorporating kerb and gutter, pram ramps, traffic calming devices, linemarking and signs.

### General Maintenance Work

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

	North	South
<b>Drainage Maintenance</b>	Lake Haven San Remo	Killarney Vale Wyong Long Jetty The Entrance
<b>Replacement of Damaged Foot paving</b>	Toukley Kanwal	Bateau Bay

	<b>North</b>	<b>South</b>
<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	Toowoomb Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
<b>Shoulder Restoration</b>	Yarramalong Doorlong	Nil
<b>Heavy Patching</b>	Yarramalong Jilliby Hamlyn Terrace	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>	Doorlong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Doorlong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty

**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

<b>Item Description</b>	<b>Estimated Cost</b>	<b>% Completed</b>	<b>Estimated Completion Date</b>	<b>Comments</b>
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	25%	April 2010	The design of the collection system has been completed and the contractor is currently seeking Development Approval for the installation of the extraction system and power plant. It is anticipated the extraction system and power plant will be operational by April 2010. The Deed of Agreement provides for 15% of any Royalties from the generation of electricity to be returned to Council.
CPA/94559 Design and Documentation of Woongarra Sports fields	\$350K	99%	November 2009	Claim to finalise earlier commission work resolved, awaiting paperwork only. There will be minor ongoing work required as the construction contract continues.
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	75%	December 2009 for turf placement and all major components	Construction works are proceeding under Council's direct management. The drainage gravel to the new soccer fields has been completed and works are progressing on the AFL field. The contract for the growing medium and turf has been awarded and works are scheduled to commence on 2 November 2009. The northern playground and multi-purpose court have been completed and opened for public use.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$670K	75%	December 2009	Contract awarded to Bonacci Group Pty Ltd January 2008. Detail design for Stage 1 is being reviewed. The date for the commencement of construction for Stage 1 which will service the southern section of the Warnervale Town Centre is being scheduled to meet the development demand and construction schedules of the relevant landowners. Design finalisation expected in December 2009. 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.	\$280K	80%	December 2009	Contract awarded to SMEC Australia Pty Ltd April 2008. Anticipate completion of design and tender documentation by end of December 2009 without pump station design. The date for the 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 \$280K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour Norah Head	\$296K	70%	June 2010	Contract awarded to Shirley Consulting Engineers. Notice of Determination under a Part 5 assessment has been obtained. A Licence Offer from the Department of Lands has been obtained and is being processed so that it can be accepted. A letter of support and approval from the Department of Environment, Climate Change and Water is pending. This consultancy \$296K including all variations to date. Construction budget prepared based on final design is indicating costs could be in order of \$2M plus. Additional funding is being requested from DECC.
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$360K	26%	May 2010	Contract awarded to Storm Consulting Pty Ltd to undertake concept design stage. Geotechnical and soil fertility investigations have been completed. Extensive Acid Sulphate Soils on the site will impact the budget already allocated for construction. Groundwater assessment being undertaken. The project is funded as follows: Pioneer Dairy Trust: \$160K EMP: \$200K (exclusively for construction) Total \$360K From the \$160K, \$70K is allocated for detailed design and \$20K provided for community development component of the project. The remaining funds of \$270K are allocated to the construction stage.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/136020 (complete) and CPA/162445 Gwandalan Landfill Remediation – Investigations Only	\$103K	50%	December 2009	The Stage 1 preliminary investigation (CPA/136020) for remediation has been completed (cost of this consultancy \$42K). Stage 2 detailed investigation (CPA/162445) for remediation has commenced and draft investigation report is expected November 2009 (cost of this consultancy is \$61K).
CPA/136021 (complete) and CPA/168802 Tumbi Landfill Remediation – Preliminary Investigations	\$72K	40%	January 2010	The Stage 1 preliminary investigation (CPA/136021) for remediation has been completed (cost of this consultancy was \$30K). Stage 2 detailed investigation (CPA/168802) for remediation has commenced and the draft investigation report is expected late November (cost of this consultancy is \$42K)
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 and consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.
CPA/142750 (complete) Shelly Beach Landfill Remediation – Investigations only	\$80K	30%	February 2010	The Stage 1 preliminary investigation (CPA/142750) for remediation has been completed (cost of this consultancy was \$30K). Tenders for the Stage 2 detailed investigation for remediation have been invited. Stage 2 is estimated at \$50K and is expected to be completed by February 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section).  Construction of Buff Point Shared Pathway  (includes the Kemp Close section which has attracted a Federal grant)	\$250K	50%	October 2010	Construction complete for Stage 1 from Edgewater Park to 600m past Matumba Road – approx. 1.6km of total 3km of planned pathway. Construction work complete for steep section (Stage 3) at Kemp Close. Federal funds (\$227K) received for this section. Official opening 13 November 2009. Estimated overall cost of construction for all Buff Point pathways is \$935K. Construction for eastern 1.2km planned for January to June 2010. EMP funds of \$250K available. Flood study required for bridge at Sonoma Rd (easternmost end).
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$160K	95%	December 2009	Contract awarded to Cardno (QLD) Pty Ltd October 2008. Detail design has been reviewed. Final design documentation is being checked. Estimated project cost \$11M, with this consultancy costing \$160K.
CPA/149519 Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	\$170K	30%	December 2009	In progress. Quotations called for new roof structure. Various investigations underway to meet new legislative requirements. Target completion 31 December 2009. (Investigation only of Long Jetty depot fuel dispensing area to be included with Charmhaven work.) Estimated value of work \$170K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/149979 CPA/151861 Warnervale Town Centre Stage 2 Environmental Site Assessment and Remediation Action Plan	\$229K (two contracts)	78%	January 2010	Consultancy and the Independent Auditor were awarded to WSP Environmental Pty Ltd and ENVIRON Australia Pty Ltd respectively. Additional investigation was required to further delineate the potential of landfill gas migration. To comply with this new condition, additional wells were installed and monitored; the results are being assessed in order to prepare an amended report. It is expected that the project will reach completion January 2010.
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	Consultancy \$148K	60%	January 2010	Contract awarded to GHD Pty Ltd January 2009. Detail design has commenced on preferred option. Construction expected to commence March 2010 and be completed September 2010. Estimated project cost \$3M, with this consultancy costing \$148K.
CPA/152870 Implementation of Buttonderry Waste Management Facility Entry Master Plan	\$2.7M	85%	November 2009	Contract has been let to GWH Construction (NSW) Pty Ltd. Works commenced in March 2009. It is anticipated that construction works will be completed a month earlier than the contract completion date. An increase to the contract budget of \$280K has been sought to fund variations due to latent conditions and scope changes to address various design issues and to meet legislative requirements.



Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/153228 Construction of Woongarra Sports Facility	\$6.1M	50%	June 2010	Contract awarded to Maincon Pty Ltd April 2009. Construction started 18 May 2009. Target is for playing fields to be ready for the winter 2010 season. Significant rain delays in May, June, July & October have lost almost eight weeks. Substantial extra costs for wet stockpile and wet areas. All earthworks complete and despite delays it is expected that growing medium and turf will be down by end of 2009 which means completion target remains achievable. Estimated total project construction cost \$6.1M
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	5%	June 2010	Contract awarded to Process Engineering Technologies Pty Ltd on 20 October 2009. Pre-commencement documents are expected from the contractor. Construction to commence in November 2009. Estimated total project construction cost \$2.05 M
CPA/155267 Hamlyn Terrace Community and Sporting Facility Design	\$348K	95%	October 2009	Design now generally complete. Part 5 application for Sporting Facility & DA for Community Centre lodged end July 2009. Approvals obtained for sportsfield and Community Centre. Estimated project cost is \$9.7M, with this consultancy \$348K. Completion of designs and outstanding approvals targeted for start November 2009 (ahead of contract program).

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/155526 and CPA/160213 Mardi Landfill – Remediation Action Plan (RAP) and Concept Design and Asbestos Removal Works (DECCW Clean Up Notice) Investigations only	\$37K	90%	November 2009	Asbestos removal works undertaken in early 2009 (CPA/160213), delaying completion of the RAP. The RAP & Concept Design (CPA/155526) report now finalised and reviewed by Site Auditor (the cost of the RAP consultancy is approximately \$37K). The preliminary estimate of cost of the remediation of the landfill based on the concept design is \$6M – this will be progressively reviewed as the design process proceeds. Tenders for detailed design are currently invited and close in December. Construction is expected to commence in 2010-11.
CPA/157278 Replacement of 600 metre length of 250mm water main – McDonagh Rd	\$380K	5%	December 2009	Contract awarded to Mudix Pty Ltd on 4 June 2009. Water main alignment modified to suit environmental concerns. Construction to commence in November 2009. Estimated total project construction cost \$380K
CPA/159872 Surf Clubs Upgrade Works Needs Analysis & Concept/DA Designs - Investigation	\$80K	65%	December 2009	Revised draft Needs Analysis finally received September 2009. Required scope has now been confirmed as 2 x new clubs and 4 x refurbishments to be actioned immediately with completion required by Dec 2009 to enable grant funding applications to be made. Estimated project construction cost is \$5.75M (WSC funding \$3.0M), with current consultancy \$80K.
CPA/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	15%	June 2010	Contract awarded to Eire Contractors Pty Ltd on 28 July 2009. Expected completion May 2010. Estimated total project construction cost \$1.5 M

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub division of Council land at Sparks Road Warnervale	\$95K	15%	March 2010	Contract let to Trehy Ingold Neate Pty Ltd in March 2009. Initial surveying work and preparation of application to allow staging of the development is being undertaken. Estimated completion date for this contract is March 2010. Target date for land to be available for sale off the plan is Dec 2010. Consultancy value \$95K.
CPA/162841 Construction of the Northern Section of the Link Road.	Current estimated construction cost \$8.7M	8%	November 2010	Civil construction contract has been awarded to Robson Civil Projects Pty Ltd, and on site construction is scheduled to commence November 2009. Electrical design underway for street lighting. Negotiations for relocation of gas main in progress with Jemena.
F2008/02700 CPA/164477 CPA/164479 Mannering Park Shared Pathway	\$265K	100%	Sept 2009	Construction complete and official opening to be on 5 November. (Federal) funds (\$235K) have enabled about 900m (to 100m south of Campbell Pde) to be completed. Further extension will require funds and REF following ongoing investigations for endangered orchid species.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	8%	July 2010	Tender for construction awarded to Robson Civil Projects Pty Ltd on 20 October 2009. Work commenced prior to the end of October. Completion of contract is due in May 1010. The contract budget is \$5M. The project budget is \$6M.
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 which is yet to be confirmed. Estimated project D&C cost is \$3M. Draft D&C RFT has been developed and is currently subject to peer review.

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>			
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Practical completion 24 April 2009	50%

**ATTACHMENTS**

*Nil.*

## 7.8 Water and Sewerage - Works in Progress

TRIM REFERENCE: F2004/07830 - D02071454

AUTHOR: DM

### SUMMARY

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

### RECOMMENDATION

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

### WATER SUPPLY

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Robertson Rd, Killarney Vale,  Shakespeare Ave, Waratah St, Keats Ave & Marlowe Ave Bateau Bay	80,000	50	Dec 2009	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.
Charmhaven	90,000	40	Dec 2009	Ongoing fittings and replacement works as part of the water fitting replacement program.  The work is being funded by Water and Sewerage Capital Works Program.
Bush & Bald St, Norah Head	35,000	5	Nov 2009	Stage 1 works have commenced on the relocation of approximately 50m of 100mm PVC water main as part of drainage upgrade works in Bald St and Bush St Norah Head.  The work is being funded by the Roads & Drainage Capital Works 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
Killarney Vale Berkeley Vale Bateau Bay Long Jetty Lake Munmorah	50,000	Ongoing	June 2010	Ongoing sewer main and manhole replacement and adjustment works.  Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.  This work is funded by the Water and Sewerage Operations and Maintenance Program.
Terence Ave, Lake Munmorah	50,000	20	Dec 2009	This work involves the refurbishment of 12 deteriorated concrete sewer manholes which were identified during routine maintenance inspections.  This work is being funded by Water and Sewerage Capital Works Program
Suncrest Ave, Gorokan	15,000	95	Nov 2009	Work has commenced to replace approximately 12m of damaged 150mm PVC sewer pipe.  This work is being funded by the developer.

**PROCESS****Water Treatment**

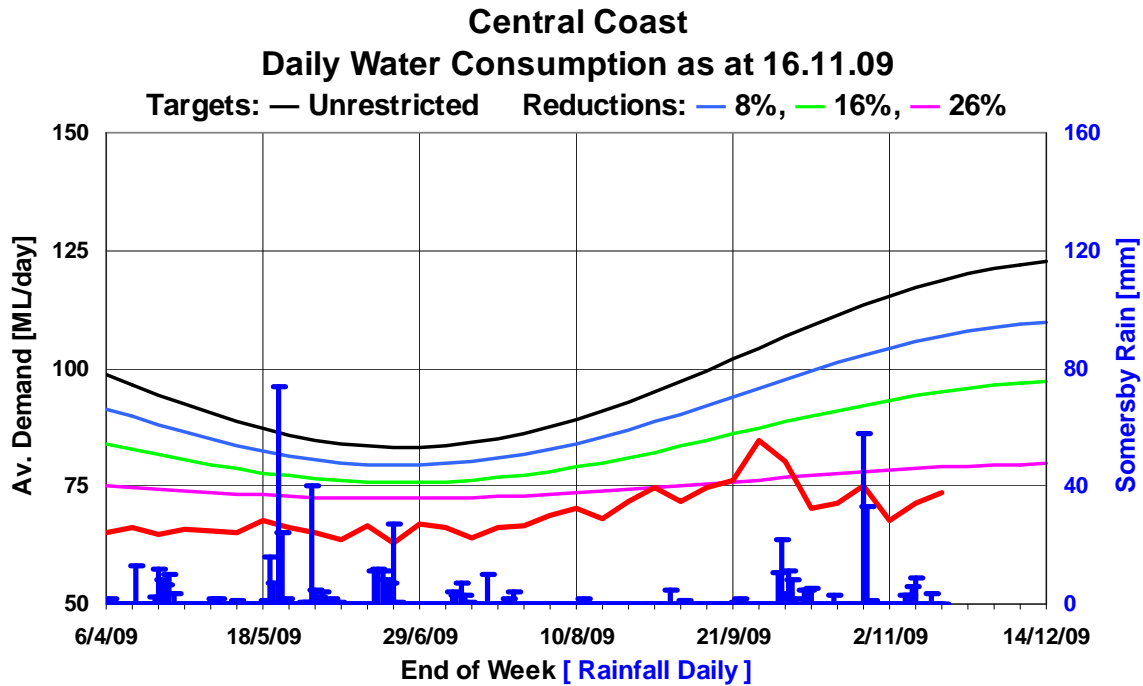
All water produced by the Water Treatment Plant, for the period 1 to 31 October 2009 has met National Health and Medical Research Council Guidelines.

**Sewage Treatment**

All effluent discharged from the sewage treatment plants, for the period 1 to 31 October 2009 has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

<b>Monday, 16 November 2009</b>				
<b>STORAGES</b>				
<b>Storage</b>	<b>Capacity Full [MI]</b>	<b>Volume in Storage [MI]</b>	<b>Percent Full [%]</b>	<b>Storage Change over last Week</b>
Mangrove Dam	190000	53,109	28.0	Down 113 ML
Mardi Dam	7400	3,287	44.4	Down 308 ML
Mooney Dam	4600	4,484	97.5	Down 18 ML
<b>Total</b>	<b>202000</b>	<b>60,880</b>	<b>30.1</b>	<b>Down 439 ML</b>
<b>CURRENT WORKS:</b>				
<ul style="list-style-type: none"> <li>• Upgrade works including the construction of a new intake tower, two pump stations and new pipelines are currently being undertaken at Mardi Dam.</li> <li>• The upgrades are essential for the long term secure operation of Mardi Dam and the Central Coast water supply system.</li> <li>• Due to these works, particularly the new intake tower, the water levels in Mardi Dam are being lowered. The work is on schedule with the construction strategy for the new outlet tower.</li> <li>• The work has been timed to coincide with the natural drop in Mardi Dam over the summer months (due to seasonally low stream flows). Levels will return to normal once the work is complete.</li> </ul>				
<b>STORAGE:</b>				
<ul style="list-style-type: none"> <li>• Total stored water volume has fallen by 0.7% since last month due to a combination of climate conditions and the lowering of Mardi Dam for the construction of the new outlet tower.</li> <li>• This day last year the total stored volume was 1.1% higher.</li> </ul>				
<b>HUNTER TRANSFERS:</b>				
<ul style="list-style-type: none"> <li>• Hunter Water Corporation supplied 9.4ML last week increasing this years supply to 821ML.</li> <li>• Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this years supply to 68.2ML</li> </ul>				
<b>GROUND WATER BORES:</b>				
<ul style="list-style-type: none"> <li>• Groundwater Bores supplied 4.7ML last week increasing this years supply to 314ML (note that groundwater bores are run intermittently to maintain the pumps)</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	515	4	2	1
Previous week	499	21	22	13
Current week last year	500	17	10	13
This year to date	22,522	1,058	786	623
Same period last year	21,249	1,456	1,267	988
<p>Week to date consumption was 515 ML, 3.0% more than the same week last year and 3.2% more than the previous week.</p> <p>Consumption this year to date is 22,522 ML, 6.0% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 23 November 2009 is 555 ML</p>				



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

## ATTACHMENTS

*Nil.*



## 7.9 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2009/00008 - D02072593

AUTHOR: MR

### 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
Q58/09 – Pool at Mingara Recreation Club <i>“There is a report in today’s newspaper under the Central Coast News section concerning the operation of the pool at Mingara Recreation Club and Council is a joint owner of the pool. Who is responsible for carrying out day to day management of the pool and does Council have any control over such issues as to when the learn-to-swim classes or squads are scheduled?”</i>	Shire Services	11 November 2009 Cr Graham	A response will be submitted to Council’s meeting of 27 January 2010.
Q59/09 – Wadalba Wildlife Corridor <i>“Given Council’s Wadalba Wildlife Corridor Management (2007), what is the priority for providing safe crossings (ie poles or culverts) of wildlife connecting the Wadalba Wildlife Corridor and Porter’s Creek Wetland across the Pacific Highway at Van Stappen’s Corner?”</i>	Shire Planning	11 November 2009 Cr Wynn	A response will be submitted to Council’s meeting of 27 January 2010.

## 7.9 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. Briefing of Council likely in third quarter of this budget year.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr Best / Cr Matthews</p>	<p>A report on this matter will be submitted to the 9 December 2009 Council meeting.</p>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>11.3 – Notice of Motion – Toukley Gathering of the Clans</p> <p>1 <i>That Council note the offer by “Brackets and Jam” to host and facilitate the 2009 Toukley Gathering of the Clans and that Council support their initiative.</i></p> <p>2 <i>That Council’s Grants Committee consider an allocation of funds for the 2009 Toukley Gathering of the Clans at an extraordinary meeting to be held on 17 June 2009.</i></p> <p>3 <i>That Council consider a report on the cost benefits of appointing a Shire wide events co-ordinator.</i></p>	<p>Corporate Services</p>	<p>10 June 2009 Cr Best / Cr Vincent</p>	<p>A report will be provided to Council after the briefing on Item 3, scheduled for 11 November 2009, has been conducted.</p>

**7.9 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>

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion –Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its "Greenfield" urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council's strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures is in progress for all areas of Wyong Shire and will be completed this calendar year. The Asset Management Strategy will include assessment of foreshore structures. Future Planning will use this as part of the Foreshore Open Space Plan scheduled for the 2010-11 Financial Year.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 - Notice of Motion - Dredging of Tumbi Creek</p> <p>1 That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.</p> <p>2 That Council engage a suitable independent expert to review the report produced in item 1 and also the Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.</p>	Shire Planning	26 August 2009 Cr Graham / Cr Best	An independent expert has been selected – negotiating time frames with the consultant to review the report.
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p>That the Shire Planning Department, in consultation with Shire Services Department, <u>provide</u> 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:</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• vehicle and small plant fleet; and</li> <li>• Buttonderry landfill site.</li> </ul> <p>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.</p> <p>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.</p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A Councillor briefing followed by a report will be scheduled for the first quarter of 2010.
<p>8.2 - Possibility for the Establishment of an Environmental Committee</p> <p>That the Shire Planning Department provide a report that outlines the possibilities for establishment of an Environment Committee.</p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	A report will be submitted to Council on 9 December 2009.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.1 - Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial</p> <p><i>That further to Council's initial resolution of 27 February 2008 on Item 194 – Geotextile Bag Investigations and Council's subsequent unanimous resolution on Item 343 – Geotextile Bag Investigations on 23 July 2008, staff now report as to what state this matter is now at as at this date (14/09/09).</i></p>	Shire Planning	14 October 2009 Cr Best / Cr Webster	A report will be submitted to Council on 9 December 2009.
<p>10.6 - Notice of Motion - Discontinuation of Supply of Bottled Water to Council</p> <p>1 <i>That Council <u>stop purchasing</u> bottled water and instead investigate alternatives.</i></p> <p>2 <i>That Council <u>investigate and report</u> on the access for refilling water containers from public drinking fountains to encourage recycling, decrease landfill and reduce the Shire's carbon footprint.</i></p>	Shire Services	14 October 2009 Cr Wynn / Cr McBride	A report will be submitted to Council on 9 December 2009.
<p>10.7 - Notice of Motion - Public Relations Costs Review</p> <p>1 <i>That Council <u>consider</u> a report on current costs of public relations/communication and dedicated staff resources, efficiency and potential savings.</i></p> <p>2 <i>That the report also <u>address</u> the linkages between the communications section and the Shire Strategic Vision and Management Plan.</i></p>	Corporate Services	14 October 2009 Cr Eaton / Cr Best	This issue is being considered in the SSV - 4 year Delivery Program 2010-11 Annual Plan. A report will be submitted to Council following a workshop which has been scheduled for 9 December 2009.



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

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

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 – Notice of Motion – Proposed Additional Development Policy</p> <p>1 <i>That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i></p> <p>2 <i>That the draft policy be written to apply to major residential, commercial and industrial development.</i></p> <p>3 <i>That the provisions of the policy include:</i></p> <p style="padding-left: 20px;">a <i>objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</i></p> <p style="padding-left: 20px;">b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i></p> <p style="padding-left: 20px;">c <i>a focus on buildings located within town centres and on major roads within the Shire.</i></p> <p>4 <i>That the draft policy be reported back to Council for consideration.</i></p>	Shire Planning	11 November 2009 Cr Best / Cr Webster	Item has been included on the policy works program and will be commenced late 2010.

### 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
231 – Poll on Popularly Elected Mayor and Electricity Privatisation	28 May 2008 Former Cr Stewart / Cr Graham	A response is included in this business paper.
10.5 – Local Preference Policy	27 May 2009 Cr McBride / Cr Eaton	Report included in this business paper.
8.4 - Notice of Motion – Management of Water Supply	9 September 2009 Cr Best / Cr Wynn	Report included in this business paper.
10.2 - Notice of Motion - Woolworths Lake Munmorah and District Medical Centre	14 October 2009 Cr Best / Cr Symington	Report included in this business paper.

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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
10.3 - Notice of Motion - Popularly Elected Mayor	14 October 2009 Cr Eaton / Cr Best	Report included in this business paper.
Q55/09 - Directional Signage Cobbs Road	14 October 2009 Cr Eaton	A response is included in this business paper.
Q56/09 - Applications for Federal Government Jobs Funds	14 October 2009 Cr Eaton	A response is included in this business paper.
Q57/09 - Coles Intersection at Blue Haven	14 October 2009 Cr Vincent	A response is included in this business paper.

### ATTACHMENTS

*Nil.*

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

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TRIM REFERENCE: C2009/05502 - D02062118

AUTHOR: JM

### **8.1 Q055/09 - Directional Signage Cobbs Road, Tuggerah**

The following question was asked by Councillor Eaton at the Ordinary Meeting on 14 October 2009 :

*“Could Council liaise with the Roads and Traffic Authority as to placing directional signage on the Cobbs Road/North F3 exit indicating turn left for Wyong CBD and adding Tuggerah to existing signage?”*

The Roads and Traffic Authority (RTA) has verbally advised that it has stringent requirements with respect to signage on the State Road network and that Council would need to make formal application in writing for consideration.

A letter has subsequently been sent to the RTA requesting consideration to the installation of directional signage as per the above question.

### **ATTACHMENTS**

*Nil.*

## 8.2 Answers to Question Without Notice

TRIM REFERENCE: F2009/00960 - D02072218

AUTHOR: SB

### 8.2 Q056/09 - Applications for Federal Government Jobs Funds

The following question was asked by Councillor Eaton at the Ordinary Meeting on 14 October 2009:

*“Could Council advise by way of an information report its applications for Federal Government funding job funds, its success and any funds granted to Wyong Shire based on projects?”*

The Job's Fund Grants form part of the Commonwealth Governments Economic Stimulus Package. The first round of the Job's Fund Grants was advertised in April 2009 with a total of \$650m being made available over a range of areas.

The Job's Fund was a three-streamed initiative comprising:

- Local Jobs - \$300m (including \$60m for heritage-related projects and \$40m for the construction of bike paths)
- Get Communities Working - \$200m.
- Infrastructure Employment Projects - \$150m.

Wyong Shire Council submitted a total of 20 applications (see Table 1 below). Council staff were recently advised that the Council has been successful under the Local Jobs Stream National Bike Paths Projects section. This involves a grant of \$182,000 towards the building of a three metre by 800 metre-long shared pathway along Wilfred Barrett Drive in The Entrance North.

Council staff are pursuing other options under the Job's Fund for the Business Incubator.

No other Wyong Shire Council Job's Fund's applications have been successful.

Other successful projects in the Hunter/Newcastle/Central Coast area were:

- Newcastle City Council National Park Community Amphitheatre	\$2,000,000
- Shortland Wetland Centre Limited Capacity Building in Conservation Management and Ecotourism	\$541,727
- Belmont Neighbourhood Centre Inc Community Shed	\$197,036
- Youth Connections Green Central – Business Incubation, Social Enterprise and Education (BISEE)	\$1,794,546
- Catholic Care Maitland Community Shed and the Hunter Cluster	\$1,047,425
- Singleton Soccer Club Improved Lighting at Howe Park	\$53,104

Table 1

Proposed Job Funds Projects		
Description/Project	Cost Estimate	Comments
<b>Local Jobs</b>		
<b>Heritage</b>		
The Entrance Pool	\$500k	Grandstand improvements, increase shaded areas, internal building refurbishment including amenities, repaint pool and building, investigate and replace pump and filter system.
<b>Bike Path</b>		
Shared pathways	\$250k	It is proposed to bring forward the Draft Rolling Works Program for 2010-11. Council to contribute \$125,000 as this is dollar for dollar funding. Nominate the section of shared pathway that best meets the selection criteria.
Jetties - Long Jetty	\$280k	Restore to their former glory the three jetties. Watkins, Parrys and Long Jetty.
Insulated childcare centres / community halls	\$2m	Energy efficiency reduced heating and cooling expense.
Energy Audits	\$61k	Lakehaven rec, EDSACC, 3 public pools and all sporting amenity buildings.
Reclaimed water to Slade Park including bush regeneration and dunes stabilisation	\$1.35m	Effluent re-use, bush regeneration and dunes stabilisation.
Solar Power for Council Chambers and Council Libraries and Child Care Centres	\$2m	Project to provide environmentally friendly power to Council facilities. There are a number of solar power manufacturers and suppliers on the coast and would supply significant work going forward. Estimated savings p.a. are approximately \$300,000
Bush fire trails Asset protection Zones	\$2m	Create new APZ and Fire trails for greater fire safety and stabilise urban interface to provide for greater environmental protection within the Shire, define trails to preserve wildlife habitats and to encourage native plant regeneration. It is proposed that there will be equal distribution north and south.
Amenities buildings - all.	\$1.5m	To upgrade the 10 worst sporting amenities.
Tennis Courts	\$670k	Across shire upgrade of all 18 facilities including lights, nets, amenities and assets.
Tertiary Filtration plant at Wyong South	\$1m	Allow water to be used for reuse at sportsgrounds. Will allow projects to

8.2 Q056/09 - Applications for Federal Government Jobs Funds (contd)

Proposed Job Funds Projects		
Description/Project	Cost Estimate	Comments
<b>Local Jobs</b>		
		proceed that are presently unviable - new jobs created
<b>Get Communities Working</b>		
Business Incubator.	\$3m	In partnership with CCGT the project will involve the establishment of a Serviced Business Incubator providing a youth employment hub for the greater Wyong area. Council will provide the land at an approximate value of \$2.4m. CCGT will be based in the facility and will run and provide the support service to the Incubator.
Footpath Construction Employment Program	\$2m	Undertake an employment assistance program providing training opportunity for unemployed persons to construct footpaths. The program will be equally divided over various streets in the north and south of the Shire.
Facilities Manager for The Entrance Community Centre	\$200k	The provision of an on site full time Facilities Manager to promote the newly constructed facility and develop as a community hub so as to become self sustaining within two years.
Leisure Centre - EDSACC	\$535k	Refurbish entire building.
Cabbage tree harbour boat ramp	\$800k	Replacement of the Cabbage Tree Harbour boat ramp.
Swimming Pools – Toukley and Wyong	\$1.5m	New amenities, fitness area and café/social area at Toukley pool. \$750k. Upgrade and accordance to asset management plan at Wyong Pool. \$750k.
<b>Additional Nominated Projects</b>		<b><i>These projects are nominated subject to complying to the grant conditions and selection criteria</i></b>
Community Halls	\$2m	To upgrade the 10 worst public halls that conform to the grant conditions and selection criteria.
<b>Infrastructure (conditions for application to be confirmed by the Federal Government)</b>		
Yarramalong Village sewerage	\$3.3m	Improvements to local waterways

**8.2 Q056/09 - Applications for Federal Government Jobs Funds (contd)**

<b>Proposed Job Funds Projects</b>		
<b>Description/Project</b>	<b>Cost Estimate</b>	<b>Comments</b>
<b>Local Jobs</b>		
Stage 3 Entrance Community Centre	\$900k	Child and Family Centre DA approved. No detailed design. Benevolent Society are interested to provide services.

**ATTACHMENTS**

*Nil.*



### **8.3 Answers to Question Without Notice**

TRIM REFERENCE: F2004/00257 - D02057194

AUTHOR: RB

#### **8.3 Q057/09 - Coles Intersection at Blue Haven**

The following question was asked by Councillor Vincent at the Ordinary Meeting on 14 October 2009:

*“Could Council staff please advise on the status of upgrading the Coles intersection at Blue Haven with the view of alleviating the congestion of traffic travelling north through the intersection?”*

*It is noted that Council were involved in the original survey undertaken in conjunction with the Roads and Traffic Authority.”*

#### **HISTORY**

The developer engaged a Traffic consultant to prepare a Traffic Study for the proposed development. The application was assessed by the Hunter Regional Development Committee (Police, RTA and Local Government representatives) on 31 January 2006. The intersection works on the Pacific Highway were designed and constructed in accordance with the Roads and Traffic Authority's requirements.

#### **COMMENTS ON CURRENT STATUS**

The Roads and Traffic Authority has advised that it is aware of the traffic congestion problems along the Highway in the vicinity of the Coles development at San Remo/Blue Haven. It has carried out surveys and is currently investigating various options. The RTA is unable, at this time, to give any indication when its investigations are likely to be completed.

Councillors will be kept up to date on the results of the investigations.

#### **ATTACHMENTS**

*Nil.*

25 November 2009

To the Ordinary Meeting

Councillor

## **9.1 Joint Notice of Motion - Trial Year Round Life Guard Services**

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TRIM REFERENCE: F2004/06257 - D02077550

AUTHOR: GB

Councillors Best, Matthews and Wynn have given notice that at the Ordinary Meeting to be held on 25 November 2009 they will move the following Motion:

- "1 That having regard to similar such initiatives in other developing regional areas and the broad range of local emerging issues such as population growth, climate change, employment trends, ie part time and shift working and the need for greater coastal environs education, Council in principle support the concept of a trial year round life guard deployment at two selected Shire beaches, subject to a final report of operational and budgetary issues.*
- 2 That this matter be reported on and / or briefed in a timeline that is consistent with achieving inclusion in the draft 2010 budgetary process."*

25 November 2009

To the Ordinary Meeting

Councillor

## **9.2 Joint Notice of Motion - Climate Change / Coastal Development Policies**

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TRIM REFERENCE: F2006/01865 - D02077552

AUTHOR: GB

Councillors Best and Wynn have given notice that at the Ordinary Meeting to be held on 11 November 2009 they will move the following Motion:

- "1 That having regard to Council's intention to release the Toukley urban intensification draft strategy / comprehensive LEP review, staff report to Council and the community on the possible implications and impacts on the above strategy and the broader Shire wide settlement strategy of the recently released State Government Department of Planning draft NSW sea level rise policy (adapting to sea level rise). This draft policy actively discourages local Councils from supporting the intensification of development in coastal and estuarine risk areas and in fact requires Councils to consider ways to reduce the number of people living near the coast.*
  
- 2 That Council recognise the policy development process and comprehensive LEP review by staff is in direct response to the stated objectives of the State Government's Central Coast regional strategy that highlights the need to increase population densities."*

25 November 2009

To the Ordinary Meeting

Councillor

### **9.3 Notice of Motion - Multicultural Committee**

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TRIM REFERENCE: F2004/06496 - D02077729

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on 25 November he will move the following Motion:

- "1 That Council establish a Multi Cultural Committee to assist residents from non English speaking backgrounds.*
- 2 That a charter for such a Committee be reported to Council for adoption.*
- 3 That the Committee consist of all interested Councillors."*

25 November 2009

To the Ordinary Meeting

Councillor

#### **9.4 Joint Notice of Motion - Shire Native Botanic Garden**

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TRIM REFERENCE: F2004/06003 - D02077770

AUTHOR: EM

Councillors McBride and Matthews have given notice that at the Ordinary Meeting to be held on 25 November 2009 they will move the following Motion:

- “1 That Council consider the development of a native botanic garden within the Shire.
- 2 That staff report on appropriate sites, costing and community engagement.”