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## WYONG SHIRE COUNCIL

### REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON WEDNESDAY, 27 AUGUST 2008,  
COMMENCING AT 5.00 PM

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## ORDINARY MEETING OF COUNCIL

27 August 2008

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**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

**387 Disclosures of Interest**

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F2008/01064 MW:SW

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

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

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

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

**RECOMMENDATION**

***That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.***

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **388 Proposed Inspections**

F2008/00003 MW:SW

#### **SUMMARY**

Inspections proposed to be held on 27 August 2008 and prior to the second Ordinary Meeting are listed as follows:

<b>Date of Inspection</b>	<b>Location</b>	<b>Requested By</b>
27 August 2008	Salt Water Creek Reserve and playground (Liberty Playground)	Director Shire Services
27 August 2008	Toowoona Bay and Canton Beach Holiday Parks (Upgrade works)	Director Shire Services
27 August 2008	North Entrance Beach - Rehabilitation of Dunes (not inspected 23 July 2008)	Director Shire Services
27 August 2008	Bush Street, Norah Head – Road Reconstruction and car park works	Director Shire Services

#### **RECOMMENDATION**

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

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

### **389 Proposed Briefings**

F2008/00003 MW:SW

#### **SUMMARY**

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

<b>Date</b>	<b>Briefing</b>	<b>Description</b>	<b>Time</b>	<b>Presented by</b>
27 August 2008	Pacific Highway, Wyong	RTA consultants briefing on the future upgrade of the Pacific Highway, Wyong	2.00 pm – 3.30 pm	Director Shire Planning

#### **RECOMMENDATION**

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

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

**390**                      **Address by Invited Speakers**

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F2008/00003 MW:SW

**SUMMARY**

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

**RECOMMENDATION**

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

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

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

F2008/00003 ED:MR

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

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

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

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

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

**392 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

**SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 13 August 2008.

**RECOMMENDATION**

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



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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 13 AUGUST 2008,**  
**COMMENCING AT 5.08 PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, SENIOR TRANSPORTATION ENGINEER AND CONTRACTOR MARDI MANGROVE LINK.

THE MAYOR REPORTED THAT:

\* ON WEDNESDAY 30 JULY 2008, FOLLOWING THE EXTRAORDINARY MEETING, HE ATTENDED THE LOCAL GOVERNMENT WEEK AWARDS PRESENTATION EVENING HELD AT PARRAMATTA WITH STAFF MEMBERS. ALTHOUGH WYONG DID NOT, ON THIS OCCASION, RECEIVE AN AWARD MANY EXCELLENT IDEAS WERE OBTAINED FOR FUTURE NOMINATIONS.

\* ON FRIDAY 8 AUGUST 2008 HE ATTENDED THE RELEASE OF THE NSW GOVERNMENT PLAN FOR THE CENTRAL COAST AND HAD DISCUSSIONS WITH PREMIER MORRIS IEMMA, THE ACTING MINISTER FOR THE CENTRAL COAST, HON TONY KELLY, MINISTER FOR CLIMATE CHANGE AND THE ENVIRONMENT, HON VERITY FIRTH AND SENIOR MEMBERS FROM VARIOUS GOVERNMENT DEPARTMENTS INCLUDING SAM HADDAD THE DIRECTOR GENERAL, DEPARTMENT OF PLANNING.

THE PLAN REFERS TO KEY ISSUES SUCH AS IMPROVEMENT TO ROADS AND PUBLIC TRANSPORT, INVESTMENT IN WATER INFRASTRUCTURE AND IMPROVED HEALTH AND EDUCATION FACILITIES TOGETHER WITH BUSINESS GROWTH, PLANS FOR INFRASTRUCTURE TO SUPPORT THE GROWING POPULATION, BALANCING DEVELOPMENT AND PROTECTION OF THE ENVIRONMENT.

\* A CITIZENSHIP CEREMONY WAS HELD LAST NIGHT, 12 AUGUST 2008, WHERE 20 CANDIDATES OFFICIALLY BECAME AUSTRALIAN CITIZENS. COUNCILLOR ROBYN STEWART ASSISTED WITH THE ADMINISTRATION OF THAT CEREMONY, AS SHE HAS DONE SINCE BEING ELECTED TO COUNCIL IN 1991.

A LETTER OF APPRECIATION HAS BEEN RECEIVED FROM SENATOR CHRIS EVANS, LEADER OF THE GOVERNMENT IN THE SENATE AND MINISTER FOR IMMIGRATION AND CITIZENSHIP IN RECOGNITION OF COUNCILLOR STEWART'S COMMITMENT TO CITIZENSHIP CEREMONIES AND HE HAD GREAT PLEASURE IN PRESENTING THIS LETTER TO COUNCILLOR STEWART.

## **Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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COUNCILLOR PAVIER REPORTED THAT:

- \* LAST NIGHT, 12 AUGUST 2008, THERE WAS A PUBLIC MEETING REGARDING THE SALE AND PROPOSED CHANGE OF USE OF THE DOORALONG LODGE. HE ADVISED THAT BOTH HIMSELF AND THE PRESIDENT OF THE DOORALONG PROGRESS ASSOCIATION HAD RECEIVED INFORMATION FROM ADAM HOUDA, ONE OF THE PROPONENTS OF THE PROPOSED SALE OF THE LODGE, DUE TO TAKE PLACE ON 6 OCTOBER 2008, WHICH MADE IT CLEAR THAT THE INTENT IS TO KEEP THE RESORT IN ITS CURRENT FORM. PROPOSED CHANGES MAY INCLUDE CLOSING THE TAVERN AND REPLACING IT WITH A GYM/COFFEE SHOP PLUS SOME OTHER REFURBISHMENTS. HE HAS THIS PROPOSAL IN WRITING WHICH HE HAS CONVEYED TO THE MEDIA AND ALSO ANNOUNCED IT AT THE PUBLIC MEETING LAST NIGHT.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.08 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

### **APOLOGY**

AN APOLOGY FOR HER INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR FORSTER WHO WAS UNABLE TO ATTEND DUE TO FAMILY ILLNESS.

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

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

### **360 Disclosures of Interest**

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F2008/01064 ED:MR

#### **366 - MAYORAL MINUTE - PROPOSED WAIVING OF FEES FOR BEECHWOOD HOMES**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SIGNIFICANT CREDITOR TO BEECHWOOD HOMES IN LIQUIDATION LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.21 PM.

#### **374 - UPDATE ON TUGGERAH LAKES ESTUARY MANAGEMENT PLAN THE KORES COAL MINE AND OVERHEAD POWERLINES AT TUMBI UMBI**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR THE FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON, AND THESE ISSUES ARE BEING DEALT WITH AT THAT OFFICE AND HE HAS SOME INVOLVEMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

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

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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

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

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**361 Proposed Inspections**

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F2008/00003 ED:MR

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

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

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**362 Proposed Briefings**

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F2008/00003 ED:MR

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

***That the report, with the inclusion of the update on stockpile sites, be received and the information noted.***

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**363 Address by Invited Speakers**

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F2008/00003 ED:MR

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

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

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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

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F2008/00003 ED:MR

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

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

**W020 Contract No CPA 135634 - Wyong South Sewage Treatment Plant Augmentation**

**W021 Notice of Motion - Bateau Bay Tip Contractor Meeting**

**2 That the reason for dealing with Item Nos W020 and W021 confidentially is that they both contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

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**365 Confirmation of Minutes of Previous Meetings**

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F2008/00003 ED:MR

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

**That the minutes of the previous Ordinary Meeting of Council held on 23 July 2008 and the Extraordinary Meeting of Council held on 30 July 2008 be received and confirmed.**

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**366                      Mayoral Minute - Proposed Waiving of Fees for Beechwood Homes**

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F2004/07051

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SIGNIFICANT CREDITOR TO BEECHWOOD HOMES IN LIQUIDATION LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.21 PM.

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

***That Council waive fees for both the modifications and lodgement of new development application and construction certificates for Beechwood customers affected by the collapse of that company.***

**367                      Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay**

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F2004/13049 JMT

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

- 1     That Council agree to the variation of the current lease to Toowoon Bay Surf Lifesaving Club of part of Crown Reserve R55566 at Toowoon Bay to provide for the change to the leased area.***
- 2     That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***
- 3     That Council authorise the Mayor and General Manager to execute the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***

**368 Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation**

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F2008/01251 SB

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

- 1 That Council acquire part of Lot 550 DP 43398 at the corner of Evans Road and Oleander Street, Noraville 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 Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

**369 Proposed Lease of Council Land at Mannering Park - part of Lot 137 DP 218427**

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F2008/01028 SB

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

- 1 That Council Lease part of Lot 137 DP 218427 Grace Street, Mannering Park to the Mannering Park Yacht Club for a term of five years, at nominal rent.**
- 2 That Council as owner of Lot 137 DP 218427 endorse, a Development Application by the Mannering Park Yacht Club for an extension to the Clubs existing building on the site .**
- 3 That should the development application referred to in Item 2 be approved, the area of the extension proposed in the development application to the Mannering Park Yacht Club be included in the area to be leased to the Club.**

**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***
- 5 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***

**370 Proposed Acquisitions of Private Land Part Lot B DP 342273 and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road and Gosford Avenue, The Entrance for a Roundabout**

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F2006/00117 F2006/00118 SB

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

- 1 ***That Council acquire part of Lot B DP 342273 and part of Lot 214 Section 3 DP 11935 at the corner of Boondilla Road and Gosford Avenue, The Entrance 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 owners cannot be satisfactorily resolved.***
- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.***
- 5 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.***

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**371 Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works**

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CPA/130010 LM

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

- 1 That Council accept Tender No 5 from Jenbuild Pty Ltd in the total lump sum amount of \$1,562,000.00 including GST (\$1,420,000.00 excluding GST).**
- 2 That Council approve a contingency amount of \$156,200.00 including GST (\$142,000.00 excluding 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.**

**372 Constitutional Recognition of Local Government**

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F2006/01711 ED

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

- 1 That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report and that Council believes other objectives are equally important and further advice will be forthcoming on this issue.**
- 2 That this Item be referred to Precinct and Progress Committees for their information and urgent response and this matter be reported to Council together with staff comments as soon as is practicable.**

**373 Payment of Property Protection Premium**

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F2008/00918 MM

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

**That Council approve the payment of \$529,800.45 made up of \$481,636.77 premium and \$48,163.68 GST for the renewal of Council's Property Protection insurance policy with Statewide Mutual for the period 30 June 2008 – 30 June 2009.**



**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**Information Reports**

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

***That with the exception of report numbers 374, 377, 378, 379, 381 the information reports be received and the recommendations adopted.***

**374 Update on Tuggerah Lakes Estuary Management Plan the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi**

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F2006/01080, F2004/00475, F2004/07086, F2007/00876 SG

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR THE FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON, AND THESE ISSUES ARE BEING DEALT WITH AT THAT OFFICE AND HE HAS SOME INVOLVEMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

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

**375 Schedules of Bank Balances and Investments – June 2008**

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F2004/06604 SJG

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

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

**376 Finalisation of Contracts**

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F2005/03113 GJP

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

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

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**377 Corridor for Future Rail Track Upgrades**

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F2004/06709 RCB:RE

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

- 1 That Council note with disappointment the abandonment by Railcorp of the "Very Fast Train Program".**
- 2 That Council write to all local State Members requesting that they clarify the Government's position and what transport option will replace the "Very Fast Train Program".**

FOR: COUNCILLORS BEST, EATON, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS.

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**378 Impact on Retail Parking in Wyong**

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F2004/06676 RCB

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

- 1 That the report be received and the information noted.**
- 2 That Council make a request to the RTA for an extension of time to 31 October 2008 as a closing date for submissions in respect to the proposed Pacific Highway Upgrade.**

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**379 In Case of Emergency (ICE) initiative**

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F2004/07516 ED

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

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

**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**380 Recent and Extraordinary Price Increases and Effect on Council's Budget and Works Program**

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F2004/06579 KG

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

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

**381 Changes to Developer Contributions and Housing Affordability in New South Wales**

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F2004/00552 SW

COUNCILLOR BEST LEFT THE CHAMBER AT 5.56 PM AND RETURNED TO THE CHAMBER AT 5.57 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.57 PM AND RETURNED TO THE CHAMBER AT 5.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST 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 WELHAM and seconded by Councillor STEVENS:***

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

***2 That this Council apply for funding through the grants programs outlined in the letter from the Minister for Housing and the Minister for the Status of Women, Ms Tanya Plibersek, specifically in relation to the Greater Warnervale Area including the Town Centre and the Wyong Employment Zones.***

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

AGAINST: COUNCILLORS BEST, EATON AND PAVIER.

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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

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F2008/00003 MR

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

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

**383 Notice of Motion - Central Coast Regional Strategy - Toukley**

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F2004/07926 GPB

MR ANDRE KUBECKA, A BUSINESS OWNER, ADDRESSED THE MEETING AT 6.05 PM, ANSWERED QUESTIONS AND RETIRED AT 6.23 PM.

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

***That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.***

**384 Notice of Motion - Central Coast Regional Strategy**

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F2006/00843 BJP

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

***That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.***

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**


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**385 Notice of Motion - Clearing of Wetland Areas at Wadalba**


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F2005/00562 BJP

COUNCILLOR BEST LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 6.59 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That given recent clearing of wetland vegetation in the Wadalba area which has raised significant concern of the local community, staff provide:***
  - a ***a brief history of the agreement between developers and Council with the deemed concurrence of Department of Environment and Conservation - DEC (now Dept. of Environment and Climate Change) aimed at 'streamlining' the Species Impact Statement / environmental approvals process.***
  - b ***history of and reasons for Council apparently extending a number of Development Applications beyond their usual period.***
- 2 ***That in respect of the Wadalba Wildlife Corridor Management Plan (Conacher Travers Sept 2006), could staff outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to:***
  - a ***fulfil its responsibilities for a periodic review of the management plan.***
  - b ***ensure all other parties have properly fulfilled their responsibilities.***
- 3 ***That this report be brought back to Council as soon as is practicable .***

**386 Notice of Motion - Mardi Mangrove Pipeline Risk Analysis**


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F2007/01128 DJE

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.03 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.11 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council provide a Risk Based Analysis of the project cost estimate to determine a range of possible cost outcomes with associated likelihood of these costs being exceeded, to enable Council to make informed decisions as to the level of risk it wishes to hold and how such costs could be funded.***

**QUESTIONS WITHOUT NOTICE ASKED****Q052 – Promotional Material on Kores Coal Mine on Display at Lake Haven Recreational Centre****Councillor Eaton**

F2004/00152

*“Could Council confirm that Kores Coal Mine promotional material is on display at Lake Haven Recreational Centre despite Council’s supposed opposition to this mine?”*

**Q053 – Printing of Council’s Annual Report****Councillor Eaton**

F2008/01498

*“Why did Council print the Annual Report in such small print that it is difficult to read?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 7.06 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 7.11 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W020                      Contract No CPA 135634 - Wyong South Sewage Treatment Plant Augmentation**

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CPA/135634 LM

- 1     *That in accordance with Clause 178(1) of the Local Government (General) Regulation 2005, Council not accept any tender for Contract CPA/135634 for the following reasons:***
  - a     *The tenders received did not represent value for Council.***
  - b     *Council intends to undertake a further review of the options available to achieve the required additional plant capacity.***
  
- 2     *That in accordance with Clause 178(3) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract as it is highly probable that the review of options will result in any future work at the plant being different from the work proposed under this contract.***

**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**W021 Notice of Motion - Bateau Bay Tip Contractor Meeting**

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CPA/115479 DJE

- 1 That Council request Neumann Contractors Pty Ltd representatives to meet with Councillors and senior staff to discuss issues concerning the tip rehabilitation project.**
- 2 That at the time of the request, Neumann Contractors Pty Ltd be advised that the meeting is to be entirely without prejudice to both Council and Neumann Contractors Pty Ltd and can only proceed on the basis that the position is agreed.**
- 3 That the discussions between Neumann Contractors Pty Ltd and senior staff, on the one hand, and Neumann Contractors Pty Ltd representatives, on the other, are to remain confidential.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.12 PM.

.....  
CHAIRPERSON

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## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

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

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F2007/00323 BEM

#### **SUMMARY**

This report details the results of the public exhibition period for the draft *Wyong Shire Community Plan 2008-2103*. Two submissions were received. It is recommended that Council adopt the Community Plan.

#### **RECOMMENDATION**

- 1     *That the draft Wyong Shire Community Plan 2008 - 2013 be adopted.***
- 2     *That those who made written submissions be advised of the decision.***
- 3     *That a copy of the Wyong Shire Community Plan 2008 - 2013 Summary and Main Reports be forwarded to the Department of Local Government.***

#### **BACKGROUND**

At its meeting on 11 June 2008 Council considered a report on the preparation of the draft Wyong Shire Community Plan 2008 – 2013. The report detailed the purpose of the Plan, the keys steps involved in its development, the community consultation phase and key consultation findings and the key actions over a five year implementation period.

Council, at its meeting held on 11 June 2008:

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

- 1        That the draft Wyong Shire Community Plan 2008-2013 be placed on public exhibition for a period of 35 days.*
- 2        That copies of the draft plan be distributed to stakeholder groups for review and comment.*
- 3        That the results of the exhibition be reported to Council.”*

The draft Wyong Shire Community Plan 2008 - 2013 is a document that reflects the challenges, aspirations and key social issues facing our community. It is intended as a guiding document for Council, government and non government agencies, community groups and the local community to facilitate working together to make Wyong Shire an even better place to live.

**Wyong Shire Community Plan 2008 - 2013 (contd)**

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The process of developing a Community Plan aimed to investigate and respond to the challenges and aspirations of all people who live in, work and visit the Shire. The community planning process identifies demographic and other trends, community challenges, strengths and action strategies that can improve the quality of life for all residents.

The plan provides an immediate and long term direction for the Wyong Shire Community. It is designed to guide the social planning and community development activities of Council and the community over the term of the plan.

The Local Government (General) Amendment (Community and Social Plans) Regulation 1998 requires all Councils in NSW to develop a Social/Community Plan every five years and to include information about access and equity activities in their Management Plan and Annual Report.

**Purpose**

The purpose of the Community Plan is to clearly identify:

- Who makes up our community?
- What is important to our community?
- How can Council and others improve the quality of life of our community?

**Objectives of the Community Plan**

- To provide an understanding of the Wyong Shire population and demographic trends;
- To develop an understanding of the challenges and opportunities of the growing population within the Shire;
- To engage the community in the planning process and provide opportunities to participate in decision making processes;
- To develop diverse, strong and sustainable relationships between community members, with government and with other key stakeholders working in Wyong Shire;
- To acknowledge and build social capital in the Shire through the development of ongoing community networks and structures providing informal support to local residents;

## **Wyong Shire Community Plan 2008 - 2013 (contd)**

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- To improve Council's ability to respond to changing community priorities;
- To integrate the social aspects of sustainability with the broader sustainability principles and strategic planning processes of Council; and
- To set the strategic direction and actions for Council in providing current and long term direction for social planning and community development in the Shire.

### **Key Principles**

The Community Plan is based on the four social justice principles of Equity, Rights, Access and Participation.

The Plan has been developed from a strengths based approach, recognising the importance of social capital and building on Council's strengths and assets, rather than solely focusing on what is missing in the community (needs and deficiencies).

### **PUBLIC EXHIBITION AND COMMENT**

The draft Wyong Shire Community Plan 2008 - 2013 was placed on public exhibition for a period of 35 days, from 18 June to 23 July 2008. The exhibition period was advertised in the local newspaper, on Council's website and letters were written to all residents who participated in the community consultation phase of the project. Copies of the plan were made available through Council libraries and on Council's website and CD copies of the plan were mailed to key stakeholders and the community when requested.

The purpose of the exhibition period was to seek feedback on the content of the Plan including the coverage of issues and the appropriateness of strategies and actions proposed in the 10 key theme areas.

Two written submissions were received as listed below. These submissions were supportive of the draft Plan, indicating that it was a positive view of the Shire. There were also positive verbal comments given to the Social Planning Team and some feedback on minor errors and omissions that were corrected.

### **Submissions – Draft Wyong Shire Community Plan 2008-2013**

<b>Document No</b>	<b>Comment</b>	<b>Action</b>
D01166688	"Brilliant and a very positive view of the Shire."	Noted
D01203309	Positive comment on the inclusion of a 'Community Matching Fund' as an action. Comment on the user friendly format of the document.	Noted

**Wyong Shire Community Plan 2008 - 2013 (contd)**

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**IMPLEMENTATION**

The Community Plan is linked to Council's Management Plan. Once adopted, the key actions in the Community Plan will be reflected in the key tasks and strategic targets in the 'Community' section of the Management Plan. While the Community Plan provides estimates of the costs of various recommended activities, programs and positions, this is not a commitment to the outlined expenditure. Funding for the implementation will be considered by Council on an annual basis in line with Council's Management Plan and other Council priorities and work programs.

Implementation of the Community Plan will require a collaborative approach bringing together all departments within Council, the community, community organisations and government agencies.

The Social Planning Team will be responsible for monitoring the implementation of the Plan. The Plan will be reviewed and progress reported on an annual basis.

**CONCLUSION**

The draft Wyong Shire Community Plan 2008-2013 has been publicly exhibited, and two submissions received. No significant changes are proposed to the draft Plan as part of this process, although a number of minor edits have been made. Overall the Community Plan has been well received and is recommended for adoption and on-going implementation.

**Enclosure 1**  
**Enclosure 2**

**Wyong Shire Community Plan 2008 – 2013 Summary Report**  
**Wyong Shire Community Plan 2008 – 2013 Main Report**

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

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

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F2006/01627 SJD

### SUMMARY

Council's concurrence is sought to delegate to the General Manager powers of delegation under Sections 65 and 69 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### RECOMMENDATION

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

### BACKGROUND

On 16 February 2006 the Director General of Department of Planning, withdrew previous delegations to all Councils in NSW and reissued a general delegation to Council. This power can then be sub-delegated to relevant Council staff, but requires a resolution from Council. As Council has not delegated this power to the General Manager previously, a formal resolution is required to enable this to occur. Previously the delegation was given directly by Council to individual staff.

Section 381(3) of the Local Government Act 1993 requires that a person must not, under any other Act, delegate a function to an employee, except with the approval of Council and the General Manager. These delegations to staff, under Sections 65 and 69 of the EP&A Act 1979, permit the exhibition of rezonings and enable staff to furnish a report direct to the Minister for Planning to enable plans to be approved.

## **Rezoning Delegations from Director General of the Department of Planning (contd)**

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The reason this issue has arisen is due to the recent changes in the roles and responsibilities of Council's planning staff. For example, the secondment of the Manager Future Planning and Manager Land Use Planning to the Shire Strategic Vision project has resulted in a need for other staff to be given the delegations relevant to the processing of LEPs.

Taking into account potential on-going staff changes, it is considered more appropriate that the delegation be given to the General Manager who can then sub-delegate to relevant staff. This will avoid the need for a separate report and resolution of Council each time there is a change in relevant staff.

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

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CPA/139771 LP:JP

### SUMMARY

Evaluation and selection of tenders for Contract No CPA 139771 – Provision of Cleaning Services to Various Council Facilities.

### RECOMMENDATION

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

### BACKGROUND

In July 2005 two interim (six month) contracts for provision of cleaning services to various Council facilities were awarded following Council's 22 June 2005 meeting which authorised the General Manager to negotiate with the two highest ranking tenderers and to thereafter negotiate longer term contract(s) depending on performance.

These contracts were subsequently extended on a number of occasions to September 2006 whereupon one contract was terminated due to unsatisfactory performance and the other, with All Coast Cleaning, was expanded and progressively extended to the present time on a month to month basis.

Notwithstanding the ongoing satisfactory performance of All Coast Cleaning this contract has been operating for three years and it was considered appropriate to test the market to ensure Council is getting value by calling new tenders.

## **Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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The scope of cleaning work required by Council covers:

- Six childcare centres
- Five library/customer service centres
- The Gravity Youth Centre at Lake Haven
- The Central Coast Lifetime Learning Centre at Palmdale
- The Blue Haven Community Centre and The Entrance Community Centre, and
- Five Vacation Care Centres (school holidays only).

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 25 March 2008 and the Central Coast Express Advocate on 26 March 2008. The advertised closing date was 24 April 2008. Tenders closed at Council Chambers at 2:00pm on 24 April 2008.

The invitation documents called for a Schedule of Rates tender, based on a detailed specification.

An Addendum was issued on 25 March 2008 that clarified the contract duration as a one year with an option, at Council's discretion, to extend for a further year.

The tender documents included a schedule of mandatory inspections that provided tenderers with two opportunities to inspect the premises required to be cleaned under the contract.

### **EVALUATION OF TENDERS**

Tenders were evaluated by a panel of three staff members using the following threshold and weighted criteria:

#### Threshold Criteria

- \* Conformance with the requirements of the tender documents.
- \* Attendance at the mandatory inspections of the facilities.



**Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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Weighted Criteria

- \* Price
- \* Experience, performance and referees
- \* Management, subcontracting and OH&S
- \* Nominated hours
- \* Nominated hourly rate

The evaluation criteria and their weightings were documented in the Contract Development Plan and approved by the Director of 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 referees.

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Short listing of tenders.
- 4 Detailed weighted evaluation of shortlisted tenders.
- 5 Due diligence checks on preferred tenderers.
- 6 Independent review of the tender selection process.

**Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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**Assessment of Receipt**

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

<b>Tender</b>	<b>Tendered Schedule of Rates as Extended (Ex. GST)</b>	<b>Status</b>
1 ADZ	\$167,481.81	Submitted on time
2 All Coast Cleaning Services Pty Ltd	\$269,472.00	Submitted on time
3 Bensco Pty Ltd	\$251,363.23	Submitted on time
4 Coverall	\$162,376.36	Submitted on time
5 Crystal Waters	\$214,114.63	Submitted on time
6 Guardian	\$200,468.18	Submitted on time
7 Holistic Facility Services	\$196,235.59	Submitted on time
8 IPS	\$300,975.40	Submitted on time
9 KST Cleaning	\$247,909.09	Submitted on time
10 Magic Deco	\$274,112.72	Submitted on time
11 SKG	\$184,113.81	Submitted on time
12 Source 4U	\$227,039.67	Submitted on time
13 Spectrum	\$295,508.31	Submitted on time
14 Transfield	\$243,394.11	Submitted on time

**Assessment of Conformance**

Tender No 3 (Bensco Pty Ltd) and Tender No 10 (Magic Deco) were non-conforming as these firms did not attend the mandatory inspection of facilities. Accordingly these two tenders were not considered further.

## **Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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### **Weighted Evaluation**

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

<b>Tender</b>	<b>Extended Schedule of Rates for One Year (Ex. GST)</b>	<b>Weighted Evaluation Score</b>
11 SKG	\$184,113.81	<b>83</b>
7 Holistic Facility Services	\$196,235.59	<b>81</b>
5 Crystal Waters	\$214,114.63	<b>79</b>
4 Coverall	\$162,376.36	<b>76</b>
6 Guardian	\$200,468.18	<b>75</b>
14 Transfield	\$243,394.11	<b>73</b>
12 Source 4U	\$227,039.67	<b>67</b>
2 All Coast Cleaning Services Pty Ltd	\$269,472.00	<b>63</b>
1 ADZ	\$167,481.81	<b>57</b>
9 KST Cleaning	\$247,909.09	<b>56</b>
13 Spectrum	\$295,508.31	<b>50</b>
8 IPS	\$300,975.40	<b>49</b>

Price elements were assessed based on a combination of nominated hourly rates and the tenderers' expected time to complete works at each facility.

Non price elements were assessed based on information provided in the tender and information provided by referees.

Council has a number of facilities serviced under this contract such as childcare centres and libraries that require a high level of service. As such non-price criteria are weighted to reflect the importance of quality and reliability. This view was reinforced by the referees contacted during the evaluation of tenders.

**Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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Tender No 8 (IPS), Tender No 13 (Spectrum), Tender No 9 (KST Cleaning), Tender No 2 (All Coast Cleaning Services Pty Ltd) and Tender No 14 (Transfield) were the highest priced tenders. Paying this higher price could not be justified as the non-price criteria for the tenders do not provide any advantage over the cheaper priced tenders. These tenders were therefore not considered further.

Tender No 1 (ADZ) is the second lowest tenderer in price and scored highly in the price component of the weighted criteria. However, ADZ did not score as highly with non-price criteria. Referee reports indicated that their performance was not as high as tenderers who received a greater weighted evaluation score. In addition, there was concern that the company's estimated number of total hours required for the cleaning of all facilities was substantially lower than the benchmark used for assessment. This tender was not considered further.

Tender No 12 (Source 4 U) and Tender No 6 (Guardian) are both mid range within the evaluation scores. They were consistent performers across all criteria but were more expensive and offered no advantage to Council over the highest scoring tender. They were not considered further.

Tender No 4 (Coverall) had the lowest tendered price and as such scored very highly in the price component of the weighted criteria. Coverall's nominated referees advised varying levels of performance between average and satisfactory and Coverall's estimated total hours required for the cleaning of all facilities was substantially lower than the benchmark used for assessment. This tender was not considered further.

Tender No 5 (Crystal Waters Cleaning Services) has the third highest scoring tender and is currently contracted to Council for the cleaning of buildings at the Buttonderry Waste Management Facility. Referees provide satisfactory reports but the scope of works undertaken for these referees is of a much lesser scale than that required for this contract. As the most expensive of the three highest scoring tenders this tender was not considered further.

Tender No 7 (Holistic Facility Services) is the second highest scoring tender. It is a large, Australia-wide company providing a range of facility services. Referees reported favourably. A major client of Holistic is McDonalds Australia. Holistic is the second most expensive of the three highest scoring tenders but offered no advantage to Council over the highest scoring tender of SKG. This tender was not considered further.

Tender No 11 (SKG Pty Ltd) is the highest scoring tender. It is a Sydney based firm with sub-offices in Wollongong and Newcastle. SKG has been Wollongong City Council's cleaning contractor for the past eight years and their contract has recently been re-awarded for an additional ten years. Other referees for SKG are Target and Integral Energy. Both have been SKG clients for more than five years and report that SKG are performing very satisfactorily. This company provided excellent references, had the highest weighted evaluation score and the lowest price of the three highest scoring tenders. It was the preferred tenderer after a very close scrutiny of all tenders received and was progressed to the due diligence stage of the evaluation.

## **Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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### **Due Diligence**

On the basis of the information provided by the tenderer and independent referees, it is considered that SKG Pty Ltd possess all of the technical, financial and managerial resources necessary to satisfactorily complete the works. A detailed check by Council's financial assessor was not considered necessary due to the relatively low value of this contract, the excellent references, the size of this company and the value of works undertaken for other clients.

The extended Schedule of Rates amount tendered by SKG Pty Ltd is approximately 65% of Council's pre-tender estimate and is considered to represent the current competitive market for these services. It is a reasonable price for the contract works.

Due to the time required for a detailed assessment SKG Pty Ltd confirmed that the tender validity period for its tender rates has been extended to 31 October 2008.

### **Independent Review of the Tender Selection Process.**

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

### **BUDGET**

Because the contract is of the nature of a standing offer arrangement, purchases will be funded from responsibility centres as transactions are processed, rather than from an allocation made to this contract itself. The estimated value of the arrangement is approximately \$185,000 per annum, excluding GST. The actual value will depend on the number of facilities required to be cleaned which is not expected to vary significantly over the duration of the contract.

### **TIME-FRAME**

The contract is for a one year period with an option, at Council's discretion, to extend for a further year.

### **LOCAL CONTENT**

SKG Pty Ltd has indicated that cleaning staff would be direct-employed local personnel and that its Area Manager resides on the Central Coast.

**Contract No CPA 139771 Provision of Cleaning Services to Various Council Facilities (contd)**

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**RISK ASSESSMENT**

An assessment of the risk associated with this contract indicates that there is a low risk of exposure for Council. The recommended company has excellent references from a number of large clients. The value of the contract is relatively low and is for a 12 months period with an option for a further 12 months. Should the company perform poorly or withdraw from the contract there are other cleaning contractors readily available to undertake the work while fresh tenders are called. The overall risk is rated LOW.

**CONCLUSION**

Tender No 11 from SKG Pty Ltd is the highest weighted scoring tenderer and meets all of Council's requirements for this contract. This tender is considered to represent the best value-for-money for Council. It is recommended that the tender of SKG Pty Ltd be accepted.

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

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CPA/130386 BP:KB

### SUMMARY

This report presents the results of the 'forecast-cost-to-complete' analysis taking into account the financial impacts of undertaking this additional work and the impact of the resulting eight month delay to the project schedule. The report comments on the increase in the budget allocation for GHD's professional engineering consulting services contract required for the pre-construction phase of the Mardi to Mangrove Link Project and identifies probable additional costs that will be incurred in the construction and commissioning phase. The matter was reported to the Board Meeting of the Gosford and Wyong Councils Water Authority Meeting on 20 August 2008, recommending appropriate adjustments to the budget allocation for the project.

### RECOMMENDATION

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

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

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**3 BACKGROUND****3.1 Award of Contract**

Contract No CPA 130386 – Provision of Professional Engineering Consulting Services for the Mardi to Mangrove Link Project, was awarded to GHD Pty Limited on 12 December 2007.

At an ordinary meeting of Council held on 12 December 2007, Council:-

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

- 1 *That Council accept the tender from GHD in the:
  - a *lump sum amount of \$3,874,350.00 including GST (\$3,522,136.36, excluding GST); and*
  - b *schedule of rates (inclusive of provisional sums) estimated total amount of \$2,664,574.00 including GST (\$2,422,340.00, excluding GST).**
- 2 *That Council approve a contingency amount of \$652,000 including GST (\$592,727.27, excluding 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.”*

**3.2 Additional Project Work undertaken by GHD**

GHD Pty Ltd was engaged for the provision of Professional Engineering Consultancy Services for the Mardi to Mangrove Link Project, on the basis that the pipeline route had already been determined. However, in the event, extensive additional work has had to be carried out to establish this route, much of which has been undertaken by GHD because of the intimate relationship between this additional work and the work GHD was engaged to do under the Professional Services Contract.

The additional work carried out by GHD over the last eight months includes:-

- Appraising, studying, and reporting on tunnel and pipeline options;
- Assisting in developing, assessing, analysing and reporting on three pipeline route options over 90% of the pipeline route, and four options for Sector 6 of the pipeline corridor and developing the recommended pipeline route option for approval;
- Contributing and participating in restructuring of Work Package 7, comprising the Mardi to Mangrove pipeline element of the project;
- Attending community and landholder meetings;



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

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- Assisting in providing responses to media, community and stakeholder queries and correspondence;
- Providing technical input to stakeholder reports, Q & A; and website;
- Contributing to and participating in stakeholder meetings and presentations;
- Participating in workshops and providing advice on pipeline easement and pipeline constructability issues, and route options;
- Providing advice on cost-sharing of the rehabilitation costs on Yarramalong Road;
- Liaising, managing and implementing the additional engineering inspections, geotechnical investigations, environmental, ecological, and heritage investigations and survey works relating to a number of pipeline route options for Sector 6;
- Extending risk management obligations and activities to cover all external agencies impacting on the project;
- Establishing an OH&S Plan for the project and integrating with Council's Plan;
- Upgrading the Wyong River weir and fishway;
- Contributing and participating in development and implementation of Council's land entry processes and activities, and participating in site visits;
- Re-arranging GHD resources, often at short notice, to accommodate project imperatives and Council requests;
- Managing the consequential changes & updating the project schedule accordingly;
- Provision of professional project management services and support in response to requests from Council's project team.

### **3.3 Project Timeline**

The long-term water supply strategy for the Central Coast presented in the WaterPlan 2050 report estimated that the Mardi to Mangrove Link could be completed by the end of 2010.

Initially, the project plan had targeted a completion date of mid-2010. However, owing to the additional six months committed in assessing additional pipeline route options and approving the final route (with the exception of pipeline Sector 6), and the additional two months being committed in achieving land entry by consent, the original project timeframe has become too costly to achieve and is no longer practicable.

The updated Project Schedule indicates that the project will be commissioned and handed over to Council's operations division in March 2011.

## **4 OVERALL PROGRESS**

As at the end of July 2008, GHD has progressed its preliminary and concept design work as far as practicable, with a start being made on environmental data collection work.

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

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Land entry processes, procedures and protocols have been finalised and approved by Council management, and a successful trial has been carried out.

Initial land entry negotiations have commenced, with detailed engineering and geotechnical investigations and studies, and survey work due to commence on site on 25 August 2008. This work will focus initially on determining a number of route options through Sector 6 prior to selecting and recommending a preferred route for consideration by the GWCWA at its November Board meeting.

### **5 PROJECT SCHEDULE**

A period of six months, from January to June 2008 has been invested in carrying out preliminary pipeline route appraisals, in implementing an extensive community and landholder consultation programme, in developing and reporting on three pipeline route options and in seeking the approval of the Councils for approved routes for two separate pipelines running through eight of the nine sectors comprising the pipeline corridor. (The recommended pipeline route through Sector 6 depends on the completion of further investigations and survey work).

A further period of two months, July and August has also been invested in optimising the liability, indemnity and insurance provisions applicable to the land entry phase of the project. Consequently, the 'float' available in the original Project Schedule has now been fully utilised.

The Project Schedule has been updated by GHD, as follows, to take into account the revised pipeline route selection process, the additional work carried out to date, and the additional land entry timeframes and dependencies.

**Table 1 – Updated Project Milestone Dates**

<b>Activities</b>	<b>Updated Project Milestone Dates**</b>
Access to private land for survey and investigations	- 25 August 2008
Completion of Geotechnical Investigations	- November 2008
Design & documentation – all elements (except pipeline link)	- January 2009
Design & documentation – Mardi to Mangrove pipeline link	- March 2009
Granting of Project Planning Approval (DA)	- May 2009
Award of Construction Contract	- July 2009
Completion of Construction Contract	- November 2010
Commissioning of Project & Handover	- March 2011

**\*\*Key Assumption:** Compulsory acquisition of pipeline easements will not be necessary.

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

Accordingly, a request is being submitted to the Department of Environment, Water, Heritage and the Arts seeking a variation to Council's Funding Deed with the Commonwealth of Australia in order to accommodate the updated project milestone dates and the overall completion date, as contained within the Updated Project Schedule, together with a proposed change to the payments mechanism and schedule during the construction phase.

### **6 FORECAST COSTS ON COMPLETION**

#### **(GHD's Professional Engineering Services Contract)**

The following table summarises the Original GHD Contract Estimate established for initial budget purposes, and compares it with the Forecast Cost on Completion of GHD's contract over the life of the project. The table has been divided into costs relating to the 'pre-construction phase', and costs relating to the 'construction phase'.

The table also identifies the additional funding allocation required for the effective management of the GHD Professional Services Contract over the remainder of the pre-construction phase of the project.

**Table 2 – Comparison of GHD Forecast Costs**

	<b>GHD Professional Services Contract (Description Summary)</b>	<b>Original GHD Contract Estimate (for Budget Purposes)</b>	<b>Forecast Costs on Completion (Estimated as at 31 July 2008)</b>	<b>Additional Budget Allocation Required (Per Phase)</b>
	<b>(Note: All costs exclude GST)</b>	<b>\$m</b>	<b>\$m</b>	<b>\$m</b>
<b>1.0</b>	<b>Pre-Construction Phase</b>			
1.1	PI Insurance (Added to Contract Sum)	\$ 0.068	\$ 0.000	(\$ 0.068)
1.2	Lump Sum Component - Total	\$ 3.454	\$ 3.597	\$ 0.143
1.3	Time & Expense Provision - Estimate	\$ 1.707	\$ 1.707	\$ 0.000
1.4	Forecast Variations:	\$ 0.000	\$ 1.720	\$ 1.720
1.5	Contingency Sums	\$ 0.593	\$ 0.700	\$ 0.107
<b>1.6</b>	<b>Subtotals (Pre-Construction Phase)</b>	<b>\$ 5.822</b>	<b>\$ 7.724</b>	<b>\$ 1.902</b>
<b>2.0</b>	<b>Construction Phase:</b>			
<b>2.1</b>	<b>Subtotal - Construction Management</b>	<b>**\$ 0.715</b>	<b>\$ 3.757</b>	<b>\$ 3.042</b>
<b>3.0</b>	<b>TOTALS</b>	<b>\$ 6.537</b>	<b>\$11.481</b>	<b>\$ 4.944</b>

\*\* Note: Calculated as Contract Administration (T & E) = \$0.715m (Excludes Procurement Services (T & E) = \$0.157m)

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

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**7 ADDITIONAL BUDGET ALLOCATION REQUIRED**

Based on the 'Forecast-Costs-on-Completion' identified in Table 2, the additional budget allocation required for each phase for GHD's Professional Services Contract is:-

- Pre-construction Phase: \$1.902 million (12 months – August 2008 to July 2009)
- Construction Phase: \$3.042 million (20 months – August 2009 to March 2011)

This report recommends that Council approves a Contract Variation to increase the budget allocation to the professional services contract with GHD Pty Limited, for the pre-construction phase of the Mardi to Mangrove Project, by \$1.902 million – excluding GST. (ie: from \$5.822 million to \$7.724 million)

**8 PROJECT FORECAST COST ESTIMATES****8.1 Accuracy of Cost Estimates (Risk Estimates)**

Cost estimates prepared at the early preliminary design and concept design phase of a project, in the first instance, are necessarily extrapolated and adjusted from historical industry cost records and are based on market conditions and experience from past construction projects, and as such are necessarily considered to be preliminary estimates only. (Accuracy of the order of +/- 30%)

More accurate cost estimates will become available once detailed engineering estimates are carried out on the particular detailed designs, drawings, specifications and documents applicable to the specific project under consideration. (Accuracy of the order of +/- 15%)

Similarly, a more accurate forecast of the Project final cost will become apparent at the time of tender and the award of a contract to the successful contractor. (Accuracy of the order of +/- 10%).

However, the final 'out-turn' cost for the Project will be known only when construction, commissioning and defects liability works have finally been completed.

**8.2 Forecast Cost Estimate (Refer Table 2)**

The preliminary cost estimate for the project, reported in February 2008, forecast that an increase in budget was necessary at that time in order to allow for the orderly progression of the project, as scoped in the Federal Funding Deed with the National Water Commission.

**Contract No CPA 130386 – Provision of Professional Engineering Consulting Services for the Mardi to Mangrove Link Project GHD Pty Limited – Budget Allocation (contd)****Table 3 Preliminary Cost Estimate (unchanged from February 2008)**

Major Project Cost Elements	Preliminary Estimate	Funding Deed Provision	Additional Estimated Cost
(Excluding GST)	(\$M)	(\$M)	(\$M)
<b>Wyong River Off-take Pump Station:-</b> (including off-take structure & power supply upgrade)	23.00	20.20	2.80
<b>Wyong Off-take Rising Main:-</b> (pipeline to Mardi Dam including upgraded Mardi Dam inlet & piping)	9.00	3.86	5.14
<b>Mangrove Transfer Pump Station:-</b> (incl. allowance water pre-treatment)	18.00	14.13	3.87
<b>Mangrove Transfer Rising Main:-</b> pipeline (Mardi Dam to Bunning Creek Tunnel: incl. tunnel work & Inlet / outlet upgrade at Mangrove Creek Dam) [See Notes below]	60.00	42.11	17.89
<b>Totals (Excl. GST)</b>	<b>\$110.00 M</b>	<b>\$80.30 M</b>	<b>\$29.70 M</b>

**Notes:-**

- (i) Based on Table 2, the proportion of the preliminary Project Cost Estimate to be funded by both Councils is currently estimated to be \$29.70 million.
- (ii) The funds being provided by DEWHA under the Federal Funding Deed are not inflation indexed, therefore, the forecast escalation of project costs arising from inflation will need to be met on a shared basis by Gosford City Council and Wyong Shire Council.
- (iii) As outlined in Section 6 above, owing to the additional time of eight months invested in the project to date in route selection and land entry activities, a 'forecast-cost-on-completion' analysis has been carried out for both the pre-construction phase and the construction phase of GHD's professional services contract.

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

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- (iv) A similar 'forecast-cost-to-completion' analysis is being planned for other Council related project management costs accruing to the Mardi to Mangrove Link Project.

**9 REPORT TO GOSFORD / WYONG COUNCILS' WATER AUTHORITY BOARD MEETING**

This matter was reported to the Gosford / Wyong Councils' Board Meeting held on 20 August 2008 recommending appropriate adjustments to the budget allocation for the Mardi to Mangrove Link Project.

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

CPA/94424 LM

#### **SUMMARY**

Report seeking approval for additional expenditure and an increased contingency sum for Contract No CPA 94424 - Provision of Project Management Services to Deliver Capital Works.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

Contract CPA 94424 for the Provision of Project Management Services to Deliver Capital Works was awarded to the Department of Commerce (DOC). It was based on the delivery of 16 specified projects over a five year period, in accordance with the contract program, and provided Council with the capacity to vary the work undertaken to accommodate new projects and modify the existing projects to suit changing circumstances. The contract was awarded to DOC at the Ordinary Meeting held on 14 December 2005 as shown below.

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

- 1     That Council accept the tender of the NSW Department of Commerce in the lump sum amount of \$6,360,777.00 (excluding GST) or \$6,996,855.00 (including GST) for Contract No CPA/94424 for the Provision of Project Management Services to Deliver Capital Works.*
- 2     That Council approve a contingency amount of \$700,000.00, representing approximately 10% of the tender amount, to provide for any unforeseen additional works that may become necessary during the course of the works.”*

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

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The objective of the tender documents was to:

- 1 Develop a comprehensive package of works so as to attract companies with the appropriate level of expertise and resources in management of delivery of major projects, and to provide efficiencies in the operation of the contract.
- 2 Optimise the delivery activities included in the contract while retaining within Council the responsibility for;
  - Technical review and approval
  - Financial approval
  - Land matters
- 3 Establish a longer term contractual relationship between the Project Manager and the Principal so as to benefit from continuing improvement in project delivery skills and processes.
- 4 Maximise the connectivity between the project manager's operations and Council's operations to facilitate standardisation of document preparation, transfer of information, review and approval of technical documentation, financial approvals and payments and records management.

Council's ability to expand the scope under the contract to accommodate new projects and amend the nominated projects to suit changing circumstances has been of considerable benefit to Council in managing its significant capital works program, particularly the works associated with drought contingency planning. This planning, due to time constraints, precluded use of a formal tendering process for individual works. As such this contract has provided value for money through the provision of qualified project managers able to work closely with Council staff within the Council contract environment.

**CURRENT STATUS**

During the course of the contract project management costs for works undertaken to date have brought total expenditure close to the amount approved by Council (being the approved contract sum plus contingencies). This report seeks approval for variations under the contract directed to date and for additional funding to progress project management works identified in Attachments 1 and 3.



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

Approval is also sought for an increased contingency sum to allow for anticipated project changes that may arise during the execution of this contract.

**SUMMARY OF EXPENDITURE TO 30 JUNE 2008**

Table 1 summarises the main areas of expenditure on this contract to the end of June 2008. It identifies where expenditure has occurred up to the limit of approved funds.

It was anticipated that additional projects might be added over time and so the contract specifically allowed for additional projects (apart from the original 16 nominated projects) to be managed by DOC during the course of this contract. Additional projects have arisen due to an expanding capital works program over the last two years. This has resulted in additional project management expenses for these extra works. The cost of these project management fees is met from within the budgets of each new project.

**Table 1 Summary of Main Areas of Expenditure and Approved Funding**

Item of Work	Expenditure to 30 June 2008 (Excl. GST)	Predicted * Final Contract Amount (Excl. GST)
Originally Identified Projects including CPI adjustments <b>See Attachment 1</b>	\$4,495,728.86	\$10,039,701.27*
Additional projects being managed by DOC <b>See Attachment 3</b>	\$2,194,897.16	\$3,254,496.91*
Contingency	-	\$700,000.00*
<b>Total</b>	\$6,690,626.02	\$13,994,198.18*
Approved Contract Amount	\$6,360,777.00	
Approved Contingency	\$700,000.00	
<b>Total Approved Funding</b>	\$7,060,777.00	

Note: \*Estimated upper limit figures. Final amounts will be determined when all project details are determined.

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

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**PROGRESS TO DATE****Original Projects**

In May 2006 Council handed over five of the original 16 core projects to DOC for project inception. These included the Hunter Connection, Northern Transfer System plus Link Road, Ourimbah Creek Upper Weir Fishway, Mardi Dam Transfer System and Mardi High Lift Pump Station. An additional project, Mardi Power Supply was also identified for hand over.

Council has since handed over the remainder of the original projects. A total of three have been completed to date. A table detailing projects as identified in the original contract is provided in Attachment 1, and includes an estimate of predicted final project management costs for these projects.

**Variations to Original Projects**

During the course of the contract a number of variations to the contract were directed by the Contract Superintendent. A summary of these variations to the contract is provided in Attachment 2.

**Additional Projects**

Additional projects, including a number of drought contingency projects, were awarded to DOC to project manage under contract CPA 94424 because:

- 1 this contract represents value for money for Council; and
- 2 projects given to DOC could be undertaken expeditiously. This was particularly important for the drought contingency projects.

A table showing the additional projects not specifically identified within the original contract is provided in Attachment 3.

**Summary**

The majority of works undertaken under this contract are funded by Wyong and Gosford Councils as works under the Joint Water Supply Agreement or works funded by Developer Contributions. Elements of the work have been funded by the Hunter Water Corporation as part of the Hunter Connection works. Total expenditure to 30 June 2008 for the original scope of works, plus variations and additional works has now almost reached the approved contract amount plus contingency. Approval for variations to date plus an increase in the contingency sum is recommended to allow DOC to progress all projects under their management.

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

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**CONCLUSION**

Table 1 in this report summarises the main areas of expenditure to 30 June 2008 on the original contract projects, variations to those projects and costs to manage additional projects awarded to DOC by Council. These costs are within the original budget approved by Council, but have now reached the stage where approval is required to increase this budget, including a new contingency sum to enable these projects to be progressed to finalisation. Funds for the Project Management Services Contract are available from the Capital Works Budgets for each of the projects included in the package of works to be delivered.

<b><i>Attachment 1</i></b>	<b><i>Projects Within Scope of Original Contract Between Council and DOC (2 pages)</i></b>
<b><i>Attachment 2</i></b>	<b><i>Variations to the Contract as Directed by Superintendent (1 page)</i></b>
<b><i>Attachment 3</i></b>	<b><i>Additional Projects Not in Original Contract (2 pages)</i></b>

**Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce (Attachment 1)****Projects Within Scope of Original Contract Between Council and DOC**

<b>Project No.</b>	<b>Project Description</b>	<b>Predicted* Project Management Costs Incl. Variations &amp; Adjustments (Excl. GST)</b>
1	Mardi Dam Transfer System – Design & construction of intake tower, pumping station, access bridge and roads and associated pipelines for the works	\$875,869.76
2	Mardi Dam Raising – Raise the dam embankment by 2 metres to increase the existing Mardi Dam storage	\$581,145.64
3	Lower Wyong Transfer Upgrade – increase transfer capacity from 72 ML/day to 125ML/day through new pipes, rising main, pumps and outlet structure at Mardi Dam	\$1,062,848.91
4	Mardi High Lift Pumping Station and Tuggerah Reservoir – Deliver potable water to the existing reservoir and a new reservoir to be constructed	\$1,257,083.79
5 6	Northern Transfer System and Link Road Design  – Design and construction of a 750mm diameter water main between the Mardi Water Treatment to Warnervale and a 3.1 km road connecting Watanobbi and Warnervale	} \$1,143,518.93
7	Hunter Connection – connection of Hunter Water Corp. and WSC's existing water supply systems  - Morisset Pumping Station - Morisset to Sparks Road Trunk Main - Kiar Ridge Reservoir	} \$1,446,340.74 \$191,565.30
8	Charmhaven STP – Aeration Tank No. 3 – Upgrade the capacity of the plant	\$750,655.61

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**Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce (Attachment 1) (contd)**

<b>Project No.</b>	<b>Project Description</b>	<b>Predicted* Project Management Costs Incl. Variations &amp; Adjustments (Excl. GST)</b>
9	Mannering Park STP – Inlet Works upgrade	\$381,863.73
10 11	Wyong South STP –Aeration Tanks No. 5 & 6 – increase capacity –Enclose Inlet Works - odour control	\$591,573.11
12	Toukley STP – Enclose Inlet Works for odour control	\$236,089.04
13	Ourimbah Creek Upper Weir Fish Ladder	\$159,980.62
14	Re-lining of Norah Head Outfall Tunnel	\$455,151.37
15	Upgrade of Various Sewer Pumping Stations – to satisfy increased loads	\$815,350.37
16	Feasibility Study for the Mardi to Mangrove Dam Transfer System – to identify options	\$90,664.35
<b>Total</b>		<b>\$10,039,701.27</b>

Note: \*Predicted Project Management costs are best estimate of final project management costs.

**Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce (Attachment 2)****Variations to the Contract as Directed by Superintendent**

Project No.	Project	Description
1	Mardi Dam Transfer System	Revision of design and tender documentation (additional procurement process) to take advantage of alternative design cost savings
2	Mardi Dam Raising	Pre-registered tender process; dam raising scope changed; delay to programme
3	Lower Wyong Transfer Upgrade	Roadworks contract scope extended to include upgrade of Old Maitland Road
4	Mardi High Lift Pumping Station	Various changes to original scope; delay to programme
5 6	Northern Transfer System Link Road	Revision of design and documentation due to environmental constraints of Porters Creek Wetland
7	Hunter Connection	Detailed design and tender documentation outside of original scope
8	Charmhaven STP	Environmental Planning Approval Issues; Complete Redesign needed
9	Mannering Park STP	Delayed handover; Changed design concept by client; Redesign
10 11	Wyong South STP Aeration Tanks No. 5 & 6 Enclose Inlet Works	Changed concept design; redesign due to environmental constraints; Part 5 Determination issues
12	Toukley STP	Programme Delay
13	Ourimbah Creek Upper Weir Fish Ladder	Change of scope
14	Re-lining of Norah Head Outfall Tunnel	Nil
15	Upgrade of Various Sewer Pumping Stations	Change of scope
16	Feasibility Study for the Mardi to Mangrove Dam Transfer System	Nil
17	All Projects	Provision of accounting resource for full duration of DOC engagement to manage all project costing including Council project costs

**Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce (Attachment 3)****Additional Projects Not in Original Contract**

Project		Predicted* Project Management Costs Incl. Variations & Adjustments (Excl.GST)
	<b>Drought Contingency Projects</b>	
1	Reclaimed Effluent Extensions (completed)	\$64,137.00
2	Temporary Desalination:	
3	- Six sites in Wyong and Gosford LGAs	\$442,584.00
4	- Mannering Park (completed)	\$18,058.00
	- Gosford (completed)	\$1,691.00
5	Porters Creek Weir (completed)	\$186,857.00
6	Lower Mangrove to Mooney Pipeline (currently active)	\$377,075.68
7	Balickera Pre-treatment (currently active – since project is being managed by Hunter Water Corporation (HWC), DOC input should be minimal)	\$11,911.00
8	Ourimbah Creek Upper Weir Bypass Flow Reduction (nearing completion)	\$40,817.62
	<b>Other Projects:</b>	
9	Vales Point Effluent Re-use (DOC directed to cease work on 28/9/06)	\$12,452.00
10	Mardi Area Power Supply	\$285,000.00
11	Warnervale to Mardi Stormwater Harvesting Main	TBA
12	Warnervale Sewerage: WTC and WEZ (currently active)	\$700,193.00
13	Warnervale Water: WTC and WEZ (currently active)	\$172,526.00
14	Mooney Mooney Dam Transfer Upgrade – Concept Design	\$13,603.00
15	Bateau Bay Landfill Rehabilitation Project - Additional resources during critical project period to help Council manage works	\$356,693.75

**Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce (Attachment 3) (contd)**

Project		Predicted* Project Management Costs Incl. Variations & Adjustments (Excl.GST)
16	Council & HWC Hunterlink – Commonwealth Funding Management	\$143,506.00
17	Bunning Creek Tunnel	\$8,363.00
18	External Project Programming Management – TBH	\$8,285.00
19	Minnesota-Warnervale Intersection Upgrade	\$185,120.00
20	Mataram Road Culvert Upgrade	\$107,356.66
21	T22 Sewer Pump Station Upgrade	\$113,417.97
22	C3 Sewer Pump Station Upgrade	\$4,849.23
<b>Total (Excl GST)</b>		<b>\$3,254,496.91</b>

Note \*Predicted project costs are best estimate of final project management costs.



## WYONG SHIRE COUNCIL

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Director's Report  
Shire Services Department

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

CPA/138816 JR

#### **SUMMARY**

Evaluation and selection of tenders for Contract No CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

At the Ordinary Meeting of Council held on 25 June 2008 this report was considered and the following was resolved;

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

*That this matter be deferred pending a briefing of Council, to be held as soon as practicable.”*

In response to this resolution Council was briefed by KPMG Corporate Finance (Aust) Pty Ltd at a meeting held in Council Chambers on Wednesday 6 August 2008. This report is now resubmitted for Councils further consideration.

#### **Reason for Project**

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

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

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Various opportunities and threats can be identified in regard to the future use and development of the Buttonderry 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 Buttonderry Waste Management Facility 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 Buttonderry 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 successful Consultant will be required to develop a commercial strategy for the whole Buttonderry site. This will involve dealing with strategic management options (eg lease, contract, Council-operated) for the facility, and potentially other complimentary 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.

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

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The entire engagement is expected to run for around 16 weeks. The consultancy contract will be structured on a lump sum basis, with progress payments at key deliverable-based milestones. The final developed option agreed with Council will form the basis for calling Expressions of Interest. This will allow Council to assess the market for the best future use of the site.

The map (Enclosure) shows the position of the Waste Management Facility on the 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.

**Tender Process**

Tenders were called by way of public advertisement. Advertisements were placed in the Sydney Morning Herald on 26 February 2008 and the Central Coast Express Advocate on 27 February 2008. The advertised closing date was 27 March 2008 (subsequently extended to 17 April 2008).

A compulsory pre-tender meeting was held at Council Chambers followed by a site inspection of the Buttonderry WMF, on Monday 10 March 2008, to familiarise tenderers with Council's expectations and the site conditions.

11 firms attended the pre-tender meeting and are listed in the following table in alphabetical order:

<b>Tender No.</b>	<b>Tender</b>	<b>PREDOMINANT AREA OF EXPERTISE</b>
1	APROS Pty Ltd	Government Policy
2	Arup Management Consulting	Development & Project Managers
3	BN Group Pty Ltd	Urban Planners
4	Coffey Projects	Development & Project Managers
5	Ernst & Young	Real Estate Advisory Services
6	Evans & Peck	Project & Strategy Advisers
7	GHD	Development & Project Managers
8	KPMG Corporate Finance (Aust) Pty Ltd	Real Estate Advisory Services
9	McLachlanLister	Project & Strategy Advisers
10	Page Kirkland Group	Development & Project Managers
11	Quadro Australia Pty Ltd	Alternate Waste Technology.

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

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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 10 March 2008. The following addenda were issued to all prospective tenderers during the invitation period:

- 1 Extension of time from 27 March 2008 to 17 April 2008 (issued 19 March 2008).
- 2 Requirement to return the Deed of Confidentiality with tender (issued 8 April 2008).

Tenders closed at Council Chambers at 2:00pm on 17 April 2008.

**EVALUATION OF TENDERS**

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

- 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.

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

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**Assessment of Receipt**

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

Tender	Tendered Lump Sum (ex GST)	Status
1 Coffey Projects Australia Pty Ltd	\$135,818	Submitted on time
2 GHD Pty Ltd	\$233,851	Submitted on time
3 KPMG Corporate Finance (Aust) Pty Ltd	\$145,000	Submitted on time

**Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements, including the brief. All tenders conformed generally to all requirements and were progressed to the next stage of evaluation. The depth and spread of the relevant industry expertise was partially revealed by considering how each area of expertise was represented within each tender.

Tender No 1 - Coffey Projects Australia Pty Ltd are supported in their tender by;

BN Group - Architecture, Urban Design and Master Planning;  
Bio-recycle Australia Pty Ltd - Alternate Waste Management Systems; and  
Quadro Australia Pty Ltd - Alternate Waste Technology and Local Government;  
Property Development Expertise - In-house, Development Manager

Tender No 2 - GHD Pty Ltd are supported in their tender by;

Knight Frank Newcastle - Property, Valuation, Sales, Leasing and Management services.  
Property Development Expertise - In-house, Town Planner

Tender No 3 - KPMG Corporate Finance (Aust) Pty Ltd are supported in their tender by;

ERM – Environmental Planning, Risk Management, and Strategic and Procedural advice.  
Property Development Expertise - In-house, KPMG's Real Estate Advisory Service.

**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.

Tender	Lump Sum (ex GST)	Weighted Evaluation Score
3 KPMG Corporate Finance (Aust) Pty Ltd.	\$182,890 (Adjusted – see comments below)	<b>76</b>
1 Coffey Projects Australia Pty Ltd	\$135,818	<b>74</b>
2 GHD Pty Ltd	\$233,851	<b>55</b>

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

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An extensive assessment was undertaken of each tender to ensure a complete understanding of the offers was achieved. The assessment results in the above table summarise the outcomes of this assessment.

During this process further advice was sought from Tenderer No 3 (KPMG) regarding its intended method of incorporating an assessment of waste technology input and the analysis of recent expert reports commissioned by Council. KPMG clarified that the subcontractor nominated in its tender, ERM, would provide this advice. The inclusion of ERM as a sub-consultant in the KPMG team will provide access to an extensive world-wide knowledge of environmental, waste and risk management technologies that is well suited to this engagement. The cost of this service had not been priced in the KPMG lump sum tender. Instead, its tender provided hourly rates for ERM's key personnel with a view to negotiating the extent of their involvement at a later date.

To allow a proper comparison with the other two tenderers KPMG were requested to provide a lump sum cost for the full engagement of ERM. KPMG advised their tendered lump sum price would increase by \$37,890 (ex GST) to incorporate ERM and correct this anomaly as allowed by the Tendering Regulations. The tender evaluation panel considered that this amount was a fair and reasonable offer, being based upon tendered hourly rates and assessed hours of work for key personnel that were not dissimilar to the other tenderers. On this basis the adjustment was allowed and was included as an adjustment to the tendered sum during the weighted assessment of this tender.

Reference checks were also made to provide details on Tenders No 1 (Coffey Projects) and Tender No 2 (GHD) regarding their property development expertise. Both companies advised that they would rely on the property expertise of their in-house team.

Due to the closeness of the scores, both Tender No 3 (KPMG) and Tender No 1 (Coffey Projects) were taken to the Due Diligence stage for closer examination.

The remaining Tender No 2 (GHD Pty Ltd) had the lowest evaluation score, predominantly due its higher tender sum. The other two tenders also received higher non-price evaluations than GHD Pty Ltd during the assessment process. This tender was not progressed further.

**Due Diligence**

On the basis of the information provided by the tenderers and independent referees, it is considered that both Coffey Projects Australia Pty Ltd and KPMG Corporate Finance (Aust) Pty Ltd possess all of the financial and managerial resources necessary to satisfactorily complete the works. However, a review of the provision of property development advice proposed by both tenderers indicated that the offer from KPMG Corporate Finance (Aust) Pty Ltd would be more extensive and was considered to be more advantageous for Council. This will be an important component of the considerations required for this project, and as a result KPMG Corporate Finance (Aust) Pty Ltd is the preferred tenderer.

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

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KPMG Corporate Finance (Aust) Pty Ltd has offices in Sydney with a history of successfully completed contracts similar in nature and scope to the current works with an emphasis on property divestment and finance. The combination of the sub-consultant ERM with its environmental and planning experience and KPMG's project management, property development strategies and infrastructure, will provide Council with the multi-disciplinary approach necessary to understand and develop its future requirements of the Buttonderry site.

KPMG Corporate Finance (Aust) Pty Ltd in combination with ERM's team is considered to have the requisite blend of skills to undertake this consultancy.

The amount tendered by KPMG Corporate Finance (Aust) Pty Ltd is within Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

### **Process Review**

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

### **BUDGET**

The funding source for this consultancy will be from Tip Operations General - Consultants (G.L.> 10.9000.000.645001) with a total budget of \$380,000 in consultancy fees and staff costs; the majority of which is now expected to be expended in the 2008-09 financial year. Details are available on file in TRIM (record number D01087324).

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 approved funds.

### **TIME-FRAME**

The Consultant will be required to complete the consultancy within 16 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.

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

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**CONCLUSION**

Tender No 3 from KPMG Corporate Finance (Aust) 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.

***Enclosure      Buttonderry Waste Management Facility – Boundaries and other key features***



## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

F2004/06782 IJ:DP

#### **SUMMARY**

Council's water supply, sewerage and drainage pricing proposals to the Independent Pricing and Regulatory Tribunal for the period 2009/10 to 2012/13.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

Commencing in September 2008 the Independent Pricing and Regulatory Tribunal (IPaRT) will commence a review into pricing proposals for water supply, sewerage and drainage services provided by Wyong and Gosford Councils, Hunter Water Corporation and Sydney Catchment Authority for the period 2009/10 to 2012/13.

In advance of this review IPaRT circulated, in July 2008, an Issues Paper outlining requirements to be addressed by the agencies in their submissions. A submission to IPaRT from Council is required by 12 September 2008.

#### **GENERAL COMMENTS IN RELATION TO THE PROPOSED SUBMISSION**

##### Introduction of a Separate Drainage Service Charge

A significant change to Councils current pricing system is the introduction of a separate drainage service charge. In accordance with an IPaRT direction in the previous determination it is proposed to implement a new Drainage Service Charge at this pricing review. This service charge will provide a discrete and identifiable charge to fund drainage capital works and maintenance functions. Previously these were funded through water supply and sewerage charges. This proposed charge of \$80 pa will be offset by a corresponding reduction of \$30 pa in the water supply and \$50 pa in the sewerage service charges. These respective adjustments reflect best the individual financial positions of the respective water supply, sewerage and drainage funds.

##### Price Adjustments Over the Period of the Determination

The proposed IPaRT determination is for the period 2009/10 to 2012/13. Past IPaRT determinations have provided for an identified charge for the first year of the price path with CPI  $\pm$  adjustments in subsequent years.

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

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The Local Government Association of NSW and the Shires Association of NSW have found however, that changes in CPI do not adequately reflect the changing structure of Council costs. As such, increases above CPI are required to maintain current service delivery standards when the difference cannot be met by improvements in the efficiency of service delivery. Where higher levels of service are required, such as improved drought security, they can only be delivered with increases above CPI.

Developer Contributions

IPaRT, in July 2008 released the draft review of its Developer Charges methodology. This draft recommends the progressive easing of the 85% cap currently applied to Wyong Council in levying the cost of providing development related infrastructure. Council has repeatedly requested that this cap be removed since it was introduced by IPaRT in 1996. This cap will be relaxed by 5% pa from 2009/10 to 2011/12 with total cost recovery being achieved by 2011/12.

However, contributions collected to date and over the period until full cost recovery has been achieved, must be subsidised, by charges and fees from existing residents, to make up for the income shortfalls resulting from this cap.

Tillegra Dam

Discussions are currently being held with the Hunter Water Corporation in relation to Tillegra Dam. Current modelling indicates that, with the construction of the Mardi to Mangrove Link, an additional water supply for the Central Coast will not be required until after about 2030.

While Tillegra Dam could provide such a source the benefit to the Central Coast in investing in such a project over 20 years in advance of its need is still under consideration. Current residents are meeting the cost of works to secure the water supply for the next 20+ years by the provision of works that will bring immediate benefit in aiding drought recovery and removal of restrictions. Current residents also paying for future works such as Tillegra raises the issue of inter generational equity and whether such an investment is in their best interest.

While these issues are yet to be resolved it is considered inappropriate to make any allowance for Tillegra Dam in the current pricing proposal to IPaRT. Should it be considered prudent to make some payment towards Tillegra Dam, for example to reserve a future access option, during the course of the next price path associated costs would be considered by IPaRT in future pricing determinations.

Population Growth

The pricing proposal is based on a population growth of 2% pa over the period of the price path. This growth is consistent with Department of Planning (DOP) predictions. While growth over the past 5 years has been less than the predicted being approximately 1% pa the use of DOP planning data is considered appropriate to provide consistency with all of

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

Council's, and the State's, planning documents. Such documents are based on long term trends and will be subject to short term aberrations. IPaRT in its considerations relating to population uses DOP planning data as the starting point. Agencies would need to justify any move away from using DOP data. While current levels of development may be low, any reduction in interest rates over the period of the price path could trigger increased development. Also possible variations in population projections have a minor impact on financial projections relative to the impact of climate variation on water sales and the need for water purchases from the Hunter. Council has a financial equalisation account to provide a buffer against movements in these variables over the period of the price path.

**FINANCIAL IMPACTS**

Table 1 and Table 2 below provide details of the impact of the recommended pricing proposal on Councils financial position over the four year price path period.

**Table 1: Summary of Financial Outcomes for Council's Proposal to IPaRT Pricing Determination (2009/10 – 2012/13)**

	2008/09 (\$,000)	2009/10 (\$,000)	2010/11 (\$,000)	2011/12 (\$,000)	2012/13 (\$,000)
Estimated Total Operating and Capital Expenditure (Water / Sewerage / Drainage)	\$133,691	202,284 <sup>+</sup>	\$109,484	\$102,840	\$100,309
Estimated Total Income (Water / Sewerage / Drainage)	\$91,323	\$104,173 <sup>++</sup>	\$84,742	\$84,266	\$88,690
Borrowing (Water / Sewerage / Drainage)	\$5,530	\$88,000	\$33,700	\$22,500	\$19,000
Cash and Investments* (Water / Sewerage / Drainage)	\$27,393	\$9,202	\$10,782	\$7,120	\$7,299
Debt / Equity Ratio ***	12.19%	20.02%	22.55%	23.97%	24.89%
Debt Service Ratio ***	24.70%	27.52%	36.35%	36.25%	35.90%
Rate of Return on Capital ****	4.21%	6.05% <sup>++</sup>	3.98%	3.74%	4.21%
Average Residential Bill ** (Water / Sewerage / Drainage)	\$825.07	\$857.72	\$896.74	\$939.47	\$984.49

+ Expenditure in 2009/2010 is mainly impacted by the Mardi Suite of Works and the Mardi to Mangrove Pipeline

++ Income (and rate of return) in 2009/10 is mainly impacted by the grant income for the Mardi to Mangrove Pipeline

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

\* Includes unexpended loan funds

\*\* Based on 180 KL pa

\*\*\* Debt Ratios

The Debt / Equity and Debt Service Ratio's increase markedly from 2008/09 through until 2012/13. This reflects the major capital works program being undertaken in this period, largely funded from loans. The major capital works increases are mainly occurring in the water supply area where ongoing works are aimed at further increasing water storage capacity to further drought proof the Shire.

Beyond 2012/13 the capital works program reduces considerably and the debt ratio's continue to fall over the next 20 years as the organisation progressively retires loans used to finance this accelerated works program.

Throughout the price path period it is projected that Council will move from a AAA+ credit rating in 2008/09 to a BBB+ rating in 2012/13. It is projected that the BBB+ rating will apply for a short period from 2012/13 through until 2015/16 when the credit rating will continue to return to an A+ to AAA+ rating.

\*\*\*\* Rate Return on Capital

Throughout this price path period there is expected to be some volatility on the Capital Rate of return as significant capital works impact on the rate of return.

Despite this the rate of return remains above 3.7% for the period and is considered appropriate considering the significant nature of capital work being undertaken.

It should be noted that State water agencies are targeting significantly higher returns with figures of 7.5% to over 9% being considered. To achieve such returns prices would need to be increased significantly above those proposed for this price review. Such increases have not been recommended for this price review however may need to be considered if, in the future, Council is required to align with rates of return applicable to State water agencies.

**Table 2: Source of Funds for Council's Proposal to IPaRT Pricing Determination (2009/10 – 2012/13)**

	2008/09 (\$,000)	2009/10 (\$,000)	20010/11 (\$,000)	2011/12 (\$,000)	2012/13 (\$,000)
Capital: - Water / Sewerage / Drainage					
* Revenue	\$14,043	\$11,989	\$3,790	\$3,964	\$5,452
* Grants	\$11,870	\$28,657	\$6,000	-	-
* Contributions	\$11,450	\$8,052	\$18,349	\$18,928	\$19,502
* Loans	\$40,394	\$98,111	\$20,299	\$15,542	\$9,175
Operational: - Water / Sewerage / Drainage					
* Revenue	\$55,934	\$55,475 <sup>++</sup>	\$61,046	\$64,406	\$66,180
* Grants	-	-	-	-	-
* Contributions	-	-	-	-	-
* Loans	-	-	-	-	-

<sup>++</sup> The reduced revenue (expenditure) for operations in 2009/10 is mainly due to an adjustment in the corporate overhead allocation resulting from the introduction of the separate drainage charge.

## **Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 to 2012-13 (contd)**

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### **WATER SUPPLY**

#### Expenditure Requirements

The impacts of the drought will continue to affect the financial position of Council's water business. The continuing provision of drought recovery works, maintenance of demand management strategies and work to secure the Central Coast water supply into the future will impact Council's expenditure requirements particularly in the following areas over the period of the price path:

- a) Capital expenditure on the Mardi suite of works and the Mardi to Mangrove Link together with infrastructure works to service the northern development areas
- b) Operational expenditure on water purchases from the Hunter Water Corporation and operation of groundwater and effluent re-use systems to continue the recovery from the drought.

#### Income Impacts

Council's total water sales in the period 2003/04 to 2007/08 are approximately 10% below sales forecasts used by IPaRT for pricing purposes. This has resulted in a revenue shortfall of approximately \$8.2M during this period as indicated in Table 3 below.

**Table 3: Water Sales**

<b>Year</b>	<b>Water Sales By Council</b>	<b>Basis for Determination**</b>	<b>Actual Sales by Council</b>	<b>Reduced Water Sales</b>	<b>Reduced Revenue*</b>
2003/2004	14,461 ML	15,000 ML	13,467ML	(1,533) ML	(\$1,119,090)
2004/2005	14,750 ML	15,000 ML	13,099 ML	(1,901) ML	(\$1,437,000)
2005/2006	13,308 ML	12,814 ML	13,013 ML	199 ML	\$184,075
2006/2007	13,594 ML	12,939 ML	10,889 ML	(2,050) ML	(\$2,296,000)
2007/2008	13,879 ML	13,128 ML	10,786 ML	(2,342) ML	(\$3,232,000)
<b>Summary Total</b>	<b>69,992 ML</b>	<b>68,881 ML</b>	<b>61,254 ML</b>	<b>(7,627) ML</b>	<b>\$8,231,000***</b>

\* Based on sale price in relevant year (\$ of the day)

\*\* Projected sales as determined by IPaRT for price setting

\*\*\* Estimated Total in 2008 \$

**Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 to 2012-13 (contd)**Submission Recommendations

The submission recommends the adoption of water sales projections that reflect the ongoing impact of restrictions and impact of demand management initiatives introduced as part of Council's drought management strategy.

Based on these estimated sales the submission recommends the following pricing over the four year period, to fund future capital and operations expenditures. The water service charge has been reduced by \$30.00 to offset part of the drainage service charge.

Charge	Current Charge 2008/2009	2009/2010 Charge	Proposed Price Movement		
			2010/2011	2011/2012	2012/2013
Water Service Charge *	\$112.16	\$86.49	CPI	CPI	CPI
Water Usage Charge (per KL)	\$1.668	\$1.768	CPI + 3%	CPI + 3.5%	CPI + 3.5%

\* The water service charge has been reduced in 2009/2010 to compensate for the new drainage charge. The water service charge also includes a per property contribution (\$14.86 in 2008/2009 and \$15.78 in subsequent years) to the NSW Government Climate Change Fund.

**SEWERAGE**

The sewerage business is not expected to be subject to any abnormal external influences over the course of this pricing determination. As such the pricing proposal recommends only annual CPI adjustments.

The sewerage service charge has been reduced by \$50.00 to offset part of the drainage service charge.

Submission Recommendations

The following sewerage charges have been recommended over the four year price path.

Charge	Current Charge 2008/2009	2009/2010 Charge	Proposed Price Movement		
			2010/2011	2011/2012	2012/2013
Sewerage Service Charge *	\$412.67	\$372.99	CPI	CPI	CPI

\* The sewerage service charge has been reduced in 2009/2010 to compensate for the new drainage charge

## **Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 to 2012-13 (contd)**

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### **DRAINAGE**

The proposed new drainage service charge, as detailed earlier, is based on the same methodology that is currently applied in the implementation of Council's stormwater levy. The base charge to be levied on a typical residential property is proposed to be \$80.00.

Charge	Current Charge 2008/2009	2009/2010 Charge	Proposed Price Movement		
			2010/2011	2011/2012	2012/2013
Drainage Service Charge *	-	\$80.00	CPI	CPI	CPI

\* There was no separate drainage charge in 2008/2009. Drainage functions were funded jointly from the water supply and sewerage charges

With the introduction of a separate drainage charge, there will be an impact on pensioners whose current water availability and usage charge do not exceed \$175.00 as there is no pension rebate on a separate drainage charge. Of the 13,000 current pensioners as it is estimated that around 1,100 will be impacted with a reduction of a average \$7.00 per assessment in pension rebate.

### **TRADE WASTE CHARGES**

In accordance with a direction by Department of Water and Energy Council is required to incorporate the acceptance of septic tank and pan waste into its' current Liquid Trade Waste policy. This will result in a number of additional trade waste charges.

These charges, now included under trade waste, replace other charges that currently exist in the Management Plan. These charges are proposed to increase by CPI over the price path.

It is proposed to increase all other current trade waste charges at CPI except the Trade Waste Usage Charge.

The Department of Water and Energy regulates trade waste discharges and provides guidelines relating to trade waste policy and charging. In 2005 DWE guidelines provided for a new trade waste usage charge of \$1.20 per kL reflecting full cost recovery for trade waste dischargers subject to this charge. Council had not previously levied this charge therefore in the last pricing determination Council recommended a phased implementation of charges to achieve this full cost recovery. During the price path period covered by this previous determination the trade waste usage charge has increased by \$0.10 per annum above CPI to a current charge of \$0.31/kL. It is proposed to continue this phased increase of \$0.10 per annum above CPI during the period of this price path.

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

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**MISCELLANEOUS CHARGES**

Miscellaneous charges have been proposed to increase by CPI over the price path.

***Attachment 1***

***Proposed Water Supply, Sewerage and Drainage Charges  
For 2009/2010 to 2012/2013***



**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1)**

1 Proposed Water Charges

Water Service Charge – Metered Services

**Table 1.1**

<b>Water Service Charge – Metered Services</b>					
<b>Nominal Pipe/Meter Size</b>	<b>Current Charge 2008/2009</b>	<b>Proposed 2009/2010 Charge</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
20 mm	\$112.16	\$86.49	CPI	CPI	CPI
25 mm	\$166.89	\$126.26	CPI	CPI	CPI
40 mm	\$404.06	\$298.62	CPI	CPI	CPI
50 mm	\$622.98	\$457.72	CPI	CPI	CPI
80 mm	\$1,571.66	\$1,147.14	CPI	CPI	CPI
100 mm	\$2,447.36	\$1,783.53	CPI	CPI	CPI
150 mm	\$5,487.98	\$3,993.22	CPI	CPI	CPI
200 mm	\$9,744.86	\$7,086.78	CPI	CPI	CPI
250mm	\$15,217.98	\$11,064.22	CPI	CPI	CPI

Charges for meters in excess of 250 mm are calculated on the proportional increase in the volume of the connection when compared to a 20 mm connection.

The above charges have been reduced in 2009/2010 to compensate for the new drainage charge.

The above charges will include a per property (\$14.86 in 2008/2009 and \$15.78 in subsequent years) contribution to the State Government "Climate Change Fund".

Water Usage Charge

**Table 1.2**

<b>Water Usage Charge</b>					
<b>Type of Service</b>	<b>Current Charge 2008/2009</b>	<b>Proposed 2009/2010 Charge</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
Proposed increase on per Kilotitre charge	\$1.668	\$1.768	CPI + 3%	CPI + 3.5%	CPI + 3.5%

## **Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**

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### Water Service Charges – Strata Title Properties ( Residential) with Master Meter Only

Where water usage to a residential strata titled property is measured through a master meter only, each individual strata title unit is levied a service charge equal to the Water Service Charge – Metered Services for a 20mm water meter. Water Usage is apportioned to the various lots in the Strata Plan in accordance with the schedule of unit entitlement and charged to the unit owners at the Water Usage Charge per kilolitre.

### Water Service Charges - Community Title Properties and Non-Residential Strata Properties

Where a master meter is attached to service the property, the service charge is based on an availability charge commensurate with the size of the meter and this charge is apportioned to the various lots in the community title/strata plan in accordance with the schedule of unit entitlement. Usage consumed through the master meter is apportioned and charged to the individual unit owners in accordance with the unit entitlement at Water Usage Charge per kilolitre.

### Water Fire Service

There is no charge for a separate Water Fire Service.

Where a property has a combined fire and commercial service the property will be charged a Water Service Charge – Metered Service commensurate with the meter size.

### Water Service Charges Vacant Land and Unmetered Services

A water service charge is levied on vacant land to which water is supplied or to which it is reasonably practical for water to be supplied and all properties to which an unmetered water service is supplied.

**Table 1.3**

<b>Water Service Charges – Vacant Land and Unmetered Services</b>					
<b>Type of Service</b>	<b>Current Charge 2008/2009</b>	<b>Proposed 2009/2010 Charge</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
Water Service Charge	\$112.16	\$86.49	CPI	CPI	CPI

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**

2 Proposed Sewerage Charges

Sewerage Service Charge for Single Residential Properties Including Residential Strata Properties

Council has a current charging structure based on a service charge for each single residential property to which a sewerage service is supplied.

There is no usage charge for this category.

**Table 2.1**

<b>Sewerage Service Charge Single Residential Properties including Residential Strata Properties</b>					
<b>Type of Service</b>	<b>Current Charge 2008/2009</b>	<b>Proposed 2009/2010 Charge</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
Sewerage Service Charge	\$412.67	\$372.99	CPI	CPI	CPI

The above charge has been reduced in 2009/2010 to compensate for the new drainage charge.

*Non-Residential Service and Usage Charges*

In the determination of Council's 1995/96 charges, the Independent Pricing and Regulatory Tribunal approved the introduction of a pay for use system of charging for sewerage based on an access charge and a usage charge.

Non-Residential customers are those that do not meet the classification as a single residential customer. These include non strata titled residential units and Retirement Village properties.

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)****Table 2.2**

<b>Non- Residential Service Charge</b>					
<b>Nominal Pipe/Meter Size</b>	<b>Current Charge 2008/2009*</b>	<b>Proposed 2009/2010 Charge *</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
20 mm	\$148.67	\$103.87	CPI	CPI	CPI
25 mm	\$232.29	\$162.30	CPI	CPI	CPI
40 mm	\$594.68	\$415.48	CPI	CPI	CPI
50 mm	\$929.20	\$649.19	CPI	CPI	CPI
80 mm	\$2,378.73	\$1,661.82	CPI	CPI	CPI
100 mm	\$3,716.77	\$2,596.75	CPI	CPI	CPI
150 mm	\$8,362.75	\$5,842.69	CPI	CPI	CPI
200 mm	\$14,867.11	\$10,387.00	CPI	CPI	CPI
250mm	\$23,229.68	\$16,229.68	CPI	CPI	CPI

Charges for meters in excess of 250 mm are calculated on the proportional increase in the area of the connection when compared to a 20 mm connection.

The above charge has been reduced in 2009/2010 to compensate for the new drainage charge.

- \* A discharge factor is applied to the charge based on the estimate volume of metered water discharged into Council's sewerage system. The discharge factor is based on the type of premises.

**Table 2.3**

<b>Non-Residential Sewerage Usage Charge</b>					
<b>Type of Service</b>	<b>Current Charge 2008/2009 (¢ per Kl)</b>	<b>2009/2010 Charge (¢ per Kl)</b>	<b>2010/2011 Proposed % increase on 2009/2010 Charge</b>	<b>2011/2012 Proposed % increase on 2010/2011 Charge</b>	<b>2012/2013 Proposed % increase on 2011/2012 Charge</b>
Per Kilolitre of Water Discharged	74.41	77.01	CPI	CPI	CPI

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**

Sewerage Service Charges – Vacant Land

The charge for vacant land to which a sewerage service is supplied or to which it is reasonably practical for sewerage services to be supplied.

**Table 2.4**

<b>Sewerage Service Charges – Vacant Land</b>						
Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge	
Sewerage Service Charge	\$309.51	\$309.50	CPI	CPI	CPI	

Non-Residential Minimum Sewerage Service Charge

**Table 2.5**

<b>Non-Residential Sewerage Usage Charge</b>						
Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge	
Minimum Sewerage Service Charge	\$412.67	\$372.99	CPI	CPI	CPI	

Sewerage Service Fees – Exempt Properties

Properties exempt from services charges under Schedule 4 of the Water Management Act 2000 No 92 are charged a fee in accordance with Section 310(2) Of the Act.

**Table 2.6**

<b>Sewerage Service Fees – Exempt Properties</b>						
Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge	
Per Water Closet	\$58.26	\$60.30	CPI	CPI	CPI	
Per Cistern Servicing a Urinal	\$20.63	\$21.35	CPI	CPI	CPI	

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)****3 Proposed Trade Waste Charges**

Type of Service	Current Charge 2008/2009	Proposed Charge 2009/2010	2010/11 Proposed % increase on 2009/2010 Charge	2011/12 Proposed % increase on 2010/2011 Charge	2012/13 Proposed % increase on 2011/2012 Charge
Trade Waste Application Fee - Category 1	\$42.94	\$44.44	CPI	CPI	CPI
Trade Waste Application Fee - Category 2	\$54.65	\$56.56	CPI	CPI	CPI
Trade Waste Application Fee - Category 3	\$838.09	\$867.42	CPI	CPI	CPI
Annual Trade Waste Fee - Category 1	\$75.09	\$77.71	CPI	CPI	CPI
Annual Trade Waste Fee - Category 2	\$300.36	\$310.87	CPI	CPI	CPI
Annual Trade Waste Fee - Category 3	\$504.54	\$522.19	CPI	CPI	CPI
Re-inspection Fee per inspection (All Categories)	\$70.40	\$72.86	CPI	CPI	CPI
Trade Waste Usage Fee - Compliant (Category 2 only)	\$0.31	\$0.42	\$0.53	\$0.64	\$0.76
Trade Waste Usage Fee - non compliant (Category 2 only)	\$12.90	\$3.35	CPI	CPI	CPI

Excess Mass & Non Compliant Excess Mass /kg of Substance Discharged					
Biochemical Oxygen Demand	0.63	0.65	CPI	CPI	CPI
Suspended Solids	0.80	0.82	CPI	CPI	CPI
Total Oil & Grease	1.13	1.16	CPI	CPI	CPI
Ammonia (as Nitrogen)	0.63	0.65	CPI	CPI	CPI
Total Kheldhal Nitrogen	0.15	0.15	CPI	CPI	CPI
Total Phosphorus	1.28	1.32	CPI	CPI	CPI
Total Dissolved Solids	0.04	0.04	CPI	CPI	CPI
pH	0.35	0.36	CPI	CPI	CPI
Aluminium	0.63	0.65	CPI	CPI	CPI
Arsenic	0.63	0.65	CPI	CPI	CPI
Barium	31.67	32.77	CPI	CPI	CPI

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)****Proposed Trade Waste Charges (cont)**

<b>Excess Mass &amp; Non Compliant Excess Mass /kg of Substance Discharged</b>	<b>Current Charge 2008/2009</b>	<b>Proposed Charge 2009/2010</b>	<b>2010/11 Proposed % increase on 2009/2010 Charge</b>	<b>2011/12 Proposed % increase on 2010/2011 Charge</b>	<b>2012/13 Proposed % increase on 2011/2012 Charge</b>
Boron	\$0.63	\$0.65	CPI	CPI	CPI
Bromine	\$12.67	\$13.11	CPI	CPI	CPI
Cadmium	\$293.33	\$303.59	CPI	CPI	CPI
Chloride	Nil	Nil	Nil	Nil	Nil
Chlorinated Hydrocarbons	\$31.67	\$32.77	CPI	CPI	CPI
Chlorinated Phenolics	\$1,267.22	\$1,311.57	CPI	CPI	CPI
Chlorine	\$1.28	\$1.32	CPI	CPI	CPI
Chromium	\$21.12	\$21.85	CPI	CPI	CPI
Cobalt	\$12.90	\$13.35	CPI	CPI	CPI
Copper	\$12.90	\$13.35	CPI	CPI	CPI
Cyanide	\$63.36	\$65.57	CPI	CPI	CPI
Fluoride	\$3.16	\$3.27	CPI	CPI	CPI
Formaldehyde	\$1.28	\$1.32	CPI	CPI	CPI
Herbicides/defoliant	\$633.61	\$655.78	CPI	CPI	CPI
Iron	\$1.28	\$1.32	CPI	CPI	CPI
Lead	\$31.67	\$32.77	CPI	CPI	CPI
Lithium	\$6.33	\$6.55	CPI	CPI	CPI
Manganese	\$6.33	\$6.55	CPI	CPI	CPI
Mercaptans	\$63.36	\$65.57	CPI	CPI	CPI
Mercury	\$2,112.03	\$2,185.95	CPI	CPI	CPI
Methylene Blue Active Substances (MBAS)	\$0.63	\$0.65	CPI	CPI	CPI
Molybdenum	\$0.63	\$0.65	CPI	CPI	CPI

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)****Proposed Trade Waste Charges (cont)**

<b>Excess Mass &amp; Non Compliant Excess Mass /kg of Substance Discharged</b>	<b>Current Charge 2008/2009</b>	<b>Proposed Charge 2009/2010</b>	<b>2010/11 Proposed % increase on 2009/2010 Charge</b>	<b>2011/12 Proposed % increase on 2010/2011 Charge</b>	<b>2012/13 Proposed % increase on 2011/2012 Charge</b>
Nickel	\$21.12	\$21.85	CPI	CPI	CPI
Organoarsenic compounds	\$633.61	\$655.78	CPI	CPI	CPI
Pesticides general	\$633.61	\$655.78	CPI	CPI	CPI
Petroleum Hydrocarbons	\$2.11	\$2.18	CPI	CPI	CPI
Phenolic compounds	\$6.33	\$6.55	CPI	CPI	CPI
Polynuclear aromatic hydrocarbons (PAH)	\$12.90	\$13.35	CPI	CPI	CPI
Selenium	\$44.58	\$46.14	CPI	CPI	CPI
Silver	\$1.16	\$1.20	CPI	CPI	CPI
Sulphate	\$0.12	\$0.12	CPI	CPI	CPI
Sulphide	\$1.28	\$1.32	CPI	CPI	CPI
Sulphite	\$1.40	\$1.44	CPI	CPI	CPI
Thiosulphate	\$0.22	\$0.22	CPI	CPI	CPI
Tin	\$6.33	\$6.55	CPI	CPI	CPI
Uranium	\$6.33	\$6.55	CPI	CPI	CPI
Zinc	\$12.90	\$13.35	CPI	CPI	CPI



**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**Septic Tank Waste Removal and Disposal Charges**Table 3.2**

Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge
Fortnightly effluent removal and disposal service	\$950.66	\$983.93	CPI	CPI	CPI
Additional effluent removal and disposal service	\$36.78	\$38.07	CPI	CPI	CPI
Commercial effluent removal and disposal service	\$12.19	\$12.61	CPI	CPI	CPI
Sludge removal and disposal services					
Septic tanks with capacity up to 2750 litres	\$266.69	\$276.02	CPI	CPI	CPI
Septic tanks exceeding 2750 litres or AWTS with one tank	\$346.00	\$358.11	CPI	CPI	CPI
AWTS with more than one tank	\$516.13	\$534.19	CPI	CPI	CPI
Sludge disposal Only (collection organised by customer)	\$28.74	\$29.74	CPI	CPI	CPI
Application for * initial approval					
Domestic	\$44.40	\$45.95	CPI	CPI	CPI
Commercial	\$179.25	\$185.52	CPI	CPI	CPI
Application for Renewal of approval *					
Domestic	\$39.40	\$40.77	CPI	CPI	CPI
Commercial	\$80.05	\$82.85	CPI	CPI	CPI
Reinspection Fee **	NA	\$72.86	CPI	CPI	CPI

\* Not currently regulated by IPART. Included in 2008/2009 Management Plan

\*\* Same charge as in Table 3.1. This charge commences in 2009/2010

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**Pan Waste (Nightsoil) Charges**Table 3.3**

Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge
Annual Fortnightly Service	\$1,370.17	\$1,418.12	CPI	CPI	CPI
Each requested Weekly Special Service	\$26.69	\$27.62	CPI	CPI	CPI
Application for initial approval *					
Domestic	\$44.40	\$45.95	CPI	CPI	CPI
Commercial	\$179.25	\$185.52	CPI	CPI	CPI
Application for * renewal of approval					
Domestic	\$39.40	\$40.77	CPI	CPI	CPI
Commercial	\$80.05	\$82.85	CPI	CPI	CPI
Reinspection Fee**	NA	\$72.86	CPI	CPI	CPI

\* Not currently regulated by IPART. Included in 2008/2009 Management Plan

\*\* Same charge as in Table 3.1. This charge commences in 2009/2010

**Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**

Pan Waste (Chemical Toilet) Charge

Proposed charges for pan waste (chemical toilet) accepted and discharged into Council's sewerage system are:

**Table 3.4**

Type of Service	Current Charge 2008/2009	Proposed 2009/2010 Charge	2010/2011 Proposed % increase on 2009/2010 Charge	2011/2012 Proposed % increase on 2010/2011 Charge	2012/2013 Proposed % increase on 2011/2012 Charge
Pan Waste (Chemical Toilet)	\$14.08	\$14.57	CPI	CPI	CPI
Application for initial approval *					
Domestic	\$44.40	\$45.95	CPI	CPI	CPI
Commercial	\$179.25	\$185.52	CPI	CPI	CPI
Application for * renewal of approval					
Domestic	\$39.40	\$40.77	CPI	CPI	CPI
Commercial	\$80.04	\$82.85	CPI	CPI	CPI
Reinspection Fee **	NA	\$72.86	CPI	CPI	CPI

\* Not currently regulated by IPART. Included in 2008/2009 Management Plan

\*\* Same charge as in Table 3.1. This charge commences in 2009/2010

Where properties discharging liquid trade waste become chargeable or non-chargeable for a part of the financial year a proportional charge calculated on a weekly basis is to apply.

### **Schedule of Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 and 2012-13 inclusive (Attachment 1) (Contd)**

#### 4 Proposed Drainage Service Charges

##### Drainage Service Charge

The proposed charge structure reflects that of Council's current stormwater levy.

The Drainage Service Charge applies to the urban area of the Shire – defined as the area to the east of the F3 Freeway plus the Highway Service Centre and any industrial-zoned land to the west of the Freeway. Vacant properties (ie. those without impervious surfaces) are not subject to this charge.

**Table 4.1**

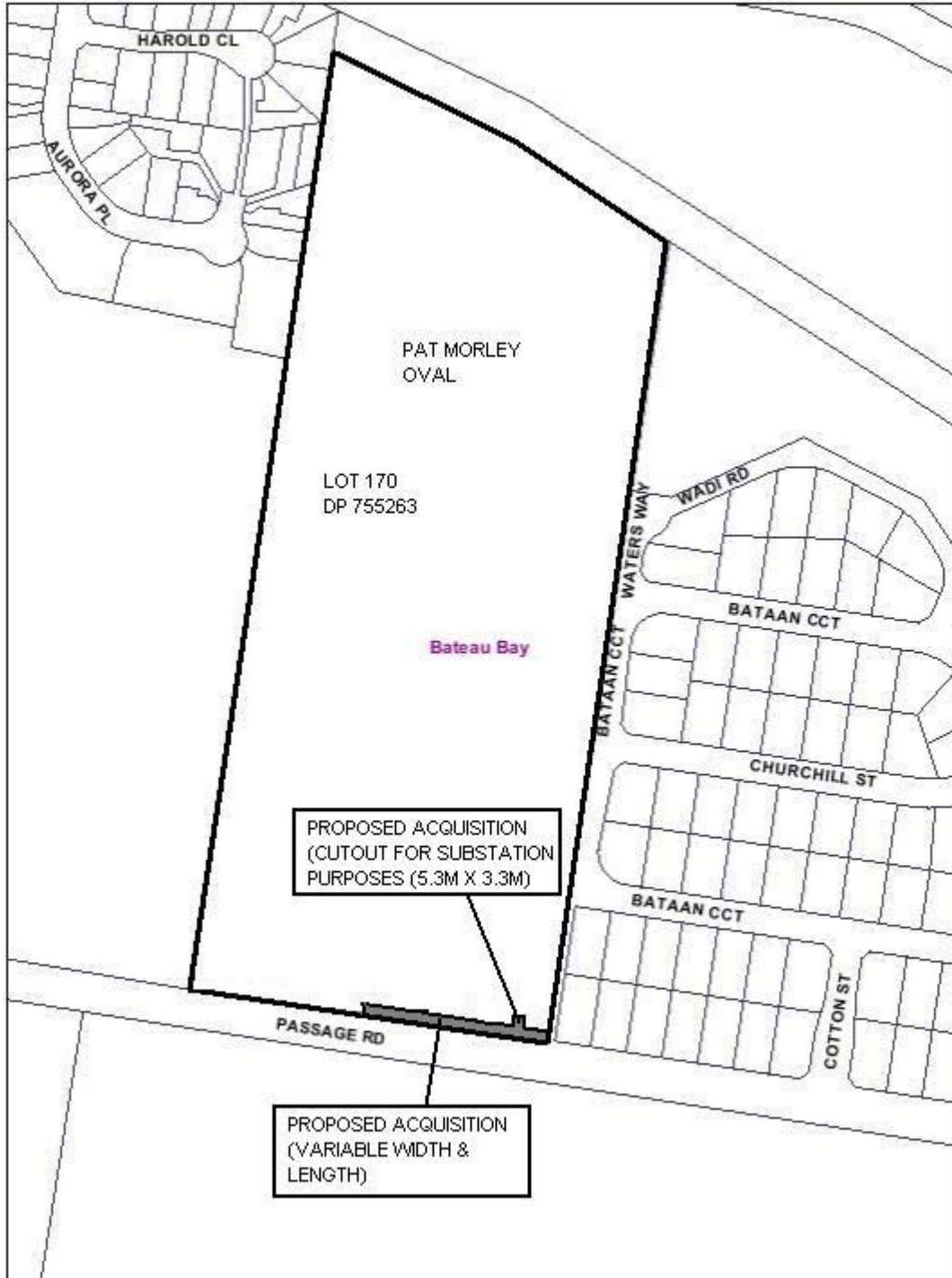
<b>Drainage Service Charge</b>					
	<b>2008/2009</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>
Residential Properties	Nil	\$80.00 per property (within the area of the drainage plan)	CPI	CPI	CPI
Residential Strata Properties	Nil	\$40.00 per lot	CPI	CPI	CPI
Residential Company Title Properties	Nil	\$80.00 per Company title complex apportioned according to the number of shares in the company owned by each shareholder	CPI	CPI	CPI
Business Properties	Nil	\$80.00 per 850 square metres (or part thereof) with a ceiling of \$2,800	CPI	CPI	CPI
Business Strata Properties	Nil	\$80.00 per 850 square metres (or part thereof) of the land area of the strata complex) for strata business properties and apportioned equally to each lot within the strata complex	CPI	CPI	CPI
Business Company Title Properties	Nil	\$80.00 per 850 square metres (or part thereof) of the Company Title complex with a ceiling of \$2,800 apportioned according to the number of shares in the company owned by each shareholder	CPI	CPI	CPI

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**400 Proposed Acquisition of Part Lot 170 DP 755263 for Road Widening at Passage Road, Bateau Bay (Attachment 1)**

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***Plan of proposed acquisition Passage Road, Bateau Bay shaded (1 page)***



## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

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

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F2008/00726 SB

### SUMMARY

Authority is sought to acquire part of Lot 170 DP 755263 Passage Road, Bateau Bay as public road to allow for electrical services for the Bateau Bay Landfill redevelopment.

### RECOMMENDATION

- 1 That Council acquire part of Lot 170 DP 755263 Passage Road, Bateau Bay as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

### BACKGROUND

As part of Council's on-going Sports Ground Improvement Program, the former landfill site at Passage Road, Bateau Bay is being redeveloped as playing fields. Associated with the redevelopment it is necessary to install a new power supply and substation to service the redevelopment.

It is the requirement of Energy Australia that the land within which it is to install its infrastructure should be public road in order that its interest in respect of operation and maintenance is protected. Accordingly it is necessary to acquire part of Lot 170 DP 755263 for the purpose of widening Passage Road to accommodate the electricity supply infrastructure.

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

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Lot 170 DP 755263 is Crown Reserve No 97864 for Public Recreation and Council is the Manager of the Reserve Trust.

Lot 170 DP 755263 is zoned 6A Open Space & Recreation and has an area of approximately 7.96 hectares. The road widening is 2 metres wide and variable width along part of the southern boundary of Lot 170 and includes a 5.3m x 3.3m "cutout" section to accommodate the electricity substation.

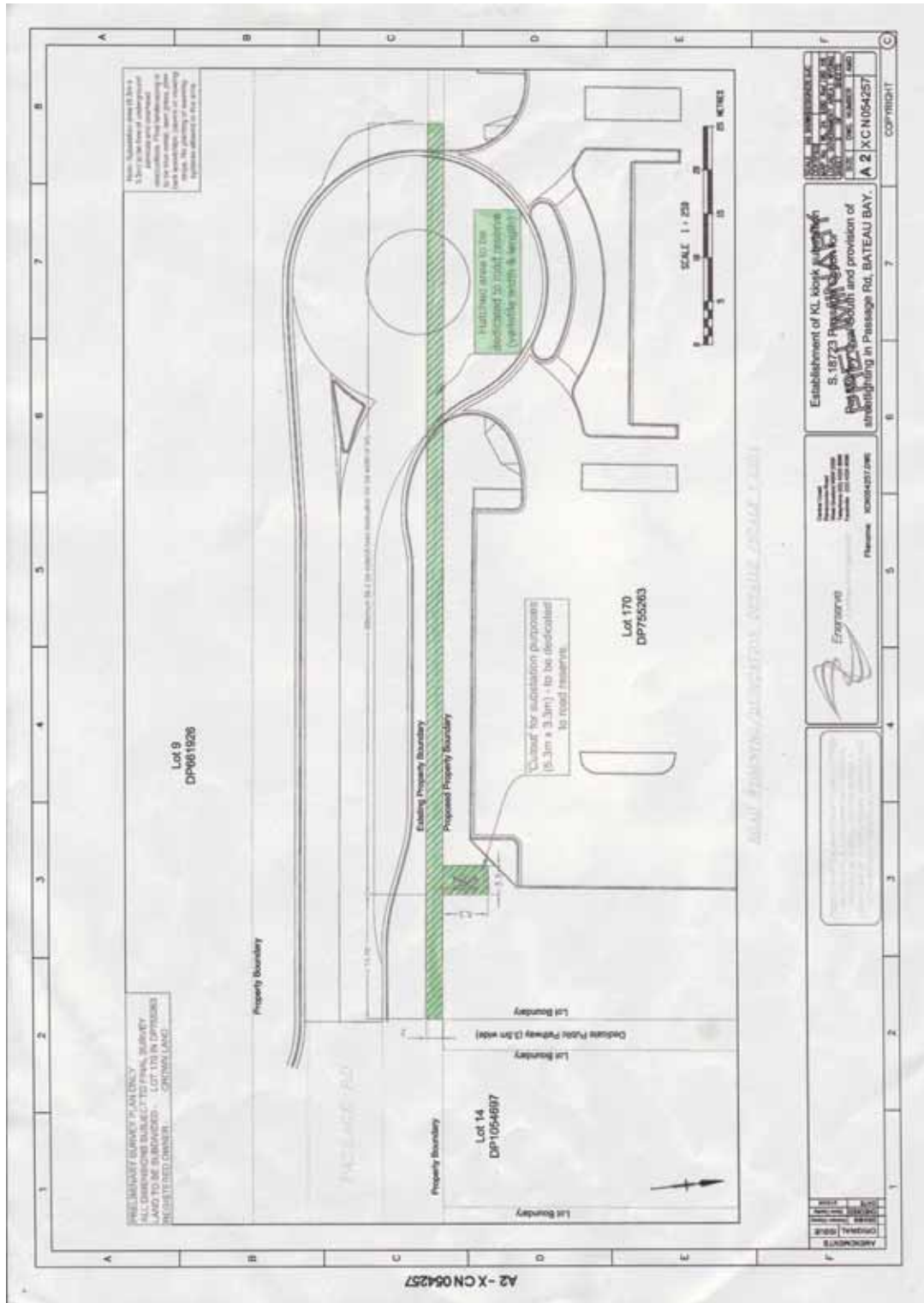
The Department of Lands has no objections to the proposal and has subsequently granted its consent to the acquisition for road widening of part of Lot 170 DP 755263 subject to payment of compensation determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1990.

Compensation to the Crown is to be funded from Section 94 contributions for the on-going Sports Ground Improvement Programme.

- Attachment 1**                      ***Plan of proposed acquisition Passage Road, Bateau Bay shaded (1 page)***  
**Attachment 2**                      ***Preliminary Survey Plan Passage Road, Bateau Bay (1 page)***



**Proposed Acquisition of Part Lot 170 DP 755263 for Road Widening at Passage Road, Bateau Bay (Attachment 2)**



**401 Naming of Creek**

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F2006/00812 ED

**SUMMARY**

Proposal to name a creek within the Wyong Local Government area.

**RECOMMENDATION**

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

**BACKGROUND**

The Mangrove Mountain District Community Group Inc has responsibility for managing a long-term bicentennial project of naming creeks / gullies in the mountains localities of the Gosford City Council Local Government Area. The Group has suggested naming a creek which flows into the Wyong Local Government Area.

An unnamed creek starts between Wisemans Ferry and Peats Ridge Road (Lot 41, DP 1046841) and flows down into Ourimbah Creek via the Forest of Tranquillity. The proposed name Platypus Creek has been based on there being a colony of platypus downstream in the creek at the Forest of Tranquillity. The creek is quite prominent and is displayed on the Gosford City Council mapping system and Wyong 1:25000 topographic maps from NSW Lands.

A map outlining the location of the creek is enclosed.

Should Council support the proposed naming, Gosford City Council will undertake the necessary administrative action to have this carried out.

**Enclosure*****Location Plan (colour)***

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

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

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F2004/07006 BR

**SUMMARY**

Quarterly report on progress against Council's 2007-08 Management Plan.

**RECOMMENDATION**

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

**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 as to 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 2007-08 Management Plan. It highlights achievements during the quarter and potential impediments to undertaking actions or meeting performance targets.

**HIGHLIGHT OF THE QUARTER**

In the June quarter Council resolved to place the draft five-year Community Plan on public exhibition (Strategic Programme 1.1.1.1).

Over 1,300 Wyong Shire residents were involved in the development of the Plan's themes and priority areas. Council also worked with government departments, non-government agencies and community organisations to learn what they valued most about living in Wyong Shire and what they saw as the key challenges over the next five years.

The draft Wyong Shire Community Plan 2008-13 is based on the social justice principles of equity, rights, access and participation, and identifies both immediate and long-term directions to make Wyong Shire a better place to live.

The extensive consultations and outcomes of the Community Plan process will also contribute to setting the direction for the Shire Strategic Vision.

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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**KEY FOCUS AREAS**

In addition to Council's ongoing commitment to a range of services and facilities, the 2007-08 Management Plan includes a list of priority actions, or Key Focus Areas, that Council has committed to achieving during the current term (from March 2004 to September 2008). Refer to pages 113 and 114 of the Quarterly Review enclosure for a timetable of Key Focus Area projects.

Action plans have been developed to implement each of the 12 key focus areas and they are being emphasised in work programs across the organisation. Progress to date is reported below:

**1 Performing Arts Centre**

An extended peer review of the Business Plan and Design Brief for the proposed Performing Arts Centre was undertaken to better define capital and operational costs, review escalation over project duration, asset management based expenditure over a 20 year period and to review the initial assumptions made on the Memorial Hall and River Road sites. As part of the peer review process, staff also inspected the Cessnock Performing Arts Centre, Hunter School of Performing Arts Theatre and MacKillop College Theatre.

The results of the peer review were presented to a Councillor Briefing on 4 June 2008. Comparing the estimated cost of the River Road site (\$44m) with a flat site (\$29.8m) clearly demonstrated that a flat site is critical for achieving an economical building.

The next step of the project involves the investigation of two alternative site options within Wyong Town Centre and a further briefing to Council on the outcome of these site investigations. \$700,000 has been allocated in the 2008-09 Management Plan to proceed with the planning of this facility from preliminary design to development application.

Potential external funding sources have been identified but none have been confirmed. No funding commitments were made during the recent Federal election campaign and the State Government has not committed any grants to the project.

The legislation governing the changes to developer contributions has been passed however, the Department of Planning is still yet to release the accompanying guidelines. Indications are that this project will not be negatively impacted by the changes to developer contributions. The legislation now states that Councils will be able to collect contributions for "district" sporting, recreational and cultural facilities if there is a direct connection with the development to which a contribution relates. It is anticipated that the definition of "district" will be clarified in the guidelines.

In light of these recent developments, the Project Control Group will continue to undertake a complete review of its funding options.

## **2007-08 Management Plan – June 2008 Quarter Review (contd)**

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It is estimated that the shortest time in which the Performing Arts Centre could be designed and constructed is four years once a site is selected, ie. Completion in 2012 at the earliest.

### **2 Sportsgrounds**

Pre-construction works for the Woongarra Sports Fields are proceeding with Part 5 approval to be granted. Detailed design and documentation has been progressed in parallel with the planning approval application. Construction is expected to commence by January 2009 with the fields expected to be available for use at the earliest by December 2009.

Further progress on the detailed design of the Warnervale District Fields (off Virginia Road) and further investigations are still dependent upon the State Government resolving the Warnervale Town Centre Master Plan and clarifying the developer contribution issues. No dates are available as to when these issues will be resolved.

The Hamlyn Terrace Sports Fields have been located and purchase of the land is now progressing. Initial negotiations with land holders have not been successful and Council has resolved to pursue compulsory acquisition. A concept masterplan for the site is complete and detailed investigation and design of new sporting facilities will commence during the September quarter.

### **3 Shared Pathways**

Shared pathways at Buff Point (1 km) and Killarney Vale (0.3 km) were constructed during the June Quarter.

In addition the shared pathway past residences in Terilbah Place, North Entrance, was completed as a boardwalk. Initial clearing of a route through Crown Land has been undertaken with approval from the Lands Department.

In 2008-09 the emphasis at North Entrance will continue to be on obtaining approvals for the selected route through Crown Land and progressive construction of the pathway.

### **4 Warnervale Town Centre**

#### ***New Railway Station/Interchange at Warnervale***

Information relating to stormwater, traffic and access, water, sewer and landscaping remain outstanding. The applicant has prepared a Species Impact Statement (SIS) to address the issue of the Heath Wrinklewort (Wyong Daisy) which was referred by Council to the Department of Environment, Conservation and Climate Change (DECC) for consideration. DECC has advised that it is unable to support the development until resolution of the biodiversity certification for the Town Centre is complete. DECC has further confirmed that it will not grant concurrence to the DA until the Warnervale Town Centre is resolved. The application therefore remains undetermined.

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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***Warnervale Town Centre Masterplan***

The Warnervale Town Centre was called in by the Minister for Planning in June 2006. The Department of Planning has prepared and publicly exhibited a draft Development Control Plan, Masterplan, amendment to the Major Projects SEPP, State Infrastructure Contribution and Biocertification Report.

The draft plans were publicly exhibited for a period of five weeks to 19 March 2008. Council resolved on 12 March 2008 to make a formal submission to the exhibition. This has been done. Ongoing meetings and liaison with Department of Planning representatives are occurring to discuss matters raised in Council's submission.

The delay in finalising the Masterplan for the Warnervale Town Centre has stopped all works on the Aquatic and Recreation centre project until the constraints of the project and the location of the future facilities are known, and issues in respect of Section 94 funding are clarified.

**5 Employment Projects**

The Department of Planning has publicly exhibited amendments to the Major Project SEPP, State Significant Sites Study, State Infrastructure Contribution Plan and supporting studies to enable the Wyong Employment Zone (WEZ) to proceed. The exhibition closed on 19 March 2008. Council resolved on 12 March 2008 to make a formal submission to the exhibition. This has been done. It is now up to the Minister to review the submissions, amend the exhibited drafts and gazette the final proposal. In conjunction with the State Government exhibition Council placed on exhibition its draft Section 94 Contributions Plan and draft Development Control Plan. A "Part 3A" application has been lodged with the Department of Planning by Terrace Towers for the development of Precinct 14 in isolation to the remainder of the WEZ. Precinct 14 is located on the Western side of the Freeway and North of Sparks Road. Council is yet to be advised of whether the Minister has accepted this application.

The rezoning of industrial land at North Wyong was gazetted in January 2008.

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.

Westfield has lodged a rezoning application for the 42ha former abattoir site to be known as the "Westfield Gateway Site" as a "Part 3A" application with the Minister for Planning. The rezoning proposes the establishment of a mixed commercial precinct including a "Norwest" style business park as well as homemaker centre, high density residential, hotel conference centre, entertainment and recreation facilities, as well as open space and flood management features.

## **2007-08 Management Plan – June 2008 Quarter Review (contd)**

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The project is expected to play a significant role in generating employment both during the ten year construction phase and upon completion. Staff have undertaken a preliminary review of the submission to identify issues and discussions have taken place with both Westfield and the DOP in respect of these matters. Council is yet to be advised of whether the Minister has accepted Westfield's application.

### **6 Town Centre Strategies**

The progress of strategies has continued to be impacted by discussions and decisions arising from the recently (27 June 2008) finalised and released Central Coast Regional Strategy (CCRS) and the implications of the State Government requirement for a Shire-wide population capacity target model.

Notwithstanding this however, Council has adopted the Wyong/Tuggerah Planning Strategy. One of the outcomes of the Wyong/Tuggerah Strategy was for Council to prepare masterplans for the river foreshore and Baker Park precincts. These masterplans have progressed to draft stage. Staff are currently reviewing and it is anticipated that they will be finalised by the end of 2008.

Council has completed the exhibition of The Entrance Peninsula Planning Strategy. It is anticipated that following consideration of all submissions received The Entrance Peninsula Planning Strategy will be presented to Council for consideration in late 2008.

Work on the Toukley Strategy will re-commence in 2008-09.

Similarly, work on the Ourimbah Town Centre Strategy will continue in 2008-09 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**

Following the Federal Government's \$20 million funding allocation announcement for the implementation of the Plan, the Estuary Management Unit was established to coordinate the implementation of the Plan. The May 2008 Federal Budget announced the funding will be managed by the Federal Caring For Our Country department. It is anticipated that a contract will be signed in August 2008. Negotiations are underway to determine the scope of the funding.

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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The majority of the first year work programs are close to completion with six projects finalised. Most of the programmed design and construction works will be completed within 2008.

Along with new activities, the Estuary Management Unit has begun the coordination of existing activities to ensure that all works relating to the management of the estuary and its catchment are in accordance with the objectives of the Tuggerah Lakes Estuary Management Plan.

**9 Pacific Highway*****Tuggerah***

Four lanes of the Pacific Highway between Anzac Road and Mildon Road were opened to traffic on 4 April 2008. The tender for construction of Stage 2 (Mildon Road to Johnson Road) was awarded to Nace Constructions, the company that constructed Stage 1. Stage 2 construction commenced on 28 April 2008. It is anticipated to be completed by the end of 2009. \$13 million has been allocated by the State Government for 2008-09. 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 the intersection. \$250,000 has been allocated by the State Government for 2008-09 to start planning for the intersection improvements.

***Wyong***

The first round of concept plans was exhibited in November 2006. Council made a submission on the exhibited plans. It is understood that the RTA has carried out additional investigations. To date the results of those investigations have not been forwarded to Council. Despite numerous requests, the RTA is unable to provide a date when the revised "Concept Plans" will be exhibited. It is now nearly 18 months since the original "Concept Options" were exhibited. Recent advice from the RTA is that it is seriously looking at the preferred route for the Pacific Highway being through the Wyong Town Centre. \$500,000 has been allocated by the State Government for 2008-09 for the "Wyong Town Centre Study – Planning".

***Ourimbah***

The RTA completed construction of Stage 1 (Dog Trap Road, including the intersection at the Pacific Highway) in July 2007. Stage 2 (Burns Road to Glen Road) construction contract has just commenced, with its anticipated completion date in 2010. The RTA is not intending to do any works at the Pacific Highway/Chittaway

Road intersection. The RTA anticipates that the roundabout will provide adequate service for the next 10 to 15 years. \$18 million has been allocated by the State Government for 2008-09. The treatment of Burns Road is still being discussed with the RTA.



## **2007-08 Management Plan – June 2008 Quarter Review (contd)**

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### **10 Water Supply**

The details of Council's progress to secure the water supply via drought management and recovery initiatives are detailed in the Board papers for the meeting of the Gosford/Wyong Councils' Water Authority scheduled for 20 August 2008 and in the enclosure to this report.

### **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.

Subject to internal processes, including a briefing of Council, a Consultant will be engaged to develop a commercial strategy for the western side (Area 5) of the Buttonderry Waste Management Facility. The objective of the commercial strategy will be to maximise the economic value of the site and to ensure long-term access for waste disposal. It is anticipated that this strategy will be completed by March 2009.

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.

Earthworks for the new transfer area at Buttonderry have commenced and will be completed in September 2008. Tenders for the construction of the transfer area roof, site shed and storage area together with the construction of the office, amenities and car park will be called in September 2008. The transfer area is scheduled to be completed by April 2009.

Stage 2 of the upgrade will include the construction of a new staff and visitors' car park, office and amenities which is scheduled for completion by December 2009.

### **12 Shire Strategic Vision**

The Shire Strategic Vision program continued with all activities on schedule except for the finalisation of the Shire Profile document (which was originally due in March and occurred in July). This will not delay the completion of the project.

Other progress included:

- Finalisation of the Speakers and Speculation Program with attendance at the three forums averaging approximately 100 residents. There was significant positive public feedback on the quality of speakers.
- Formulation of a Draft Community Strategic Vision Statement based on preliminary analysis of the community consultations by the Community Liaison Group.

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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- Progress on formulation of a State of the Shire Report. This is scheduled to be completed, in accordance with the project outline, by November 2008.
- Cooperation with local Federal Members of Parliament conducting local Australia 2020 seminars to complement the Federal Government's national conference held on 19-20 April in Canberra.
- Compilation of the Activity Outline for the Assimilation Activity and organising this critical step.
- Meetings with Federal and State parliamentarians.
- Presentations to numerous public groups including progress associations, University of the Third Age, precinct committees as well as Council's Youth Advisory Council and Seniors Council.

**PERFORMANCE MEASURES**

The 2007-08 Management Plan includes performance measures to assess whether Council is moving towards its longer term goals of a better society, a better economy and a better environment. Twenty long-term performance measures have been included in the 2007-08 Management Plan and are updated on an annual basis.

Volume I of the Management Plan identifies 53 performance measures against Council's Key Issues, and these are reviewed and reported on a quarterly basis. Council has direct control over the majority of these indicators. At the end of June, 39 out of 50 of the indicators under Council's control (or 78%) met the targets identified in the Management Plan.

**STRATEGIC PROGRAMS**

The 2007-08 Management Plan identifies 127 strategic programmes (or actions) to achieve Council's objectives.

At the end of June 110 (or 87%) of the 127 actions were achieved. Of the 17 actions (or 13%) that have not met their original timeframe, 6 (or 4.5%) are due to factors outside of Council's control and 11 (or 8.5%) were due to factors within Council's control.

**2007-08 Management Plan – June 2008 Quarter Review (contd)****2007-08 Management Plan - Summary of Strategic Programs**

	<i>Better Society</i>	<i>Better Economy</i>	<i>Better Environment</i>	<i>Infrastructure</i>	<i>Organisation</i>	<i>Totals</i>
Completed	44	6	22	19	19	<b>110</b>
Currently not on Target to meet original timeframe <b>Matter outside Council control</b>	3	1	1	1	0	<b>6</b>
Currently not on Target to meet original timeframe <b>Matter within Council control</b>	2	0	3	4	2	<b>11</b>
<b>Total</b>	<b>49</b>	<b>7</b>	<b>26</b>	<b>24</b>	<b>21</b>	<b>127</b>

The following strategic programs were identified, for the first time, in the June quarter as not on target to be completed within their original timeframe:

**Outside Council's Control****2.1.1.1 Plan for release of employment generating lands within the Shire**

The Wyong Employment Zone (WEZ) State Significant Site Study was publicly exhibited by the Department of Planning and the WEZ DCP and Section 94 Contribution Plan were exhibited concurrently by Council. Council prepared a submission on the WEZ for the Department of Planning in March. This submission was formally endorsed by Council at its meeting held on 12 March 2008. The issues arising from the WEZ public exhibition are being resolved and the WEZ policy documents are being revised.

**Revised completion date** – Unknown.

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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**Within Council's Control****3.1.1.1 Finalise review of Erosion and Sedimentation Policy**

Erosion and sedimentation audits for lot development and subdivisions were undertaken as a precursor to the policy review. Some of the erosion and sedimentation issues were then considered to be more appropriately incorporated into the Water Sensitive Urban Design (WSUD) DCP Chapter. That has now been completed in draft form.

**Revised completion date** – September 2008

**3.2.1.1 Undertake Stormwater treatment measures, design improvement and monitoring program**

Conceptual design of weir completed. Monitoring equipment received. Detailed design being undertaken now, with construction to be completed within the December quarter.

**Revised completion date** – December 2008

**3.3.3.1 Compile baseline information to inform biodiversity management, the Regional Conservation Strategy and the Shire LEP review**

This project involves the updating of existing vegetation mapping east of the freeway and undertaking vegetation mapping west of the freeway to ensure shire-wide coverage. The second stage of the project involves preparation of an updated classification system and creating a new and/or updated spatial layer with Council's GIS system to inform the Settlement Strategy LEP review. Wet weather has delayed finalising fieldwork for this project, which should now be completed in August.

**Revised completion date** – August 2008

**4.2.1.1 Complete the Drainage Works Program to continue to give priority to Category 1 (habitable rooms) & Category 2 (non-habitable rooms) flooding issues**

Construction program delayed due to poor weather in second half of the financial year, as well as design/approval issues. The budgets for all incomplete works have been carried over to 2008-09, where these projects will be completed in addition to the works identified in the Rolling Works Program.

**Revised completion date** – 2008-09

## **2007-08 Management Plan – June 2008 Quarter Review (contd)**

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### **4.2.2.1 Continue the wetlands construction program**

Works are now being undertaken in conjunction with the Estuary Management Plan. Designs are complete and planning approvals obtained. Works to commence early 2008-09.

**Revised completion date – 2008-09**

### **4.5.2.1 Complete and implement the findings of the business analysis for the Waste operation undertaken in 2006-07**

Business analysis has been completed. Implementation is pending the commercial strategy currently being developed.

**Revised completion date – October 2008**

### **5.1.1.1 Develop and implement strategies that enable continual learning, including succession planning, career development, mentoring and performance management.**

The framework for the Human Resource Strategy has been developed and was endorsed by the Senior Management Team in July 2008. This includes a strategic direction statement, areas of focus, objectives and initiatives. One important area of focus within this framework is continual learning, with the objective to develop and sustain a skilled and knowledgeable workforce. To achieve this, key actions have been determined which concentrate on succession planning, career development and mentoring as a priority. An implementation plan will be completed by the end of September 2008, with implementation commencing once endorsed by the Senior Management Team. Draft implementation plan completed by October 2008. Implementation ongoing after that.

**Revised completion date – December 2008**

### **5.1.1.4 Develop and implement strategies to ensure working conditions enable Council to be competitive against all industry**

The Framework for the Human Resource Strategy has been developed and was endorsed by the Senior Management Team in July 2008. This includes a strategic direction statement, areas of focus, objectives and initiatives. A number of initiatives are aimed at establishing Council's reputation as an attractive, supportive and innovative employer; ensuring remuneration practices are equitable and competitive; and provision of working conditions which promote a positive work environment. An implementation plan will be completed by the end of September 2008, with implementation commencing once endorsed by the Senior Management Team. Draft implementation plan completed by October 2008. Implementation ongoing after that.

**Revised completion date – December 2008**

**2007-08 Management Plan – June 2008 Quarter Review (contd)****ACTIONS CARRIED OVER FROM 2006-07 MANAGEMENT PLAN**

As foreshadowed in the June Review of the 2006-07 Management Plan, the actions that were not completed during 2006-07 will continue to be monitored and reported on until they are finalised.

Of the 35 actions from 2006-07 Management Plan that were not completed, 20 (57%) were incorporated into 2007-08 or future actions of the Management Plan, 5 (14%) has been completed and 10 (29%) are in progress.

**2006-07 Management Plan - Actions Carried Forward**

	<i>Better Society</i>	<i>Better Economy</i>	<i>Better Environment</i>	<i>Infrastructure</i>	<i>Organisation</i>	<i>Totals</i>
Incorporated into 2007-08 or future actions	11	4	3	0	2	<b>20</b>
Complete	2	1	1	0	1	<b>5</b>
In progress	5	1	1	2	1	<b>10</b>
<b>Total</b>	<b>18</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>35</b>

The following strategic programs were identified, for the first time, in the June quarter as not on target to be completed within their original timeframes:

**Outside Council's Control****1.7.3.1 Process the Development Application for the new railway station/ interchange at Warnervale**

The application and Species Impact Statement have been referred to the DECC which has refused to provide concurrence for the significant impact on the Heath Wrinklewort that will result from the development. Council has written to the Minister seeking inclusion of the Warnervale Rail Station in the biocertification of the town centre.

**Revised Completion Date** – Unknown

**1.7.3.2 Ensure principle of integration of transport and town centre facilities and services is achieved in master planning of the new Warnervale Town Centre**

Negotiations with DoP for resolution of transport and facilities integration well advanced. Awaiting final design proposal.

**Revised Completion Date** – Unknown

## **2007-08 Management Plan – June 2008 Quarter Review (contd)**

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### **1.8.1.4 Complete the detailed design for Woongarra playing fields and call for construction tenders**

Delays were initially experienced on this project when 20ha of land had to be identified to offset trees to be removed from the site. This was a requirement of the Native Vegetation Act, as a consequence of the Development Application process under Part 4 of the EPA Act.

Due to a change of legislation it became possible to have the development considered as a Part 5 application under the EPA Act. The DA was therefore withdrawn and no land is now required for offsets.

The information required for a Part 5 application is being revised. It is anticipated that approval will be obtained by August 2008 with construction tenders called in September 2008.

**Revised Completion Date** – September 2008

### **1.9.4.3 Release Toukley Planning Strategy to provide for a broader range of housing types in the area**

Timing for the completion of project remains unknown until resolution of population targets with Department of Planning as these may have significant impacts on the strategy document. On this basis Council has deferred further action on the Strategy until July 2008. The Strategy now included in 2008-09 Management Plan and will proceed in the second quarter, particularly as the Central Coast Regional Strategy has now been released.

**Revised Completion Date** – July 2009

### **2.1.4.1 Develop a business plan for the supplier park at Warnervale**

The plan is currently on hold awaiting the determination of the WEZ which is expected in the second half of 2008.

**Revised Completion Date** – Unknown

### **5.2.3.2 Review and update all major Contributions Plans**

Wyong Employment Zone and Warnervale Town Centre Contribution Plans have been prioritised whilst awaiting the Department of Planning guidelines regarding legislation changes. The legislation governing the changes to developer contributions has been passed by both the upper and lower houses of State Parliament but is yet to be enacted. The guidelines that will provide direction to the legislation have not yet been released by the State Government. Until such time as the guidelines are released, Council will be unable to complete the updating of all its contributions plans.

**Revised Completion Date** – Unknown

**2007-08 Management Plan – June 2008 Quarter Review (contd)**

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**Within Council's Control****1.9.2.1 Revise Landscape Policy and Guidelines**

Initial internal stakeholders meeting held and comprehensive scoping paper prepared. Established that a quick fix/review of the policy was not appropriate and that a detailed review of the policy was necessary. This review will commence August 2008 with a finalisation date of June 2009.

**Revised Completion Date** – June 2009

**3.2.2.2 Develop and implement a monitoring and adaptive management program for Porters Creek**

Monitoring programme delayed as it is subject to completion of the Risk Assessment for the Stormwater Harvesting Scheme. Risk assessment contract approximately six months behind schedule. See 3.2.2.1.

**Revised Completion Date** – June 2009

**BUDGET OVERVIEW**

In the 2007-08 Management Plan, Council adopted an Original Budget position that was balanced. The forecast result adopted by Council for the December Quarter Review was a deficit of \$360,000. This forecast result was improved to a deficit position of \$75,000 in the March Quarter Review.

Whilst the Annual Financial Statements are currently being completed, this Interim June Review has been undertaken to indicate expected performance against budget lines in the Management Plan.

Until the Statements are completed, including all accruals, finalisation of provisions, adjustments, and movements to/from reserves it is not possible at this time to identify Council's final result. Accordingly, all details enclosed should be treated at this time as preliminary figures, with final reports to be reported to Council as part of the presentation of the Annual Financial Statements in October.

The interim funding result for General Fund is a surplus of \$40,000. Subject to a review of Council's land reserve and employee leave entitlements reserve.

**Enclosure 1**            **June Quarter Review – 2007-08 Management Plan  
(distributed under separate cover)**

**Enclosure 2**            **Executive Summary 2007-08 Management Plan June Quarterly  
Review – Interim**

**Enclosure 3**            **2007-08 Budget Carry-Over Requests**



**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Report

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

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F2004/07942 GSM:LS

**SUMMARY**

Reporting on the disbursement of assets and the apportioning of surpluses and liabilities of Business Central Coast Inc and a proposed funding package to the Central Coast Economic Development Board to assist the Board in enhancing programmes relating to its partnership with the Central Coast Mariners.

**RECOMMENDATION**

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

**BACKGROUND**

At its Ordinary Meeting of 13 February 2008, Council resolved to cease the funding agreement with Business Central Coast and request the New South Wales Government to establish and fund a Regional Economic Development Board for the Central Coast. Council also resolved to retain a project budget in the 2008-09 Management Plan in order to partner, with other public and private organisations for particular projects that would promote the Shire.

The Board of Business Central Coast ceased to exist on 30 June 2008 when the State Government created the Central Coast Economic Development Board Inc and appointed a new Board to operate from 1 July 2008. All previous members of the board of Business Central Coast, with the exception of the Council representatives were appointed to the new entity. As the profile of the name Business Central Coast was well known locally, nationally and in some international market places, the Minister for State and Regional Development recommended to the new Board that they continue to operate under the name Business Central Coast. The entity Business Central Coast Inc assigned the name Business Central Coast to the new board.

To affect a smooth transition of business from Business Central Coast to the Central Coast Economic Development Board an independent audit was carried out which identified some 39 items that required attention, of these all but three items were considered administrative and were resolved during the transition from one Board to the other.

**Business Central Coast Request for Project Funding (contd)**

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Of the three items remaining, two points require Council approval, one of which relates to outstanding grant money advanced by the two Councils and the State Government and the other relating to outstanding surpluses or liabilities. The remaining item relates to a claim for unlawful dismissal of a former employee of Business Central Coast. This issue will become the responsibility of the new Board to address and does not concern Council.

The two items requiring Council's attention are:

- 1 *Unexpended grant liabilities (if any) as at 30 June 2008, permission must be obtained from the funding bodies (Council) to transfer such balances to the new entity.*

The legislation provides that any unexpended grant money given by government (including local government) is to be paid to the grantor. An audited figure on the unexpended funds has not as yet been made available, however discussions with a representative of the new Board have indicated that figure to be approximately \$30,000. This figure represents the unexpended funds from Gosford and Wyong Councils and the State Government. It should also be noted that whilst the funds have not as yet been spent they have been allocated to specific projects. It is therefore recommended that Council reallocate any unexpended grant money to the new entity. Council also needs to resolve that it is willing to transfer all assets, including cars, furniture and computers left over from the last Board to the new entity.

- 2 *Consider getting a sign off from both Councils to the effect that they will waive their rights to participate in any surplus that may exist as at 30 June 2008 in the entity Business Central Coast.*

The extent of the surplus or liability remains unknown at this stage as an audited report of Business Central Coast has not as yet been completed by the independent auditor. It is generally accepted that a surplus, if any, is usually distributed to a live organisation, in this case it would be the new Central Coast Economic Development Board. Additionally in respect to any contingent liabilities that were in existence as at 30 June 2008, but not settled, the contingent liability should be accepted by the Central Coast Economic Development Board.

Gosford City Council has resolved that any liability or surplus that arises from Business Central Coast Inc is to be transferred to the Central Coast Economic Development Board Inc.

It is therefore recommended that any unspent grant monies, liabilities or surpluses and assets left over from Business Central Coast Inc be transferred to the new Central Coast Economic Development Board.

**Central Coast Mariners**

The central strategy for the Central Coast Economic Development Board for the 2008-09 financial year is to continue to build upon their excellent working relationship with the Central Coast Mariners and to continue to act as a "provider" for that organisation.

### **Business Central Coast Request for Project Funding (contd)**

There are many benefits for Council for continuing their support of the Central Coast Mariners through Business Central Coast none more so than through the success of the Central Coast Mariners in 2007 and their upcoming entry into the Asian Champions League which will create a number of opportunities to enhance the profile of the Central Coast, not only in the Asian market, but globally. Recently the Central Coast Mariners trailed well known goalkeeper Mark Bosnich, this move alone attracted international, national and local media coverage and resulted in the Central Coast region being showcased to a wide audience. This association also enables council to direct Business men and women to Mariner's home games where they receive an opportunity to network with other business people and benefit from the Mariners success.

The Mariners are a success story and one that Council should continue their involvement with and it is obvious that the partnership agreement that the Central Coast Economic Development Board has with the Mariners is successful.

The Central Coast Economic Development Board has requested that Council allocate a sum of \$12,500 from the project fund in the 2008/ 2009 Management Plan to enable them to continue their association with and profiling of, the Mariners for the benefit of the Central Coast region.

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## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Panel Report

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

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F2004/06570 JV

**SUMMARY**

Council's Community Benefit Grants Panel met on 7 August 2008 to consider applications for funding under the Community Benefit Grants program. A copy of the minutes is attached.

**RECOMMENDATION**

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

**Attachment 1**

***Minutes of the Community Benefit Grants Panel meeting held on 7 August 2008 (7 pages)***

**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1)**

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**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
WYONG SHIRE COMMUNITY BENEFIT GRANTS PANEL  
HELD IN WILFRED BARRETT COMMITTEE ROOM, LEVEL 2  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON THURSDAY 7 AUGUST 2008  
COMMENCING AT 9.39 AM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), R C STEVENS AND R E STEWART.

**IN ATTENDANCE**

COMMUNITY DEVELOPMENT MANAGER, COMMUNITY DEVELOPMENT POLICY OFFICER AND AN ADMINISTRATION OFFICER.

**APOLOGIES**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR R L GRAHAM.

27 August 2008  
To the Ordinary Meeting of Council

Panel Report

## **Minutes of the Community Benefit Grants Panel – 7 August 2008 (Attachment 1) (contd)**

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### **Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)**

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#### **CBG04 Disclosure of Pecuniary Interest**

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F2004/06507 ED

#### **CBG06 Applications for Trimester 1 2008-09**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE COMMITTEE ROOM AT 10.25 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.27 AM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, THE ENTRANCE PRESCHOOL (REFER TO RECOMMENDATION 3), AS I AM A LIFE MEMBER OF THE ORGANISATION, LEFT THE COMMITTEE ROOM AT 10.32 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.35 AM.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4), HAS APPLIED FOR FUNDING AND MY FATHER IS AN EXECUTIVE MEMBER OF THAT ORGANISATION, LEFT THE COMMITTEE ROOM AT 10.49 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.52 AM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4), AS I AM A MEMBER OF THE ORGANISATION, LEFT THE COMMITTEE ROOM AT 10.49 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.52 AM.

#### **PANEL RECOMMENDATION**

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

#### **CBG05 Minutes of Ordinary Meeting 26 March 2008 – Allocation of Funding**

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F2005/01881 ED

#### **PANEL RECOMMENDATION**

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

**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1) (contd)**

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**Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)**

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**CBG06 Applications for CBG Trimester 1 2008-09**

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F2005/01881 MD

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE COMMITTEE ROOM AT 10.25 AM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE COMMITTEE ROOM AT 10.27 AM.

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COUNCILLOR WELHAM LEFT THE COMMITTEE ROOM AT 10.44 PM AND RETURNED TO THE COMMITTEE ROOM AT 10.46 PM DURING CONSIDERATION OF THIS ITEM.

**PANEL RECOMMENDATION**

***That a report be referred to Council's Ordinary Meeting of 27 August 2008 recommending the following:***

- 1** ***That \$34,202.56 be allocated from the 2008-09 Community Financial Support Program to the following applications under Trimester 1 of the 2008-09 Community Benefit Grants program:***

Recipient	Purpose	Recommended Funding (\$)
Australian Volunteer Coast Guard Tuggerah Lakes	Rates Assistance	\$1,926.69



**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1)****Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)****CBG06 Applications for CBG Trimester 1 2008-09 (contd)**

Recipient	Purpose	Recommended Funding (\$)
Central Coast Leagues Vintage Drivers Club	1940 Tour	\$500
Greater Toukley Vision Inc	12 <sup>th</sup> Annual Gathering of the Clans	\$5,000
Long Jetty Hospital Auxiliary	Providing blinds for Dementia Unit	\$1,790
Northern Women's Health Centre (Rose Cottage)	Hanji Grongye for Women	\$1,290
The Entrance Town Centre Management	Carols by Candlelight	\$4,000
The Entrance Town Centre Management	New Years Eve Celebrations	\$10,000
Toukley and Districts Art Society Inc	Additional professional easel & porcelain artist's workshop	\$5,000
Warnervale Family and Community Centre	Community Ambassador	\$3,800
Wyong Creek Literary Institute Inc	Rates Assistance	\$315.87
Wyong Writers – Regional Branch Fellowship of Australian Writers	Signatures – Annual Journal	\$580

- 2** *That an additional \$3,135 be allocated from the 2008-09 Community Financial Support Program to the following application under Trimester 1 of the 2008-09 Community Benefit Grants program:*

Recipient	Purpose	Recommended Funding (\$)
Life Education NSW	Life Education Assistance Program (LEAP)	\$3,135

**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1)****Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)**

- 3** *That the following applications from Trimester 1 2008-09 be determined as indicated in the table below;*

Name	Description of Proposal	Amount (\$)	Panel Recommendation
San Remo Community Environment Projects Inc	San Remo Community Garden	\$3,649.14	Reject – not appropriate within this funding program.
The Entrance Preschool Kindergarten	Physical Development, Movement & Gross Motor Skills Program aimed at Preschool children	\$4,000	Reject - not appropriate within this funding program
Toukley Scouts Haven	Accessible Access	\$1,723.00	Reject - not appropriate within this funding program

- 4** *That the following additional application from Trimester 1 2008-09 be determined as indicated in the table below;*

Name	Description of Proposal	Amount (\$)	Panel Recommendation
Wyong Family History Group Inc.	Annual State Conference of NSW/ACT Association of Family History Societies	\$8,100	Reject - not appropriate within this funding program

**CBG06 Applications for CBG Trimester 1 2008-09 (contd)**

- 5** *That the remaining applications from Trimester 1 2008-09 be determined as indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs or invited to resubmit amended applications for consideration under a future Community Benefit Grants Trimester:*

Name	Description of Proposal	Amount (\$)	Panel Recommendation
Girl Guide Association of Australia, Toukley	Keeping guides dry	\$1,430	Reject - not appropriate within this funding program

**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1)**

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**Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)**

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<b>Name</b>	<b>Description of Proposal</b>	<b>Amount (\$)</b>	<b>Panel Recommendation</b>
Killarney Vale Public School P&C Association	Rugby League Facility	\$13,255	Reject – Refer to alternate funding options
Lake Munmorah Public School Student Representative Council	Lake Munmorah Public School Playground	\$14,000	Reject – Refer to alternate funding options
Spirit of the Coast Harmony	National Competition – Perfect Timing	\$1,500	Reject – Refer to alternate funding options
Toowoan Bay Open Water Swim	Toowoan bay Open Water Swim	\$2,874.50	Reject – Refer to alternate funding options
Wyong Grove P&C Association Incorporated	Funds for In-School Sports Equipment	\$1,993	Reject – Refer to alternate funding options

**General Business**

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**Policies and Procedures**

The committee expressed their concern regarding the amendments to the Community Benefit Grants Panel Policies and Procedures resolved at the 11 June 2008 Ordinary Meeting not been implemented for the 2008-09 financial year due to the changes not being communicated to the Community Development team members who implement the Community Benefit Grants.

**PANEL RECOMMENDATION**

***That the revised Community Benefit Grants Policies and Procedures be implemented prior to the second trimester of applications being opened.***

**Minutes of the Community Benefit Grants Panel – 7 August 2008  
(Attachment 1)**

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**Minutes of the Community Benefit Grants Panel held on 7 August 2008 (contd)**

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**General Business (contd)**

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**Community Benefit Grant Guidelines**

Councillor Welham advised that a briefing was held in October 2007 regarding changes to the guidelines for Community Benefit Grants, Councillors Community Improvement Grants and the Sports Equipment Grants. Councillor Welham requested a copy of the briefing notes to inform panel members of the changes Councillors discussed during the briefing session.

The Community Development Manager advised that the issues to be discussed during the next panel meeting include but are not limited to;

- \* Events
- \* Conferences
- \* Briefing recommendations

**PANEL RECOMMENDATION**

- 1** *That a panel meeting to discuss the changes to the guidelines be held prior to the 13 September 2008 Local Government Election.*
- 2** *That the Corporate Services and Administration Manager and Director Corporate Services be invited to the next panel meeting.*

There being no further business the panel meeting concluded at 11.40 am

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

Committee Report

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

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F2004/07245 MW:SW

**SUMMARY**

Minutes of the Wyong Shire Governance Committee Meeting held on 13 August 2008.

**RECOMMENDATION**

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

**BACKGROUND**

A meeting of the Wyong Shire Governance Committee meeting was held on 13 August 2008. The minutes of that meeting are enclosed.

**Enclosure**

***Minutes of the Wyong Shire Governance Committee held on  
13 August 2008***

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Committee Report

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

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F2004/06390 ED

**SUMMARY**

Minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 August 2008.

**RECOMMENDATION**

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

A meeting of Gosford/Wyong Councils' Water Authority Board was held on 20 August 2008. The minutes of that meeting are enclosed.

**Enclosure**

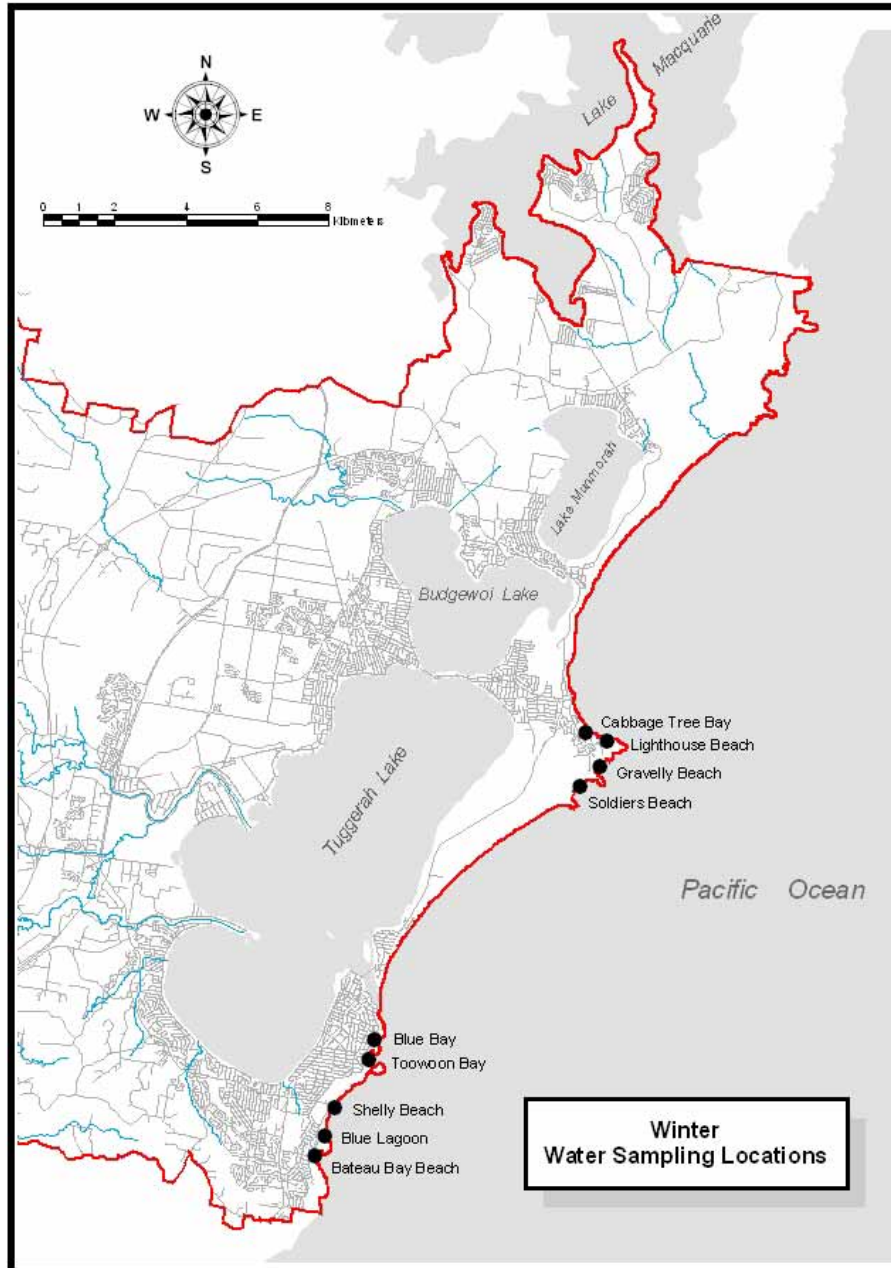
***Minutes of the Gosford/Wyong Councils' Water Authority  
Board Meeting held on 20 August 2008***

## **Information Reports**

The following information reports are to be dealt with by the exception method.

**407 Results of Water Quality Testing for Bathing Beaches (Attachment 1)**

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**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

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

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F2004/06822 JS

**SUMMARY**

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

**RECOMMENDATION**

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

**Primary Recreation Water Quality Monitoring Program**

Wyong beaches are regularly monitored for swimming safety in accordance with the National Health and Medical Research Council (NHMRC) *Guidelines for Recreational Water Use* (1990). These guidelines allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

As the Beachwatch program is inactive during the winter season, the sampling regime has been reduced to once per month. If these monthly results indicate high levels of faecal contamination, further investigations are triggered to determine the source of its origin. Additionally, Council is still required to monitor the ocean outfalls at Norah Head and Wonga Point five times a month throughout the year. This monitoring and sampling regime is undertaken in accordance with the "Environmental Protection Licences" issued by the Department of Environment and Climate Change.

**Results of Water Quality Testing for Bathing Beaches (contd)**

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**Summary of Results for July 2008**

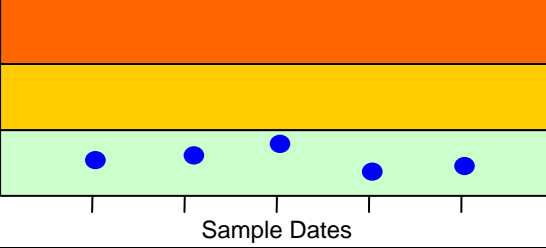
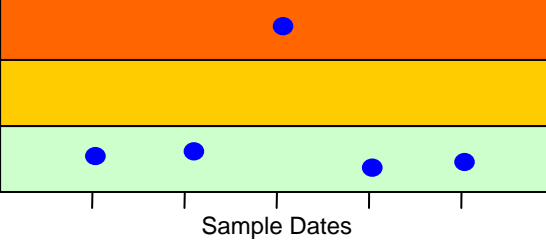
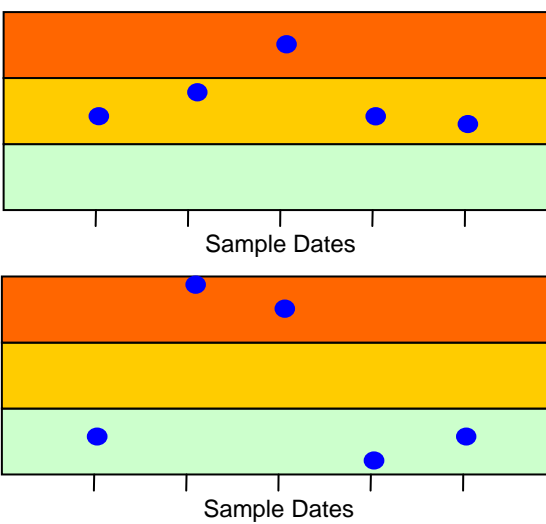
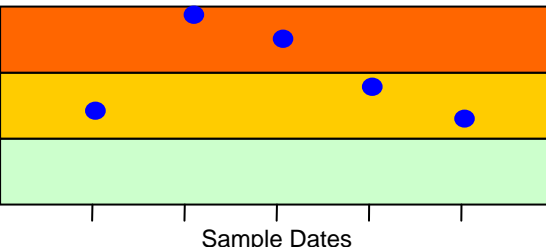
In July, all the Ocean outfall beaches were rated as 4 star – good water quality/safe for swimming.

**Table 2: OCEAN BEACHES – July 2008**

<b>LOCATION</b>	<b>STAR RATING</b>	<b>RECOMMENDATION</b>
<b>Cabbage Tree Bay</b>	<b>****</b>	Site is safe for swimming
<b>Soldiers Beach</b>	<b>****</b>	Site is safe for swimming
<b>Outfall Norah Head</b>	<b>****</b>	Site is safe for swimming
<b>Gravelly Beach</b>	<b>****</b>	Site is safe for swimming
<b>Lighthouse Beach</b>	<b>****</b>	Site is safe for swimming
<b>Shelly Beach</b>	<b>****</b>	Site is safe for swimming
<b>Toowoan Bay</b>	<b>****</b>	Site is safe for swimming
<b>Blue Bay</b>	<b>****</b>	Site is safe for swimming
<b>Blue Lagoon</b>	<b>****</b>	Site is safe for swimming
<b>Bateau Bay</b>	<b>****</b>	Site is safe for swimming
<b>Wonga Point</b>	<b>****</b>	Site is safe for swimming

**Results of Water Quality Testing for Bathing Beaches (Attachment 1)**

**Table 1: NHMRC Star Rating Interpretation**

Star Rating	Interpretation	Graphic Representation
****	Good: NHMRC indicates site safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis, with all dots falling within the green zone. The x-axis is labeled 'Sample Dates'.</p>
***	Fair: NHMRC indicates site is safe for swimming	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. One dot is in the orange zone, and the other four are in the green zone. The x-axis is labeled 'Sample Dates'.</p>
**	Poor: NHMRC indicates swimming at site is not recommended.  Or  The median of all samples is low, but two samples exceeded the NHMRC maximum safe value for swimming.	 <p>The graphic shows two horizontal bar charts, each divided into three colored zones: orange (top), yellow (middle), and green (bottom). The first chart shows one blue dot in the orange zone and four in the yellow zone. The second chart shows two blue dots in the orange zone and three in the green zone. The x-axis is labeled 'Sample Dates'.</p>
*	Bad: NHMRC indicates swimming at site is not recommended.	 <p>The graphic shows a horizontal bar divided into three colored zones: orange (top), yellow (middle), and green (bottom). Five blue dots representing samples are plotted along the x-axis. Two dots are in the orange zone, two are in the yellow zone, and one is in the green zone. The x-axis is labeled 'Sample Dates'.</p>

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Planning Department

### **408                      Activities of the Development Assessment Unit**

F2004/07830 JD

#### **SUMMARY**

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of July 2008.

#### **RECOMMENDATION**

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

#### **Development Applications Received and Determined**

<b>Type:</b>	<b>Number Received:</b>	<b>Estimated Value \$:</b>	<b>Number Determined:</b>	<b>Estimated Value \$:</b>
Commercial	19	708,600	23	5,065,000
Industrial	2	235,000	5	12,521,640
Residential	79	6,874,274	105	9,820,630
Other	9	23,000	8	1,838,430
<b>Total</b>	<b>109</b>	<b>7,840,874</b>	<b>141</b>	<b>29,245,700</b>

#### **Subdivision Applications Received and Determined**

<b>Type:</b>	<b>Number Received:</b>	<b>Number of Lots:</b>	<b>Number Determined:</b>	<b>Number of Lots:</b>
Commercial	-	-	-	-
Industrial	1	1	-	-
Residential	9	79	7	37
Rural	-	-	1	2
<b>Total</b>	<b>10</b>	<b>80</b>	<b>8</b>	<b>39</b>

## **Activities of the Development Assessment Unit (contd)**

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### **Mean Turn-around Time**

The mean (average) turn-around time in calendar days for priority applications determined during the month was 44 days. There were three priority applications which included a warehouse and office at Tuggerah, proposed alterations and additions to an industrial building at Wyong and a call centre at Tuggerah.

The mean (average) turn-around time in calendar days for development applications determined during the month was 32 days.

### **Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined:</b>
Trees	38
Section 149 D Certificates	12
Construction Certificates	74
Complying Development Certificates	6

### **Enclosure**

***Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined***

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

**409**                      **New Warnervale Railway Station**

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DA/261/2005 SG

**SUMMARY**

Report on response from the Department of Environment and Climate Change updating the status of the biodiversity certification assessment on threatened species issues at the new Warnervale Railway Station.

**RECOMMENDATION**

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

**BACKGROUND**

Council at its meeting held on 14 May 2008, resolved in part, as follows:

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

- 2 That Council write to the Minister for Environment and Climate Change and indicate a preference that the issue of the Rutidosis heterogama (Heath Wrinklewort) be dealt with under the biodiversity certification which is proposed for the town centre in Warnervale".*

Correspondence has been received from the Department of Environment and Climate Change, Mr Gary Davey updating the status of the biodiversity certification assessment on threatened species issues at the new Warnervale Railway Station.

Attachment 1 is correspondence received from the Department of Environment and Climate Change.

**Attachment 1**                      **Correspondence from the Department of Environment and Climate Change (1 page)**

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

## New Warnervale Railway Station (Attachment 1)

Your reference : DA/261/2005  
Our reference : MD08/2390;  
Contact : Diane Crosdale, 4908 6825

Mr K Yates  
General Manager  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

Dear Mr Yates

### North Warnervale Railway Station

I refer to your letter, dated 10 June 2008, advising the Minister for Climate Change and the Environment, the Hon Verity Firth MP, of Wyong Shire Council's preference for managing threatened species issues at North Warnervale Railway Station (DA 261/2005) as part of the biodiversity certification of the Warnervale Town Centre proposal. I have been asked to respond to you on the Minister's behalf.

As noted in your letter, the Department of Planning (DoP) has identified land at Warnervale, including the site of the proposed railway, as a State Significant Site under *State Environmental Planning Policy (Major Projects) 2005* (SEPP). DoP has also proposed that biodiversity certification is conferred over all land covered by the draft SEPP (Amendment No 24). Offset measures have been identified for all biodiversity impacts associated with the Warnervale site, including those for the vulnerable *Rutidosis heterogama* (Heath Wrinklewort). These measures are outlined in the *Biodiversity Certification Application: Warnervale Town Centre* report (January 2008).

DoP is in the process of finalising information required for biodiversity certification assessment of the proposal by the Department of Environment and Climate Change. When this information is available, the Minister for Climate Change and the Environment will be able to determine if biodiversity certification can be conferred on the draft SEPP under section 126G of the *Threatened Species Conservation Act 1995*.

If you have any enquiries concerning this advice, please contact Diane Crosdale, Head Planning Unit - Hunter, on 4908 6825.

Yours sincerely



GARY DAVEY  
Director North East  
**Environment Protection and Regulation**

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

Locked bag 914  
Federation House, Level 7, 24 Moonee Street  
Coffs Harbour NSW 2450  
Tel: (02) 6651 5946 Fax: (02) 6651 6187

Department of **Environment and Conservation** NSW

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

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

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C2008/05520 KG/ABP

### **SUMMARY**

The report provides a summary of the recent traffic counts conducted on Woodbury Park Drive, the history of this matter based on Traffic Committee reports and the measures and options available to minimise speed / accidents.

### **RECOMMENDATION**

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

### **BACKGROUND**

At its meeting held on 9 July 2008, Council resolved as follows;

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

*That staff report to Council on the following:*

- a the traffic counts presently being conducted on Woodbury Park Drive, Mardi.*
- b the history of this matter as reported from the Wyong Shire Traffic Committee.*
- c what measures/options are available to minimise speed/accidents."*

Council initiated speed and traffic counts at three locations along Woodbury Park Drive over a two week period in late June - July 2008. A summary of the results is detailed below, with the full results having been presented to the Wyong Shire Traffic Committee's August 2008 meeting, and available in Council records.

The results show 85% of vehicles using the road travelled between 59-64kph. The daily volume on Woodbury Park Drive is approximately 2,800 vehicles per day. The counts recorded incidents on Friday and Saturday nights in particular of cars travelling up to 126kph, which is not unusual along long stretches of wide road with good pavement conditions.



### **Traffic Counts Conducted on Woodbury Park Drive, Mardi (contd)**

The table below provides a summary of the traffic count results:

	<b>Chainage Location *</b>	<b>85% average speed</b>	<b>Daily Volume</b>	<b>Heavy Vehicles</b>
Location #1	1620m	64kph	2762	4.9%
Location #2	1870m	59kph	2805	3%
Location #3	2075m	62kph	2803	3.4%

\* Location is identified as a chainage (distance) from Wyong Road

The Traffic Committee has discussed the matter of speeding on Woodbury Park Drive on several occasions and has considered a wide range of measures to minimise speed in the area.

In October 2006, the Traffic Committee noted that recent speed and traffic counts showed the speed limits had not altered significantly over the years however, it was recommended that the Police be requested to increase patrols in Woodbury Park Drive, that Council issue residents with '50 In My Street' stickers and also arrange for the mobile variable speed sign to be placed on Woodbury Park Drive from time to time. Traffic calming devices were not recommended.

At a meeting held 1 August 2007, the Traffic Committee considered a request from a resident for traffic calming devices on Woodbury Park Drive and the Committee agreed that traffic calming devices were inappropriate for the location and was of the view that given the majority of accidents at this location occur at night and in wet conditions, the issue is more one of driver error than the need for traffic devices. The Committee agreed to write to the Wyong Police requesting it consider increased surveillance in the area and the Police later confirmed patrols of the road had been increased.

The Traffic Committee discussed Woodbury Park Drive again on 2 July 2008 following further representation from a concerned resident. The Committee discussed whether current roadworks on the Pacific Highway had an impact on traffic flow. The Police representative informed the Committee that this area is mainly used by local traffic, at times travelling 12–15kph over the speed limit. It was agreed that the road is well sign posted with 50kph signs, line marked and well lit.

The Senior Transport Engineer told the Committee the site was not suitable for traffic management devices in isolation. A significant number of traffic management devices would be required to safely reduce the speed of motorists. It is estimated that the cost to provide adequate and suitable speed control devices along Woodbury Park Drive is in the order of \$250,000 - \$350,000.

**Traffic Counts Conducted on Woodbury Park Drive, Mardi (contd)**

The committee discussed the option of a speed camera being placed on the road, and unanimously recommended that Council request the Roads and Traffic Authority camera enforcement unit to place a speed camera on Woodbury Park Drive, in the vicinity of the Community Centre (correspondence sent 30 July 2008). It was further recommended that the police be informed of the speeding activities and requested to continue enforcement activities (correspondence sent 30 July 2008). The matter was deferred for consideration at a later meeting pending the outcomes of the above actions.

The options available to reduce speed / accidents are education, enforcement and the installation of traffic calming devices.

Council, based on recommendations from the Traffic Committee, has pursued education and is pursuing a higher level of enforcement by requesting additional police patrols and the installation of a speed camera.

The installation of traffic calming devices is expensive and would need to be considered within the context of the total requirement for traffic calming devices within the Shire. While the speeding problem on Woodbury Park Drive is recognised, Council faces similar problems at other locations including Anita Avenue and Elizabeth Bay Drive, Lake Munmorah. All such locations within the Shire are assessed on their respective merits and addressed in the appropriate order of priority consistent with available funding. The Traffic Committee provides the mechanism through which consistent recommendations are achieved.

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

**411 Wyong Library Statistics**

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F2004/11651 JM

**SUMMARY**

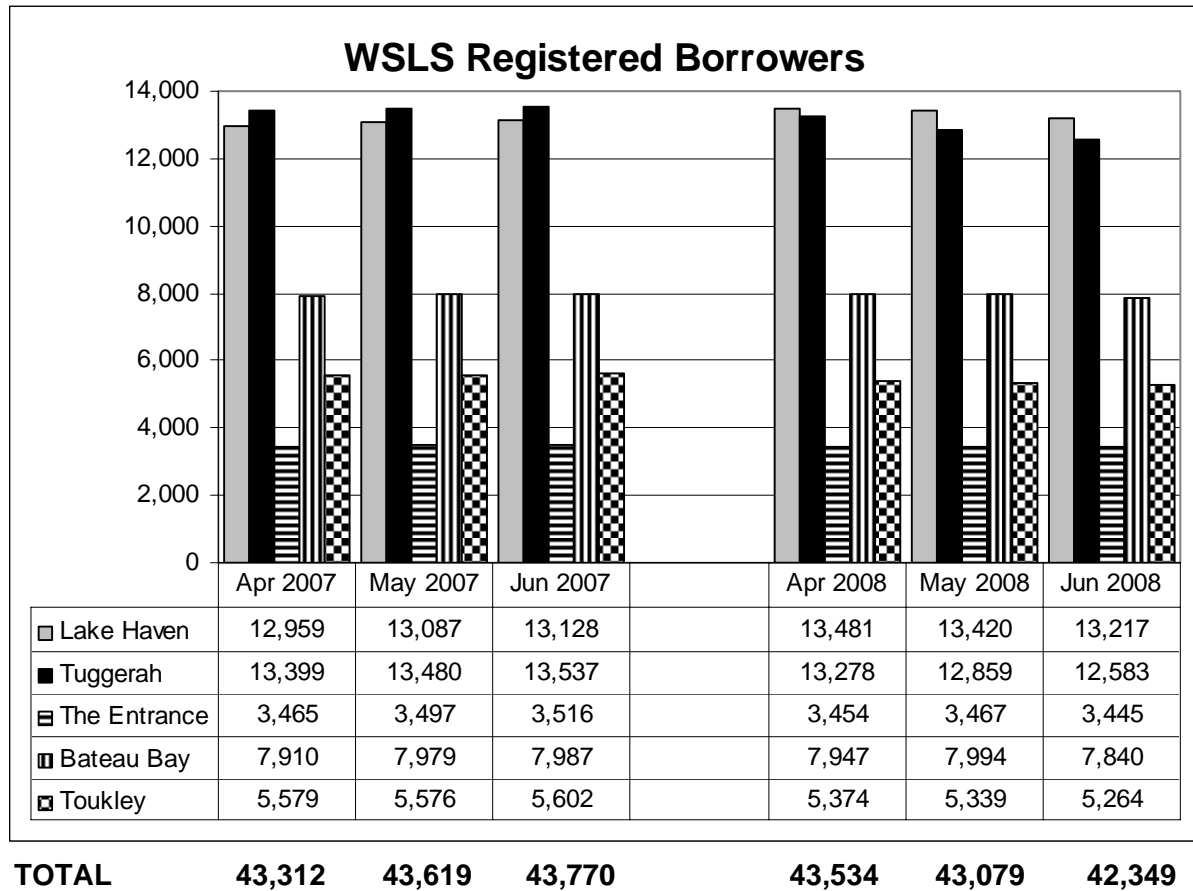
Statistical report on the activities of Wyong Shire Library Service.

**RECOMMENDATION**

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

**BACKGROUND**

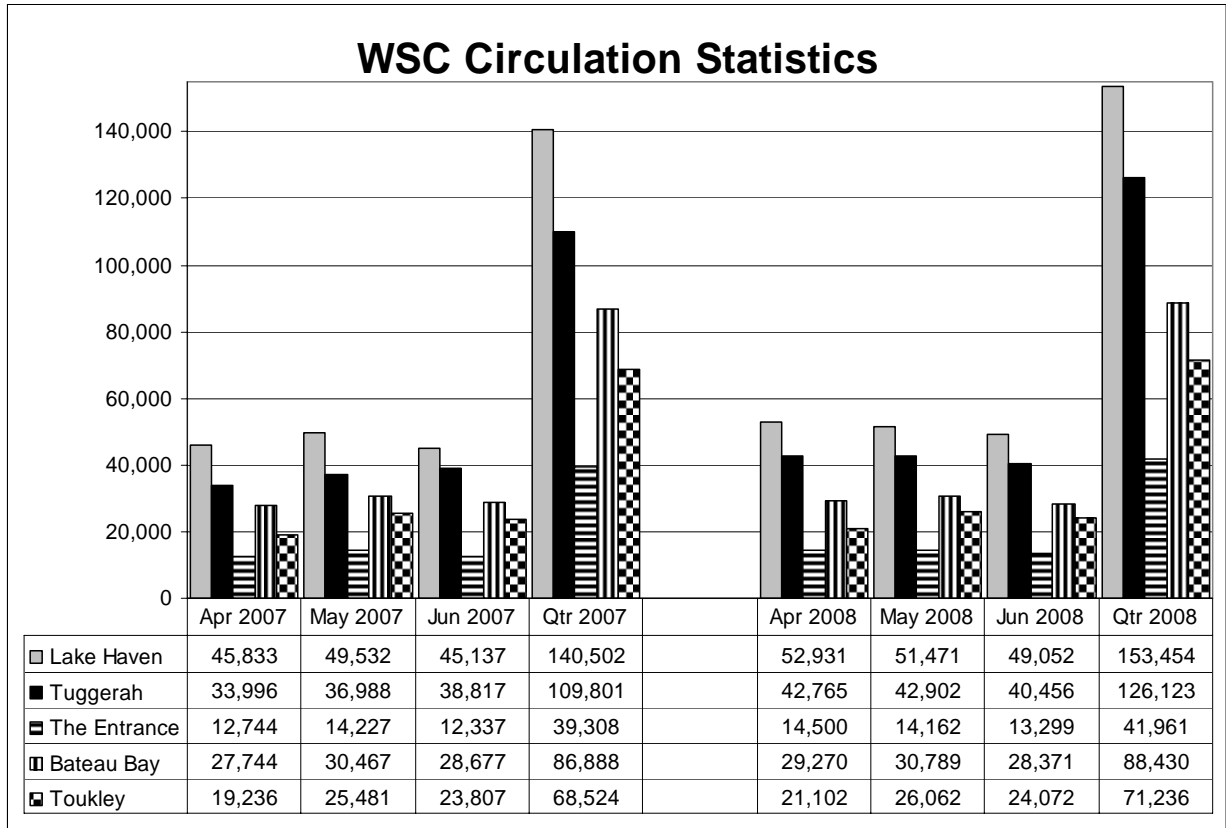
The following statistics provide an overview of the activity experienced by the Wyong Shire Library Service in the months April 2008 to June 2008 and the corresponding months of the previous year.

**Wyong Library Statistics (contd)**

These figures reflect current users of the library service. Borrowers who have not used the Library for a number of years are deleted from the database on a monthly basis.

The total number of borrowers now represents approximately 33% of the Wyong Shire population. The average of similar Councils to Wyong is 44.1%. The State average is 47.5% of the population based on State Library of New South Wales Statistics.

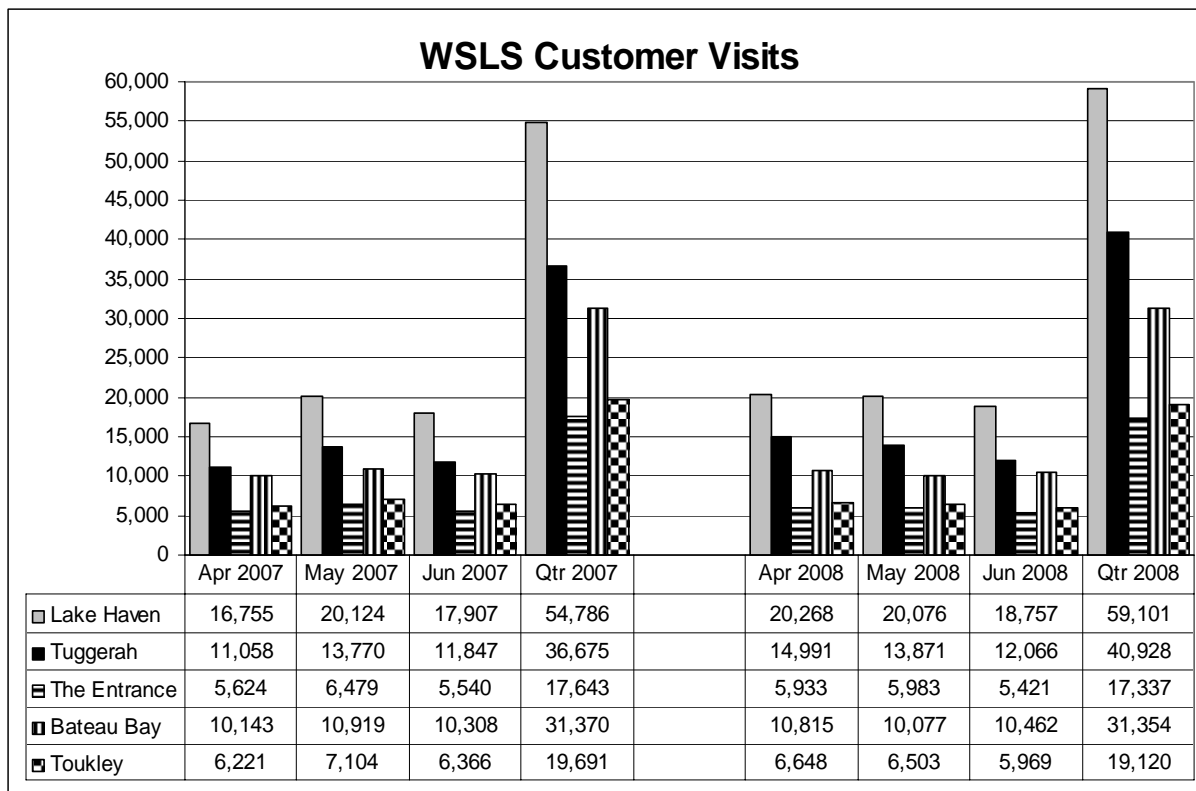
**Wyong Library Statistics (contd)**



<b>TOTAL</b>	<b>139,553</b>	<b>156,695</b>	<b>148,775</b>		<b>160,568</b>	<b>165,386</b>	<b>155,250</b>	
<b>QTR TOTAL</b>				<b>445,023</b>				<b>481,204</b>

The number of items circulated includes loans and returns. All sites show an increase on the same period last year.

Overall, there has been an 8% increase in the circulation of items in this quarter when compared to the same period last year.

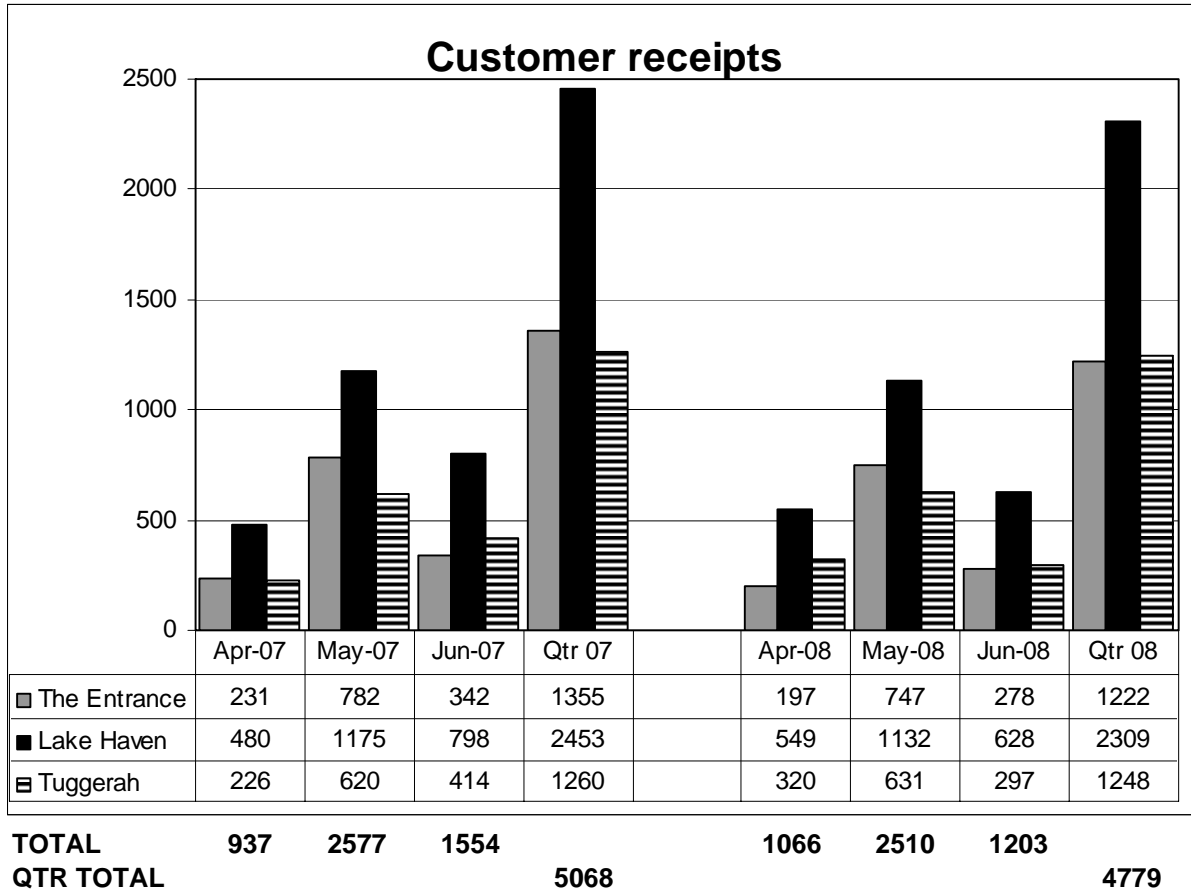
**Wyong Library Statistics (contd)**

<b>TOTAL</b>	<b>49,801</b>	<b>58,396</b>	<b>51,968</b>		<b>58,655</b>	<b>56,510</b>	<b>52,675</b>	
<b>QTR TOTAL</b>				<b>160,165</b>				<b>167,840</b>

Visits are measured by door counters in all libraries. The purpose of library visits is varied and may encompass participation in story time sessions and other programs, use of the Internet, research or study, as well as borrowing or returning items. At the Tuggerah, Lake Haven and The Entrance libraries the visitors may also be conducting Council business.

Overall, the quarterly figures show a 4.8% increase in visits compared to the same period last year.

**Wyong Library Statistics (contd)**



The number of receipts for financial transactions is one measure of the activity undertaken relating to Council customer service, but does not include enquiries which are made at the libraries relating to Council business.

The total number of receipts issued at the library based Council customer service centres fell by 5.7% in this period compared to the same period in the previous year.

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

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F2004/07830 KRG:DP

**SUMMARY**

Water supply and sewerage works in progress and completed for July 2008.

**RECOMMENDATION**

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

**WATER SUPPLY**

Work was undertaken from 21 July to 28 July 2008 on the cleaning of the Mardi Water Treatment Plant Clear Water Tank (CWT).

Prior to the implementation of water restrictions in 2002 the CWT was cleaned about every three years during winter when water demands were at their lowest period. The CWT was last cleaned in 2001.

The work consists of cleaning the CWT of sediment accumulated on the walls and floor, much of which is impurities in the lime which is used as part of the treatment process.

During the work, Mardi Water Treatment Plant was shut down. Throughout this period, Gosford City Council supplied water to Wyong Shire residents from Somersby Treatment Plant.

The cleaning work cost approximately \$10,000 and was carried out by Water and Sewerage day labour staff. The work was funded from the Water and Sewerage Operations and Maintenance programme.

**Water Storage**

As at the 18 August 2008 the storage in Mangrove Creek Dam was 25.7% while the total system storage was 30.0%. Mardi Dam was at 98.6% and Mooney Dam 97.3%.

**SEWERAGE**

Work was completed on the replacement of a section of sewer rising main at Pinaroo Avenue, Gwandalan.

The sewer rising main was approximately 19 years old and was required to be replaced as part of works to service future development. The work consisted of the replacement of approximately 50 metres of 375mm asbestos cement sewer pipe with 375mm UPVC pipe with rubber ring joints.



## **Works in Progress Report – Water and Sewerage (contd)**

The work, costing \$30,000, was carried out by Council's Water and Sewerage day labour staff and was funded from the Water and Sewerage Capital Works program.

### **PROCESS**

#### **Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 July 2008 to 31 July 2008, met National Health and Medical Research Council Guidelines.

#### **Sewage Treatment**

The quality of all effluent discharged from the sewage treatment plants, for the period 1 July 2008 to 31 July 2008, met the Department of Environment and Climate Change (DECC) Licence requirements.

***Attachment 1 Water Storage, Water Usage and Rainfall (2 pages)***

***Enclosure Water Storage, Water Usage and Rainfall***

**Works in Progress Report – Water and Sewerage (contd)****Monday, 18 August 2008****STORAGES**

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	48,902	25.7	Down 17 ML
Mardi Dam	7400	7,297	98.6	Down 89 ML
Mooney Dam	4600	4,476	97.3	Down 57 ML
<b>Total</b>	<b>202000</b>	<b>60,675</b>	<b>30.0</b>	<b>Down 163 ML</b>

**STORAGE:**

- Total stored water volume is the same as a month ago.
- This day last year the volume stored as a percentage of total capacity was 7.6% lower.

**HUNTER TRANSFERS:**

- Hunter Water Corporation supplied 0.0 ML last week keeping this years supply at 48 ML.
- Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this years supply at 80 ML.

**GROUND WATER BORES:**

- Groundwater Bores supplied 4.7 ML last week increasing this years supply to 120 ML

**WATER USAGE & RAINFALL**

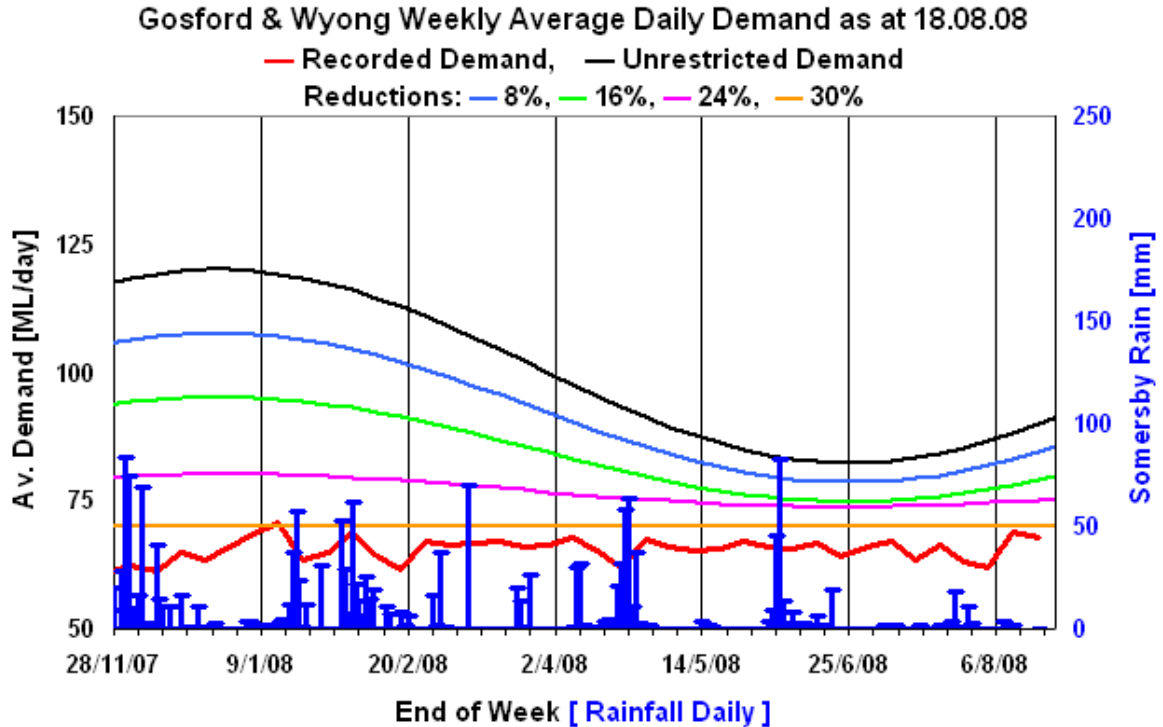
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	475	0	0	0
Previous week	481	6	1	1
Current week last year	460	152	126	94
This year to date	15,221	1,229	983	772
Same period last year	14,802	1,486	1,242	1,024

Week to date consumption was 475 ML, 3.3% more than the same week last year and 1.2% less than the previous week.

Consumption this year to date is 15,221 ML, 2.8% more than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 25 August 2008 is 490 ML

## Works in Progress Report – Water and Sewerage (contd)



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

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Shire Services Department

### **413                    General Works in Progress Report**

F2004/07830 JEM

#### **SUMMARY**

General works in progress and completed works for the period June to July 2008.

#### **RECOMMENDATION**

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

#### **ROADS AND DRAINAGE SECTION OVERVIEW**

##### **Capital Works In Progress**

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

<b>Item Description</b>	<b>Estimated Cost \$</b>	<b>% Completed</b>	<b>Estimated Completion Date</b>	<b>Comments</b>
The Ridgeway Stage 1b, Tumbi Umbi CH:2165 to CH:2815 650m Section (Between Koorin Road and Awabakil Road.	954,000	85	July 2008	Upgrading of the existing gravel road (approximately 650m) to current standards including widening of road, sealed pavement, concrete dish drains and installation of guardrails.  Pavement works are in progress with the subgrade works completed and placement of the base course is underway.

### General Works in Progress Report (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Pollock Ave - Wyong Kooindah Boulevard to Jenson Road Road Reconstruction	1.1M	80	July 2008	<p>Reconstruction of existing road to current standards, including widening, realignment works and associated drainage works.</p> <p>All drainage works completed</p> <p>Shoulder and pavement works are continuing on the eastern approach at the Intersection of Jensen Rd.</p> <p>Pavement works on the western end adjacent to Kooindah Waters Golf Resort are completed other than AC surface.</p>
McLachlan Ave - Long Jetty The Entrance Road to Lindsay Street. Road and Drainage Reconstruction	1.9M	60	July 2008	<p>Upgrade of existing road and drainage. Drainage works include new box culverts and pipes with kerb &amp; gutter.</p> <p>Road upgrade includes full pavement reconstruction with traffic calming devices and concrete footpath.</p> <p>Concreting works installing footpath, driveways and kerb and gutter are in progress and approximately 50% complete.</p>
Bush Street – Norah Head Road and Drainage Reconstruction	455,000	35	August 2008	<p>Existing road and car park to be upgraded, with the inclusion of drainage works, extension of car parks and kerb to be installed</p> <p>Works to be carried out from the eastern side of Young Street through to the gates installed at the entry of the lighthouse. The upgraded car park will be approximately 130m long.</p> <p>Sub Base completed to Young St Kerb and gutter on the north side of the car park is completed.</p>

**General Works in Progress Report (contd)****General Maintenance Work**

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

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

**General Works in Progress Report (contd)**

	North	South
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Dooralong Jilliby Budgewoi Buff Point Woongarra Halloran Hamlyn Terrace Lake Haven Toukley Chain Valley Bay South	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyang The Entrance Killarney Vale Long Jetty

**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

Contract No	Contract Description	Contract Status	% Completed
CPA/94531	Consultancy for investigation and design of Link Road and trunk water main to Mardi Dam	Design and tender documentation of the Link Road and adjacent trunk water main complete. See CPA 127795 below for status of construction contract.  Design and tender documentation for the trunk water main connection back to Mardi Dam has been put on hold. If the Link Road does not proceed, an alternative route for the trunk water main has to be determined.	90
CPA/94559	Design and Documentation of Woongarra Sports fields	Part 5 approval has been sought under the provision of the new SEPP infrastructure. Awaiting final detailed design. Subject to receiving planning approvals, it is anticipated that tenders can be called in August 2008. Construction is anticipated to commence November 2008, with completion by November 2009. Subject to weather and favourable growing conditions it may be possible to allow winter competition on the fields by April 2010. Estimated construction cost \$4.7M.	85

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/94561	Dredging of Tumbi Creek	All aquatic dredging works are now complete and final check surveys have been carried out to confirm that design levels have been achieved. Completion of the remaining site works including salt marsh establishment and restoration and any necessary rehabilitation of surrounding roads will be completed by August 2008. Environmental surveys and other related project works are expected to be completed by February 2009. Total project cost expected to be within budget of \$1.8M	100 (dredging component of contract) 0% (terrestrial works)
CPA/98240	Implementation of Buttonderry Waste Management Facility Entry Master plan	Development Approval for the upgrade of the entry and administration areas received March 2008. Detailed design and documentation is nearing completion to allow tenders to be called by August 2008. Pre-construction work for Stage 1 has commenced on site with completion of all works programmed for June 2009.	60
CPA/99940	Construction of Wadalba Sports Facility	Fields are being used for winter sports. Further slit drains and sand topdressing to be completed in December 2008. Some defects still to be rectified. Approximate contract volume is \$6M	99
CPA/107166	Warnervale District Sports Fields	Some preliminary investigations and property issues only have been completed. Project still on hold until the Warnervale Town Centre Master Plan is finalised.	2
CPA/110431	Mardi Landfill Remediation – Investigations Only	Final report for the Mardi Landfill site has been completed. A consultant will be engaged to prepare a Remedial Action Plan (RAP) for the site. Remediation works on the site will be a separate future contract based on the recommendation of the RAP and completion of the detail design works. The value of these required remediation works is yet to be determined. Construction is not expected to commence until 2010-11.	25



### General Works in Progress Report (contd)

Contract No	Contract Description	Contract Status	% Completed
CPA/115479	Bateau Bay Landfill Rehabilitation and Redevelopment	<p>Work is continuing on the installation of the synthetic capping liner with all batters now being lined, top soiled and mulched. Work has commenced on construction of the site cycleways. The new amenities building for the new AFL/Softball Oval on the southern side of the site is now complete. Works being undertaken under the contract to the existing Pat Morley Oval amenities building are also complete and work to refurbish the existing change rooms and toilets will be commenced during July.</p> <p>It is anticipated the project will be completed by November 2008, with sports fields being available for play by April 2009 for winter sports of soccer and AFL (subject to suitable turf establishment conditions). Estimated contract value is \$15M.</p>	65
CPA/116884	Construction of underground tank for oval irrigation – Halekulani Oval, Budgewoi.	<p>Commissioning completed. The 100kL tank will be supplemented with treated effluent from future pipeline to the Budgewoi Soccer Club. This will allow all fields to then be irrigated. Contract value is \$63,000, with funding from the State Government Water Saving Fund administered by DECC.</p>	100
CPA/117144	Design and Construct the Toukley Reclaimed Effluent Treatment Plant Augmentation	<p>Contract awarded to Water Treatment (Australia) Pty Limited on 29 February 2008. Initial investigation and design is currently underway. Anticipated completion date for design is July 2008.</p> <p>Anticipated start date for works on site is August 2008, with completion by March 2009. Estimated project construction cost is \$2.2M.</p>	20
CPA/127795	Construction of Link Road and Water Main, Watanobbi to Warnervale	<p>Due to uncertainties about S94 developer funding, further consideration of construction tenders received in December 2007 has been suspended. Assessment of planning approval under Part 5 is continuing but most other pre-construction activities have been put on hold.</p>	0

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/130590	Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to Bonacci Group Pty Ltd on 31 January 2008. Final concept designs received and reviewed. Subject to development approval being granted, construction expected to commence in November 2008 and be completed by August 2009. This will be separately reported. Estimated project construction cost \$8M, with this consultancy costing \$530,000.	30
CPA/130591	Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	Contract awarded to SMEC Australia P/L on 1 April 2008. Anticipated completion of design and tender documentation by September 2008. Construction is expected to commence January 2009 and be completed by August 2009. Estimated Project construction cost \$2M, with this consultancy costing \$265,000.	20
CPA/136486	Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	Contract awarded to Maunsell Australia P/L on 1 April 2008. Final REF and concept design report have now been received and reviewed. Anticipated completion of design and tender documentation by September 2008. Construction is expected to commence January 2009 and be completed by December 2009. Estimated Project cost \$2.05M.	25
CPA/137955	Construction of Intersection Upgrade at Minnesota and Warnervale Roads	Construction work commenced on site in April and includes new traffic lights outside new school. Work is expected to be completed by mid September 2008. Estimated cost \$1.5M.	60
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Construction Certificate issued for building and civil works. Contractor has been preparing for site establishment since issue of Letter of Acceptance on 30 June 2008. Construction will commence on 4 August 2008 for completion in February 2009. Project Value is \$2.542M.	5
CPA/141675	Widening of Culverts and footbridge at Mataram Road, Shared Pathways and associated Road Construction	Tenders have been called for the provision of the works and closed on 27 March 2008. Tenders are being reviewed. Temporary pedestrian access has been installed to the culvert on the southern side of Mataram Rd. It is anticipated construction will commence in November and be completed by end of February 2009. Estimated cost \$ 1.2 M.	0

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/145543	Construction of Buff Point Shared Pathway, Stage 1a (from Edgewater Park)	Contract awarded 13 May 2008 and work has commenced. Target completion by August 2008. Estimated project construction cost \$75,000.	80
CPA/145812	Killarney Vale Shared Pathway (West)	Contract awarded for pathways. Construction completed. Very recent RTA funding. Project construction cost \$150,000 (excl. GST).	100
CPA/145813	Bridges for Killarney Vale Shared Pathways	Contract awarded 23 May 2008. Construction completed. Very recent RTA funding. Project construction cost \$83,000 (excl. GST)	100
CPA/145982	Buff Point Shared Pathway, Stage 1 (Matumba Section)	Contract awarded 20 May 2008. Target completion August 2008. Estimated Project construction cost \$75,000.	60
CPA/146169	Killarney Vale Shared Pathway (East)	Contract awarded for shared pathways (100m). Target completion date August 2008. Very recent RTA funding. Estimated project construction cost \$50,000.	75
Contract 2408	Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Finalisation of the Deed of Agreement that will form the basis of the contract has been a protracted process between Council, Council's legal representatives and the contractor. Agreement has now been reached with the contractor and the Schedules forming part of the Agreement are under development by the parties. Council has previously resolved that the General Manager be authorised to execute any contract arising out of the acceptance of the proposal by LMS. It is expected the Agreement will be executed by both parties by the middle of August 2008, allowing works to be undertaken on site.	5

**General Works in Progress Report (contd)**

<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
F2004/07982	The Entrance Town Centre Refurbishment Works	Current actions being undertaken to address 5 year work programme for TETC include: 1 Installation of five pedestrian ramps to lower end of The Entrance Road to be completed by September 2008. 2 Second batch of tile samples have been received from Ryowa, Japan. Have received advice that only high friction finish is now manufactured. A report on the suitability of high friction tiles has been received. 3 Visitor Information Signs: Signs installed. 4 Quotes for replacement timber to decks under sails have been obtained. The work will be undertaken by end of September 2008. 5 Sub-distribution boards to Memorial Oval: Existing boards require replacing and work is planned for August 2008.	25
F2007/02014	Construction of under ground tank for oval irrigation Wadalba Community School	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system undergoing further design input. Contract value \$68,000.	90
F2007/01491	Construction of under ground tank for irrigation of playing fields, Wyong Hockey Centre	Construction of tank and associated drainage works have been completed. Pump and connection to existing irrigation system undergoing further design input. Contract value \$68,000.	90

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>			
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/104754	Construction of Ourimbah Creek Upper Weir Fish Ladder	Contract works in Defects Liability Period until 17 August 2008.	100
CPA/98601	Design, Development and Construction of the Morisset to Warnervale water trunk main	Contract works in Defects Liability Period until 28 September 2008.	100

## WYONG SHIRE COUNCIL

27 August 2008  
To the Ordinary Meeting of Council

Director's Report  
Corporate Services Department

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

F2008/00003 SW

#### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

#### **RECOMMENDATION**

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

<b>Question Asked</b>	<b>Asked By</b>	<b>Meeting Asked</b>	<b>Department</b>
Q123 - Darcy Smith Court Case  (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees  (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit
Q052 – Promotional Material on Kores Coal Mine on Display at Lake Haven Recreational Centre  (A response will be submitted to the new Council at the next available Ordinary Meeting)	Councillor Eaton	13 August 2008	Corporate Services
Q053 – Printing of Council's Annual Report  (A response will be submitted to the new Council at the next available Ordinary Meeting)	Councillor Eaton	13 August 2008	Shire Services

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

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p><i>Report required on climate change impacts.</i></p>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
<p>470 – Ferry Service between Wyong and The Entrance</p> <p><i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i></p>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report.
<p>231 – Poll on Popularly Elected Mayor and Electricity Privatisation</p> <p><i>A further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.</i></p>	Corporate Services	28 May 2008	<p>A report will be subject to future briefing session for the new Council.</p> <p>The report will provide an outline of possible ward boundaries.</p>
<p>257– Proposal to Reconstitute the NSW Coast Council Program</p> <p><i>That Council call on the State Government to reconstitute the NSW Coastal Council to assist:</i></p> <p>1 <i>NSW coastal councils to deal with climate change and sea level rise(s) effects.</i></p> <p>2 <i>Coastal councils in updating coastal planning regulations.</i></p>	Corporate Services	11 June 2008	Awaiting response from the Department of Environment and Climate Change (DECC).

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

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	A letter has been issued to Mr G Payne, Director General, Department of Local Government (DLG).
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008	Meeting was held on 30 July 2008. Council update issued regarding outcomes. Formal report back to Council as part of adoption of the The Entrance / Long Jetty strategy to be submitted to the new Council.
<p>294 – Funding of Public Radiation / Oncology Service for the Central Coast</p> <p><i>That Council write to the Member for Dobell, Mr Craig Thomson.</i></p> <p><i>That Council seek the support of Gosford City Council.</i></p> <p><i>That Council write to all Local State Government Members of parliament.</i></p>	Corporate Services	25 June 2008	A report will be submitted to Council when responses have been received.
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	Shire Planning	25 June 2008	A meeting was held with the Administrators for Wyong Tennis Club. Awaiting further information once received a report will be submitted to the new Council.
<p>297 – Education Program into Toddler Drowning</p> <p><i>That Council review effectiveness of its current swimming pool audit program.</i></p> <p><i>That staff report to Council on the benefits of redeployment of Council's professional lifeguards from off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education.</i></p>	Shire Planning	25 June 2008	A report will be submitted to the new Council.

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

Notice of Motion	Department	Meeting Resolved	Status
298 – Long Jetty Café  <i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i>	Shire Planning	25 June 2008	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
319 – Proposal to Name Lot 1 DP 942380 and Lot 1 DP 663618 Corner of Church and Margaret Streets Wyong as Arthur Mollett Reserve  <i>That Council place on exhibition its proposal for Lot 1 DP 942380 and Lot 1 DP 663618 to be named the Arthur Mollett Reserve and recommend to the Geographical Names Board should no significant objections be received.</i>	Shire Services	9 July 2008	Submission placed on public exhibition.
325 – Supposed Fast Tracking of Warnervale  <i>That concerns raised by the Lakes Grammar (The Anglican School) regarding the intersection of Albert Warner Drive and Sparks Road, Warnervale be referred to the Wyong Shire Traffic Committee.</i>	Shire Services	9 July 2008	That this matter is to be referred to the RTA for investigation.
353 - Notice of Motion – Maintenance of Stormwater Treatment Devices.  <i>That staff report on the maintenance of stormwater treatment devices and cover aspects of budgets, responsibilities, asset maintenance, design construction and performance.</i>	Shire Planning	23 July 2008	A report will be submitted to the new Council.



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

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.</p> <p><i>That Council agree, in principle, to proceed with the funding for identified projects.</i></p> <p><i>That staff seek to source grants for State or Federal Governments etc and request surf clubs to lobby for additional funding.</i></p> <p><i>That the Management Plan be amended and exhibited and a report brought back to Council following exhibition.</i></p> <p><i>That Management Plan consider expenditure of \$5,800,000 from Land Sales and developer contributions for remainder of identified works .</i></p>	Shire Services	23 July 2008	A report will be submitted to the new Council.
<p>355 Notice of Motion – Pacific Highway Advisory Sign, Wyong Township.</p> <p><i>That Council install a sign on the Pacific Highway to urge the community to phone the Member for Wyong for an update on plans to upgrade this part of the Highway.</i></p> <p><i>That Council invite the Member for Wyong to brief Council and explain the release of the Route study.</i></p>	Shire Planning	23 July 2008	<p>No need to request installation of sign as RTA plans of upgrade have now been released.</p> <p>A briefing has been scheduled for 27 August 2008 by the RTA.</p> <p>Letter of invitation issued to Member for Wyong to attend briefing session.</p>
<p>383 – Notice of Motion – Central Coast Regional Strategy – Toukley</p> <p><i>That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.</i></p>	Shire Planning	13 August 2008	A report will be submitted to the new Council.

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

<b>Notice of Motion</b>	<b>Department</b>	<b>Meeting Resolved</b>	<b>Status</b>
<p>384 – Notice of Motion – Central Coast Regional Strategy</p> <p><i>That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.</i></p>	Shire Planning	13 August 2008	Workshop currently being arranged.
<p>385 – Notice of Motion – Clearing of Wetland Areas at Wadalba</p> <p><i>That staff provide a report back to Council with including a brief history of the agreement between developers and Council with the deemed concurrence of DECC aimed at 'streamlining' the Species Impact Statement / environmental approvals process and history of and reasons for Council apparently extending a number of DA's beyond their usual period. Also to outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to fulfil its responsibilities for a periodic review of the management plan and ensure all other parties have properly fulfilled their responsibilities.</i></p>	Shire Planning	13 August 2008	A report will be submitted to the new Council.
<p>386 – Notice of Motion – Mardi Mangrove Pipeline Risk Analysis</p> <p><i>That Council provide a Risk Based Analysis of the project cost estimate to determine a range of possible cost outcomes with associated likelihood of these costs being exceeded, to enable Council to make informed decisions as to the level of risk it wishes to hold and how such costs could be funded.</i></p>	Shire Services	13 August 2008	To be reported to the new Council.

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

General Manager's Unit

**Answers to Questions Without Notice**

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**Q034 - Cost to the Ratepayer of Operating the Conduct Committee**

Asked by Councillor Best at the Ordinary Meeting held on 28 May 2008  
F2004/05304

*Mr General Manager, my question is in relation to the Council's Conduct Committee. As you are aware, over the term of this Council, I for one have not seen fit to refer any Councillors to this investigative / disciplinary Council Committee as it is my view that any matter of alleged corruption should be dealt with by the Independent commission Against corruption (ICAC). Council staff provide information as to the total costs associated with the operations of the Conduct Committee over the term of this Council and the number of matters to date (at 28 May 2008) that have been referred for further action to respective investigatory / disciplinary Government agencies?*

The total costs associated with the operations of the Conduct Committee over the term of this Council amount to \$15,207.69.

No matters have been referred by the Conduct Committee for further action to Government agencies.

**Answers to Questions Without Notice (contd)**

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**Q041 - Notices of Motions raised by Councillor Best and Councillor Eaton**

Asked by Councillor Veugen at the Ordinary Meeting held on 25 June 2008.  
F2004/07706

*“Councillor Best – you and Councillor Eaton have been the most consistently active Councillors with regard to raising issues on behalf of our residents and ratepayers in this Chamber. Could you both please provide information as to the actual number and background of the various Notices of Motion you have raised in this term of Council?”*

The following response has been received from Councillor Best:

*“Thank you Councillor Veugen for your interest in my activities on behalf of our residents and ratepayers in the Chamber. As you can see from the attached (attachment 1), I have consistently been active with regard to my role as a Councillor as seen by the 92 Notices of Motion I have put up over the past four years despite Council formally resolving to limit Councillors’ Notices of Motion to just one per business paper for more than 12 months. This undemocratic behaviour resulted in a strongly worded letter from the Director General, Mr Garry Payne AM, calling on Council to review its unlawful and unenforcable practice of limiting Notices of Motion. Please see attached confirmation extract of correspondence received from the Department of Local Government (attachment 2).”*

The following response has been received from Councillor Eaton:

*“A list of all Notices of Motion submitted by me during the term of the current Council is attached.”*

<b>Attachment 1</b>	<b>Notices of Motion Councillor G P Best 2004-2008 (3 pages)</b>
<b>Attachment 2</b>	<b>Extract from letter from Department of Local Government dated 8 May 2008 (1 page)</b>
<b>Attachment 3</b>	<b>Notices of Motion Councillor D J Eaton 2004-2008 (2 pages)</b>

**Answers to Questions Without Notice (contd)**

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**Q041 - Notices of Motions raised by Councillor Best and Councillor Eaton (Attachment 1)****Notices of Motions Councillor G P Best 2004-2008**

<b>Date of Meeting</b>	<b>Report No and Title</b>	<b>Page No</b>
June 9 2004	254 Notice of Motion - Feral Animal Eradication Programmes .....	4
July 14 2004	306 Notice of Motion – Warnervale District Airport .....	5
July 28 2004	332 Notice of Motion – Improved Decision Making Process, Late Items .....	6
August 11 2004	373 Notice of Motion – City Status Report.....	7
August 11 2004	374 Notice of Motion – Coal Bed Methane Extraction .....	8
August 25 2004	394 Notice of Motion – Drought Population Review .....	11
September 22 2004	461 Notice of Motion - Tuggerah Lakes Ocean Access Options .....	21
October 13 2004	500 Notice of Motion – Memorandum of Understanding between Council and the Darkinjung People .....	23
November 3 2004	536 Notice of Motion – Gwandalan Summerland Point Tidy Town Awards .....	24
November 24 2004	579 Notice of Motion – Magenta Shores Development at North Entrance.....	25
November 24 2004	580 Notice of Motion – Waterfund .....	26
December 8 2004	636 Notice of Motion – Long Term Parking at Warnervale Station .....	28
December 8 2004	637 Notice of Motion – Stormwater Harvesting in Wyong Employment Zone .....	29
May 11 2005	209 Notice of Motion – Maintaining Residential Amenities .....	30
May 11 2005	210 Notice of Motion – Wildlife Arc.....	33
May 25 2005	238 Notice of Motion – Gosford City Council Versus Coca Cola Amatil Pty Ltd .....	35
May 25 2005	239 Notice of Motion – State Government Budget Review.....	36
May 25 2005	240 Notice of Motion – State Legislation Review of 94 Contributions.....	37
June 8 2005	271 Notice of Motion – Scientific Whaling.....	38
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April 12 2006	W002 Notice of Motion – Security of Confidential Information .....	49
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**Q041 - Notices of Motions raised by Councillor Best and Councillor Eaton (Attachment 1) (contd)**

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27 August 2008  
To the Ordinary Meeting of Council

Corporate Services Department

## Answers to Questions Without Notice (contd)

### Q041 - Notices of Motions raised by Councillor Best and Councillor Eaton (Attachment 2)

05-AUG-2008(TUE) 12:49

P. 001/002



Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE ID: A127740  
YOUR REFERENCE CONTACT  
Helen Guernan  
02 4428 4212

Councillor G P Best  
PO Box 20  
WYONG NSW 2259

- 8 MAY 2008

Dear Cllr Best

I am writing in reply to your letter of 3 January 2008 regarding a resolution by Wyong Shire Council of 14 March 2007 to limit the number of notices of motion that each councillor can make to one per meeting. The delay in replying is regretted.

I am advised that Council at its meeting of 13 February 2008 revisited its previous decision and decided that the maximum number of notices of motion that a councillor may put to a council meeting be limited to three.

As you may be aware, I have previously written to Council on this matter. In my letters of 6 June and 20 December 2007, I expressed concerns at Council's decision to limit the number of motions per meeting. I have also requested that my latest letter be tabled at the next open Council meeting. This was done on 13 February 2008.

I am disappointed that Council decided not to amend its code of meeting practice in such a way as to reflect the Department's view that the number of motions put forward by a councillor cannot and should not be limited.

Again, I would draw attention to the Meeting Practice Note which is available on the Department's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au). In particular, on page 26 the Note makes it clear that a councillor can put forward as many motions as they wish, as long as notice and other procedures are followed.

The Note also highlights the need to balance councillors' civic responsibility for representing the interests of their community with their obligation to use council's resources effectively and efficiently.

The Department's position is that Council's code of meeting practice is unlawful and unenforceable in so far as it limits the number of motions that a councillor may move at a meeting.

Accordingly, you may wish to continue to bring your concerns and this letter to the attention to your fellow councillors with a view to amending the Council's code of meeting practice.

I have noted your comments about your intention to request that the Minister for Local Government dismiss Council.

☎ 02 4428 4100 ☎ 02 4428 4199 ☎ 02 4428 4209  
✉ [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) ✉ [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ☎ 99 567 863 195





## **Answers to Questions Without Notice (contd)**

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### **Q041 - Notices of Motions raised by Councillor Best and Councillor Eaton (Attachment 3)**

#### **Notices of Motion Councillor D J Eaton 2004-2008**

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**Answers to Questions Without Notice (Attachment 3) (Contd)**

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## **Answers to Questions Without Notice (contd)**

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### **Q044 – Lighthouse Whale Rally**

Asked by Councillor Veugen at the Ordinary Meeting held on 9 July 2008  
F2004/10946

*Councillor Best, as patron of our local peak community whale group, Whale Call, I understand you and Councillor Eaton took time to attend the Lighthouse Whale Rally, an important community event held on 6 July. Could you please report / provide information on the success of the event?*

Councillor Best has responded as follows:

*“Thank you Councillor Veugen for your question and keen interest in this important issue. With respect to the Whale Day Rally held at the Lighthouse on 6 July I can only praise those who conducted this outstanding community event. It was strongly attended with many hundreds in attendance at any one time and through the day the number may well have exceeded 1,000 people. As the event was held at the Lighthouse, I would have thought the Lighthouse Trust would have put into place a Plan of Management for the day particularly with regard to traffic and safety of pedestrians. The parking and vehicular movements could be best summed up as “utter chaos” with traffic at total gridlock compounded by families, many with prams, trying to access the Lighthouse through the traffic chaos. Both sides of the Lighthouse were completely parked out back to Bush Street, Norah Head. Numerous attendees communicated their alarm and concern at the lack of management. Councillor Eaton and I were so concerned that Councillor Eaton called Council Rangers to attend. I do hope this report and the Rangers’ report will prepare those in authority for next year’s event. We were lucky to avoid a pedestrian tragedy.”*

**Answers to Questions Without Notice (contd)**

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**Q045 – Staff Performance**

Asked by Councillor Best at the Ordinary Meeting held on 9 July 2008  
F2004/05336

*Mr General Manager, I have received a number of unsolicited comments regarding the efficiency and professionalism of our front line staff in Customer Service. As a consequence, could you please formally pass on Council's sincere appreciation for a job well done.*

Customer Service staff have been advised of the comments regarding their performance.

This ongoing commitment to service delivery has resulted in the Customer Service Team achieving 3<sup>rd</sup> place in the "Customer Service Benchmarking" survey for the period April-June 2008. This survey measures the customer service offered by 23 Australian Councils as well as service provided by other industries and this is the highest ranking that Wyong Shire Council has ever achieved.

## **Answers to Questions Without Notice (contd)**

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### **Q046 – Conduct Committee Attendance**

Asked by Councillor Stevens at the Ordinary Meeting held on 9 July 2008  
F2004/06498

*Given that Councillor Best is conscious of costs to operate Council's Conduct Committee, could he advise Council why he failed to attend the last Conduct Committee meeting?*

Councillor Best has responded as follows:

*"Thank you Councillor Stevens for your Question Without Notice regarding my attendance at the Conduct Committee. As you are aware through the recent issue at the Conduct Committee regarding your non-payment of Council rates, much time and effort is required to effectively address the various matter.*

*It is with this understanding that I have engaged in numerous correspondence with the General Manager including formally advising him on 12 May 2008 that my legal Counsel would be unable to attend the meeting scheduled for 27 May 2008. Therefore, I was a formal apology.*

*I have endeavoured to have the matter dealt with, however, Council's legal representative has been away for the past month or so.*

*Further Councillor Stevens, thank you for the recognition that I am mindful of the costs of this Committee on the ratepayer purse. As a consequence, I can confirm that I have not seen fit to report any fellow Councillor to the Conduct Committee. While the Council's Conduct Committee, I believe, has cost tens of thousands of ratepayer dollars in this term of Council alone, yet not one matter I understand to date has resulted in disciplinary action.*

*Councillor Stevens, with the greatest respect, you may in future consider directing such minor enquiries directly to the Committee, thereby reducing the workload and cost of our valuable Business Paper collation staff, thank you once again.*

*May I take this opportunity to wish you and your family all the very best in your retirement from Council."*

**Answers to Questions Without Notice (contd)**

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**Q047 – Conduct Committee costs**

Asked by Councillor Stevens at the Ordinary Meeting held on 9 July 2008  
F2004/06498

*Could staff please advise how much additional cost will be incurred by Council because of Councillor Best's failure to attend this meeting and thus necessitating the organisation of another Conduct Committee meeting?*

There will be no additional costs incurred in rescheduling another Conduct Committee meeting.

### **Answers to Questions Without Notice (contd)**

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#### **Q048 – Notices of Motion raised by Councillor Best and Councillor Eaton**

Asked by Councillor Graham at the Ordinary Meeting held on 9 July 2008  
F2004/07706

*“Further to question Q041 asked by Councillor Veugen at the Meeting of 25 June last, could the staff advise how many of these Notices of Motion were successful and how many failed? Also, how much staff time was expended on these Notices of Motion and at what cost?”*

Between April 2004 and the end of June 2008, the following Notices of Motions were submitted by Councillors Best and Eaton

<b>Name</b>	<b>Total submitted</b>	<b>Successful</b>	<b>Failed</b>	<b>Withdrawn</b>
Best	84	49	31	4
Eaton	44	23	20	1

Average processing time per motion for Councillor Best is estimated to be 30 minutes giving a total processing time for the 84 motions of 42 hours.

Average processing time per motion for Councillor Eaton is estimated to be 15 minutes giving a total processing time for the 44 motions of 11 hours.

The difference in the processing time between the Notices of Motions asked by Councillor Best and Councillor Eaton is the additional administration required for Councillor Best.

**Answers to Questions Without Notice (contd)**

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**Q049 – Commercial Operations at Fountaindale**

Asked by Councillor Eaton at the Ordinary Meeting held on 9 July 2008  
P2006/04948

*Could Council be advised of investigations into alleged illegal commercial operations in Peach Orchard Road, Fountaindale?*

**Note:**

The question relates to the activities at 65 Peach Orchard Rd, Ourimbah.

Council has received numerous complaints in relation to the operation of an excavation business from the subject address since early 2003. Representations from the adjoining residents were also made to the then Director of Health and Building; Manager of Development Services; Federal Member for Wyong; and the Central Coast Adviser for Special Minister of State. Each of those concerns were investigated thoroughly at the time by Council's officers, with the conclusion reached that the activity was operating as a *Home Occupation* as defined in the Wyong Local Environmental Plan and Council's Development Control Plan 2005, *Chapter 63 – Home Based Employment*.

More recent representations have been made to the Manager of Development Assessment. Following a meeting with the concerned residents, the Manager assigned the matter to Council's Compliance Officer for detailed independent investigation. As a result of the current investigations, Council's officer has advised that he remains of the opinion that the storage of commercial vehicles driven by the owner falls under the definition of a 'Home Occupation' under Wyong Local Environmental Plan 1991. At the conclusion of this investigation the complainant was informed of the outcome and advised to direct any further concerns of expansion of the use to the investigating officer.

It is also to be noted that separate to the home occupation, the occupant/owner is undertaking landscaping and improvement works to his property which involves the importation of material and the use of earthmoving machinery. The works are in connection with various approvals as follows:

- Machinery Shed approved by Council in 1995;
- Aboveground Pool - 2002
- Dwelling additions, Carport & Dam - 2003
- Covered Seating Area & Studio - 2004;
- Shed Extension, Tennis Court & Stable - 2005;

Note: Minor landscaping works does not require the consent of Council.

Council's Local Environmental Plan and DCP 2005, Chapter 63, Home Based Employment outlines requirements for persons wishing to use their home for business purposes. The policy has two categories – a Home Business, which requires consent from Council and a Home Occupation which does not require consent.



27 August 2008  
To the Ordinary Meeting of Council

## **Answers to Questions Without Notice (contd)**

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### **Q049 – Commercial Operations at Fountaindale (contd)**

The definitions are:

#### **Home Occupation** (no Development Consent required)

The use of a dwelling or the curtilage of a dwelling by the permanent residents of the dwelling for the purposes of an office or business. Generally activities which fall into this category are mainly small businesses involving only people who live in the dwelling.

#### **Home Business** (Development Consent required)

A business, industry, occupation or profession carried on within a dwelling or the curtilage of a dwelling by the permanent residents of the dwelling. Generally an intensification of use compared to a home occupation to which Council can impose conditions of consent on operation. A home business also permits the employment of one (1) person other than the permanent residents of the dwelling.

DCP 2005 Chapter 63 outlines criteria for Home Businesses and supports the definitions outlined in Wyong Local Environmental Plan 1991.

### **CONCLUSION**

Provided the occupant/operator adheres to Council's Development Control Plan 2005 - Chapter 63 for home based employment (home occupation); no further action is able to be taken. This information has been provided to the complainant, however should the activity intensify the complainant has been advised to contact a designated Council officer who will undertake further investigation.

**Answers to Questions Without Notice (contd)**

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**Q051 – Halekulani Hall**

Asked by Councillor Veugen at the Ordinary Meeting held on 23 July 2008  
F2004/08083

*“Can staff please provide information regarding what steps can be taken to stop young people from gaining access to the hall’s roof?”*

Young people are primarily gaining access to the roof of this hall by pushing the bulk waste container over to the edge of the hall and then using the bin to gain access to the roof of the hall.

On Wednesday 30 July 2008 Council’s Contractor, Thiess Services provided a chain and lock to secure the bulk bin to an adjacent pole after emptying. This will prevent this means of access to the roof.

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2006/01080 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 he will move the following Motion:

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

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2007/00889 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 he will move the following Motion:

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

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2004/11290 GPB:DJE

Councillors G P Best and D J Eaton have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 they will move the following Motion:

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

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2004/10946 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 he will move the following Motion:

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

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2004/06957 GPB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 he will move the following Motion:

*"That staff provide an updated report on key operational issues surrounding the Charmhaven Dog Pound including issues such as surrender rate trends, kill rates, success rate of relocations and general compliance issues."*

**WYONG SHIRE COUNCIL**

27 August 2008  
To the Ordinary Meeting of Council

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

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F2007/01516 CWV

Councillor C W Veugen has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 27 August 2008 he will move the following Motion:

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

**COUNCILLOR'S NOTE**

Such is the rapid rate of erosion it is feared that the island's some fifty year old date palm will probably fall into the lake if this erosion is allowed to continue.