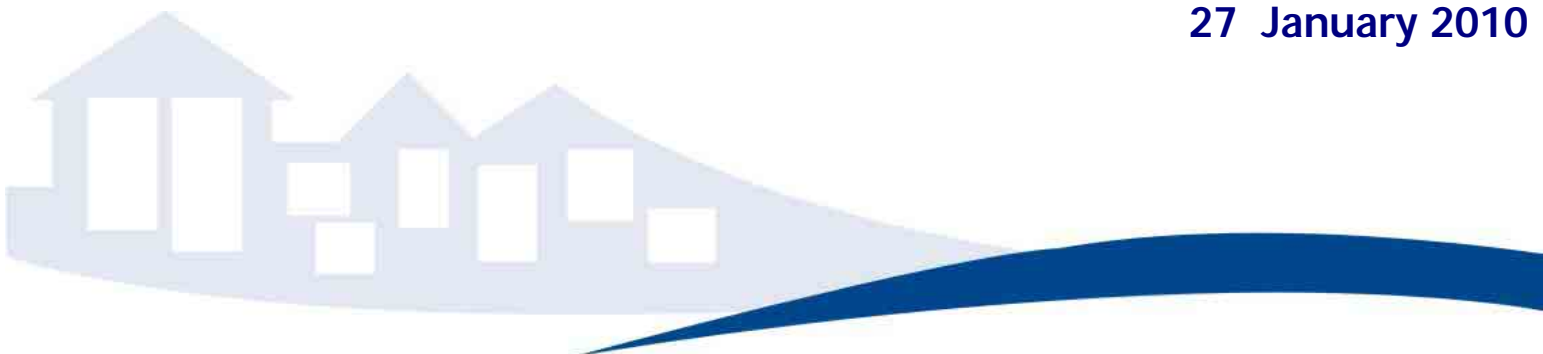




Team members from Pelicans Netball Club helped launch six new courts at Baker Park, Wyong in December 2009. The \$400,000 upgrade was part of the Federal Government's Local Infrastructure Grants Program.

Business Paper

ORDINARY MEETING
27 January 2010



This page is intentionally blank

MEETING NOTICE

**The ORDINARY MEETING
of Wyong Shire Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 27 January 2010 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

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

2 PLANNING REPORTS

2.1	DA 628/2009 - Proposed Torrens Title Subdivision at San Remo	31
2.2	DA 1257/2009 - Proposed Telecommunications Facility at Magenta	43
2.3	Review of Policy B1 - Bonding of Development Works and Deferment of Contributions.....	55

3 PROPERTY REPORTS

3.1	Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby	59
3.2	Classification of Land - Lot 430 DP 1145240 at Hakone Road, Woongarah.....	64
3.3	Proposed Lease over Part Lot 36 DP 755224 Forest Road, Kulnura for trunk radio extension	67
3.4	Proposed Dedication of Council Land as Road Reserve Lot 2 DP 1047484 Jack Grant Avenue, Warnervale	71
3.5	Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong.....	74

4 CONTRACT REPORTS

4.1	Contract Variations and Finalisation - November 2009.....	78
4.2	Contract CPA 144547 - Estuary Management Plan Stormwater Treatment Works Project - Colongra Bay Road, Lake Munmorah	88
4.3	Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire.....	95
4.4	Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	102
4.5	Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields	109
4.6	Contract CPA 172474 - Construction of 300mm Diameter Gravity Sewer main - Gavenlock Rd, Tuggerah.....	115

5	GENERAL REPORTS	
5.1	Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek.....	124
5.2	Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial	134
5.3	The Entrance Community Precinct Committee - Proposed Name and Boundary Change	139
5.4	Proposed Councillors' Community Improvement Grants	142
6	BOARD/COMMITTEE/PANEL MEETING REPORTS	
6.1	Minutes of the Strategic Finance Committee Meeting - 9 December 2009	145
7	DELEGATE'S REPORT	
7.1	Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference	148
7.2	Delegate's Report - Local Government Information Technology Conference.....	152
8	INFORMATION REPORTS	
8.1	Information Reports	156
8.2	Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms	157
8.3	Activities of the Development Assessment Unit.....	161
8.4	Results of Water Quality Testing for Beaches and Lake Locations	167
8.5	Investments for November 2009	171
8.6	Disclosure of Interest Returns - 1 October to 31 December 2009	175
8.7	Mardi to Mangrove Link Project Status	177
8.8	General Works in Progress	180
8.9	Water and Sewerage - Works in Progress	193
8.10	Outstanding Questions Without Notice and Notices of Motion	197
9	ANSWERS TO QUESTIONS WITHOUT NOTICE	
9.1	Q58/09 - Pool at Mingara Recreation Club	206
9.2	Q59/09 - Wadalba Wildlife Corridor.....	209
10	NOTICES OF MOTION	
10.1	Notice of Rescission - Draft Climate Change Policy	211
10.2	Notice of Motion - Peabody Lake Coal.....	213
11	QUESTIONS WITHOUT NOTICE ASKED	

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

Kerry Yates
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2010/00009 - D02110340

AUTHOR: MW

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections

TRIM REFERENCE: F2010/00009 - D02112517

AUTHOR: MR

SUMMARY

There were no Inspections scheduled for 3 February 2010 at the time of printing the business paper.

RECOMMENDATION

That Council receive the report on Proposed Inspections.

1.3 Address By Invited Speakers

TRIM REFERENCE: F2010/00009 - D02088850

AUTHOR: SW

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

27 January 2010
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02112526

AUTHOR: MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 9 December 2009.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 December 2009.

ATTACHMENTS

1 Minutes - Ordinary Meeting held on 9 December 2009 D02100774

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 09 DECEMBER 2009
COMMENCING AT 5:00:00 PM**

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, PROJECT DIRECTOR MARDI TO MANGROVE LINK PROJECT, ACTING MANAGER FUTURE PLANNING, MANAGER DEVELOPMENT ASSESSMENT AND TWO ADMINISTRATION STAFF.

MANAGER CONTRACTS AND SPECIAL PROJECTS, MANAGER PLANNING – LEGAL AND POLICY, EXECUTIVE MANAGER, MANAGER SUSTAINABILITY, ACTING MANAGER GOVERNANCE AND ADMINISTRATION, SENIOR TRANSPORT ENGINEER, SENIOR DEVELOPMENT PLANNER, CULTURAL PLANNER, SENIOR OFFICER - TERRESTRIAL ECOLOGY AND SUSTAINABILITY, CONTRACTOR AND ADMINISTRATION OFFICER

THE MAYOR REPORTED THAT:

- * THE SUBMISSION THAT WYONG COUNCIL PUT IN TO HOST THE NSW SURF LIFESAVING CHAMPIONSHIPS AT SHELLY BEACH IN 2011, 2012 AND 2013 WAS NOT SUCCESSFUL AND THE EVENT WAS WON BY TWEED HEADS WHICH HAS HOSTED THIS EVENT FOR THREE YEARS IN A ROW. A PROTEST HAS BEEN LODGED WITH THE SURF LIFESAVING ORGANISATION.
- * AN AWARD WAS PRESENTED TO LANDSCAPE ARCHITECTS FROM WYONG COUNCIL BY THE FORMER MINISTER FOR PLANNING, MS KRISTINA KENEALLY, IN RECOGNITION OF WORKS CARRIED OUT AT SALTWATER CREEK PARK WHICH INCLUDE A PLAYGROUND FOR DISABLED CHILDREN.

THE MAYOR INVITED COUNCILLORS TO REPORT ON RECENT EVENTS AS FOLLOWS:

COUNCILLOR MATTHEWS REPORTED ON THE TUGGERAH LAKES MARDI GRAS PARADE WHICH WAS HELD LAST SATURDAY. WYONG COUNCIL'S ENTRANT, MS REBECCA CHAFFER, WAS CROWNED THE MARDI GRAS QUEEN. COUNCILLOR MATTHEWS PRESENTED A PLAQUE TO THE MAYOR WHICH WAS PRESENTED TO WYONG COUNCIL IN RECOGNITION OF ITS SUPPORT FOR THIS EVENT.

COUNCILLOR SYMINGTON REPRESENTED THE MAYOR AT THE NSW EXCELLENCE IN THE ENVIRONMENT AWARDS WHERE COUNCIL WAS PRESENTED WITH A NUMBER OF AWARDS.

COUNCILLOR McBRIDE ACCEPTED A CERTIFICATE OF APPRECIATION FROM THE CENTRAL COAST COMMUNITY CONGRESS WHICH WAS PRESENTED TO WYONG SHIRE COUNCIL IN RECOGNITION OF ITS SUPPORT.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT AND DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

1.1 Disclosure of Interest

3.1 PROBITY REPORT - MARINERS FC DEVELOPMENT

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

3.2 LEASE OF COUNCIL LAND AT CHURCH ROAD, TUGGERAH BY MARINERS FC UNIT TRUST

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

3.3 ODOUR STUDY AT WYONG SOUTH SEWERAGE TREATMENT PLANT

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

3.4 DA 1114/2009 - PROPOSED CONSTRUCTION OF A RECREATIONAL AREA, PARKING AND LANDSCAPING AT TUGGERAH

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

3.5 DA 612/2009 - PROPOSED ENTERTAINMENT FACILITY AND ANCILLARY USES, PARKING AND LANDSCAPING AT TUGGERAH

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

7.2 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBLIC SCHOOL BUT NOT A MEMBER OF THE P & C ASSOCIATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS STATED:

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

10.3 NOTICE OF MOTION - ELECTION OF NEW DELEGATE FOR THE BOARD OF CENTRAL COAST TOURISM INC

COUNCILLOR WEBSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS THE COUNCIL DELEGATE ON THE ENTRANCE TOWN CENTRE MANAGEMENT BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WEBSTER 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."

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

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

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

AGAINST: NIL

1.2 Inspections

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

That Council receive the report on Inspections.

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

AGAINST: NIL

1.3 Address by Invited Speakers

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

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

2 *That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an invited speaker's address.*

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 November 2009.

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

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

1.5 Mayoral Minute - Bus Servicing Review

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.22 PM AND RETURNED TO THE CHAMBER AT 5.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.26 PM AND RETURNED TO THE CHAMBER AT 5.33 PM DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor GRAHAM:

1 That Council advise New South Wales Transport and Infrastructure that the consultation process is seriously flawed.

2 That Council support the request for the following additional services:

- **Express buses from Belmont stopping on the Highway at Gwandalan/Summerland Point, Lake Munmorah, Chain Valley Bay across to Mannering Park (loop with one stop on Vales road) to Morisset Railway Station.**
- **Express bus services (with limited stops) along the Highway from Gwandalan to Wyong Railway Station,**
- **Express bus services (with limited stops) along the Highway from Budgewoi to Wyong Railway Station,**
- **Express bus services (with limited stops) along Wallarah Road between Norah Head and Wyong Railway Station (by-passing Lake Haven Shops),**
- **Express bus services (with limited stops) along the Central Coast Highway between Doyalson and Gosford,**
- **A loop service incorporating Doyalson, Ruttleys Road and both Morisset and Wyee Railway Stations**
- **Improved late night shopping services**
- **Sunday services to match those on Saturdays.**

- 3 That Council write to all Local State and Federal Members seeking their support in getting a significantly improved Bus Service in Wyong Shire and what they are prepared to do to achieve these outcomes.**

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

AGAINST: NIL

2.1 Notice of Intention to Deal with Matters in Confidential Session

THE GENERAL MANAGER ADVISED THAT THIS ITEM, AND CONFIDENTIAL ITEM 12.1, LISTED IN THIS REPORT, HAVE NOW BEEN WITHDRAWN PENDING LEGAL MATTERS YET TO BE RESOLVED.

3.1 Probity Report - Mariners FC Development

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

THE GENERAL MANAGER STATED, IN REGARD TO RECOMMENDATIONS R5 AND R6 IN THE PROBITY REPORT, THAT THE DEPARTMENT OF LOCAL GOVERNMENT HAS POINTED OUT THAT ANY MATTERS IN REGARD TO PECUNIARY INTEREST SHOULD BE REFERRED TO IT. HE CONFIRMED THAT THE PROBITY REPORT HAS BEEN SENT TO THE DEPARTMENT AND HE NOTED THAT, REGARDLESS OF THE NATURE OF THE DECLARATION MADE, COUNCILLOR GRAHAM HAD TAKEN APPROPRIATE ACTION BY LEAVING THE CHAMBER AND NOT VOTING ON THE MATTER AND THIS IN EFFECT MAY CONSTITUTE A TECHNICAL BREACH.

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

- 1 That Council note the probity report from O'Connor and Marsden.**
- 2 That Council adopt the recommendations 1-4 and 7 therein namely:-**

Recommendation 1:

That Council implement the draft Sponsorship Policy that has recently been prepared as soon as possible to ensure that there is a documented and consistent approach to determining sponsorship arrangements including pre-determined criteria for assessing sponsorship proposals.

Recommendation 2:

That Council seek legal advice regarding the sponsorship agreement entered into with the Mariners Football Club to ensure that the specific terms of the sponsorship agreement are clearly articulated and there are sufficient provisions in the agreement to allow Council the ability to terminate the agreement if the terms of the agreement are not met.

Any amendments to be made to the sponsorship agreement should be consistent with the ICAC's sponsorship principles, particularly Principle 6 (refer below).

Recommendation 3:

That Council adopt a clear separation of roles between the individuals and divisions involved in the management of the sponsorship arrangement and those involved in planning and assessment of the Mariners development applications.

The separation of these roles will assist Council in adhering to ICAC sponsorship Principle 3 and promote an open and transparent process for the development application assessment.

Recommendation 4:

That Council ensure that its Annual Report contains information in relation to all sponsorship arrangements entered into during the financial year, including the amount of the sponsorship and the benefits provided to Council and the other parties to the agreement in response for the financial sponsorship.

Recommendation 7:

That Council seek independent assistance with the assessment of a development application where there are elements of Council having dual roles. The consideration of the risks associated with dual roles should be properly documented and any decisions made on the strategies to be adopted to manage the risks should be approved by the relevant authority, such as the General Manager or the relevant Director.

- 3** *That Council note recommendations 5 and 6 have been forwarded to the Dept of Local Government for its consideration.*

Recommendation 5:

That Council ensures that it has appropriately documented the reasons why Cr Graham's interest changed from non-pecuniary to pecuniary and that the management strategies to be adopted to manage the interest are clearly documented.

Recommendation 6:

That Council seek input from Cr Graham supported, where appropriate, by legal advice in relation to the declaration by him in Council meetings leading up to and including 11 February 2009 of a non-pecuniary interest in light of his position as an office holder on the Mariners' Board of Directors.

- 4** *That a draft sponsorship policy be reported to Council as soon as practicable for its consideration and adoption.*

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

AGAINST: NIL

3.2 Lease of Council Land at Church Road, Tuggerah by Mariners FC Unit Trust

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1** *That Council grant a lease to Mariners FC Unit Trust of Lots 61 - 64, 71 – 73 and 80 - 89 DP 4008 and part of the unformed public roads Mooramba Avenue and Delamere Avenue, Tuggerah for a period of 10 years with an option to renew for a further 10 years at market rent (based on the unimproved land value) to be determined by a qualified valuer.*

- 2 That Council approve the use of Council land Lot 3A DP 367658 and Lot 3 DP650650 Titania Avenue for the planting of trees required as an offset to the proposed loss of vegetation on Council land to be leased to the Mariner's FC Unit Trust.
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and Mariners FC Unit Trust.
- 4 That Council authorise the Mayor and the General Manager to execute all documents.
- 5 That Council restrict the use of the land to that of playing fields and associated facilities only, as being a purpose compatible with the Zoning 5(a) Sewage Buffer.
- 6 That Council classify Lots 61 - 64, 71 - 73 and 80 - 89 DP 4008 as operational land.

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

AGAINST: NIL

3.3 Odour Study at Wyong South Sewerage Treatment Plant

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

THE DIRECTOR SHIRE SERVICES ADVISED THAT THE STATEMENTS MADE IN THE REPORT REGARDING THE EXISTING LAND USE AND ZONINGS MEETING THE NSW DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER (DECCW) ARE CORRECT FOR THE LEVEL OF INTENSITY THAT IT IS CURRENTLY DEVELOPED FOR, BUT AS DEVELOPMENT INCREASES THE AREAS TO THE NORTH AND WEST WOULD DEMAND ADDITIONAL WORKS.

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

- 1 That Council develop an appropriate odour mitigation and avoidance strategy for land surrounding Wyong South Sewerage Treatment Plant.
- 2 That Council note this report and its conclusions outlined at page five of this report.

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

AGAINST: NIL

3.4 DA 1114/2009 - Proposed Construction of a Recreational Area, Parking and Landscaping at Tuggerah

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1 That subject to Council endorsing the use of Lot 3A in DP 367658 and Lot 3 in DP 650650 for offsetting the impacts of clearing associated with this development, the application be referred to the General Manager for determination with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions. This recommendation has given regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues**
- 2 That Council vary Development Control Plan 2005 Chapter 80 – Tuggerah Precinct, to permit the development.**
- 3 That Council request the proposed vegetation management plan be commenced prior to the clearing of the endangered ecological community.**

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

AGAINST: NIL

3.5 DA 612/2009 - Proposed Entertainment Facility and Ancillary Uses, Parking and Landscaping at Tuggerah

COUNCILLOR GRAHAM DECLARED A PECUNIARY INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR ON THE BOARD OF THE CENTRAL COAST MARINERS FOOTBALL CLUB, LEFT THE CHAMBER AT 5.51 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.36 PM.

COUNCILLOR MATTHEWS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1 That subject to Council endorsing the use of Lot 3A in DP 367658 and Lot 3 in DP 650650 for offsetting the impacts of clearing associated with this development, and considering the implications of the November 2009 Wyong South Sewer Treatment Plant Odour Study, that the application be referred to the General Manager for determination with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions. This recommendation has given regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.**

2 That Council vary Development Control Plan 2005 Chapter 61-Carparking to permit the development.

3 That those who made written submissions be advised of Council's decision.

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

AGAINST: NIL

THE DEPUTY MAYOR, COUNCILLOR MATTHEWS, VACATED THE CHAIR AND CALLED FOR A SHORT RECESS AT 6.34 PM.

THE MEETING RESUMED AT 6.39 PM AND THE MAYOR RESUMED THE CHAIR.

4.1 Wyong Shire Cultural Centre - DA Design

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.39 PM AND RETURNED TO THE CHAMBER AT 6.41 PM DURING CONSIDERATION OF THIS ITEM.

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

1 That Council accept the tender from Tonkin Zulaikha Greer Architects for the lump sum amount of \$1,080,746 excluding GST.

2 That a contingency of \$108,075 excluding GST (\$118,882 including GST) be approved for this work. This provides an allowance of 10% of the Tender Sum for additional work that may be required under the contract.

3 That the balance of \$799,821 required to fund Option 2 be allocated from Section 94 funds.

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

AGAINST: NIL

4.2 Draft Climate Change Policy

MR PETER MITCHELL FROM MACQUARIE UNIVERSITY, ADDRESSED THE MEETING AT 6.48 PM, ANSWERED QUESTIONS AND RETIRED AT 7.05 PM.

COUNCILLOR MCBRIDE LEFT THE CHAMBER AT 7.10 PM AND RETURNED TO THE CHAMBER AT 7.13 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 7.16 PM AND RETURNED TO THE CHAMBER AT 7.17 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MCNAMARA LEFT THE CHAMBER AT 7.57 PM AND RETURNED TO THE CHAMBER AT 7.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.01 PM DURING CONSIDERATION OF THIS ITEM.

It was *MOVED* on the motion of Councillor *BEST* and *SECONDED* by Councillor *EATON*:

- 1 That Council note the NSW Department of Environment, Climate Change and Water's projected upper sea level rises for the year 2100 of up to .91m as the basis for Council staff and the community to proceed with risk assessment, policy development and community empowerment decisions.
- 2 That Council continue to monitor, review and manage the risks associated with climate change relating to local government functions.
- 3 That Council review the above figures if and when the NSW Government recommends a level under it's planning policies, guidelines, or manuals, and/or in the light of new scientific evidence.
- 4 That Council will continue to undertake community consultation and community empowerment activities in partnership with adjoining councils and other key stakeholder partners.
- 5 That Council defer consideration of a Climate Change Policy pending;
 - a Further legal advice on all methods to minimise all possible risks and on the legal necessity to adopt new flood levels.
 - b Data series on local sea levels and lake levels.
 - c Reports on physical barriers to protect property from sea level/lake level rise.
 - d Valuation reports on the risk to the community on property values in adoption of the proposed draft climate change policy.
- 6 That Council commission MHL to produce lake level data and adopt on a continuing basis with biannual reporting to Council and the community.
- 7 That Council staff cease using the proposed draft climate change policy in planning applications.

An *AMENDMENT* was *MOVED* by Councillor *Graham*:

- 1 That this item be deferred pending a further briefing by experts including our lawyers.
- 2 That Staff cease applying the Draft Sea Level Rise Guidelines.

The Amendment LAPSED for want of a *SECONDER*

An *AMENDMENT* was *MOVED* by Councillor *Graham* and *SECONDED* by Councillor *Matthews*:

- 1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.

- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.
- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition.

The AMENDMENT was put to the VOTE and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA.

The AMENDMENT became the MOTION.

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

- 1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.
- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.
- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition.

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

5.1 Granting of Additional Easements for Access over Council Land at Ourimbah and Tumbi Umbi

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

- 1 That Council grant easements to Energy Australia for access over Council land to existing easements.

The easements to be over Lot 6 DP 241138 Brush Road, Ourimbah, Lot 2 DP 700153 21 Leetes Lane, Tumbi Umbi and Lot 101 DP 790685 19 Leetes Lanes, Tumbi Umbi.

- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easements between Wyong Shire Council and EnergyAustralia.

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

AGAINST: NIL

6.1 Contract CPA 171473 - Estuary Management Plan - Stormwater Treatment Works Project - Loxley Close, Berkeley Vale

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

- 1 That Council accept Tender No 2 from Scape Constructions Pty Ltd in the lump sum amount of \$203,350.00 (excl GST)
- 2 That Council approve a contract budget of \$233,350.00 (excl GST) that provides for a contingency amount of \$30,000.00 (excl GST) representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

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

AGAINST: NIL

6.2 Contract CPA 158359 - Ourimbah Rural Fire Station - Building Construction

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

- 1 That Council accept the Tender No 8 from GWH Construction (NSW) Pty Ltd for the lump sum amount of \$378,000.00 (excl GST).
- 2 That Council approve a contract budget of \$416,000.00 (excl GST) that provides for a contingency amount of \$38,000.00 (excl GST) representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

- 3 That Council provide \$250,000.00 funding for the project which the Rural Fire Service advise will be reimbursed when their grant funding becomes available.**

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

AGAINST: NIL

6.3 Contract CPA 171474 - Estuary Management Plan - Stormwater Treatment Works Project - Parkside Drive, Charmhaven

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

- 1 That Council accept Tender No 1 from Environmental Land Contracting Pty Ltd in the lump sum amount of \$475,034.50 (excl GST.)**
- 2 That Council approve a contract budget of \$545,034.00 (excl GST) that provides for a contingency amount of \$70,000.00 (excl GST) representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

6.4 Contract CPA 159131 - Evaluation and Selection of Tenders for Construction of Mardi to Mangrove Link Project

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 8.29 PM AND RETURNED TO THE CHAMBER AT 8.30 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council accept Tender No. 3 from John Holland Pty Ltd in the estimated combined Schedule of Rates and Lump Sum contract amount of \$64,156,933.09 (excl GST).**
- 2 That Council approve a contract budget of \$77,000,000.00 (excl GST), that provides for a contingency amount of \$12,843,066.91 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen circumstances, including additional works, that may become necessary during the course of the project.**
- 3 That Council engage the Department of Public Works as Construction Manager at an estimated amount of \$4,200,000.**

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

AGAINST: NIL

7.1 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - The Entrance Beach Re-Nourishment

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.44 PM AND RETURNED AT 8.46 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council accept the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee and specifically;***
- 2 ***That no further action be taken and no further staff resource be committed to investigating an additional seawall at The Entrance Beach.***

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

AGAINST: NIL

7.2 Proposed Councillors' Community Improvement Grants

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBLIC SCHOOL BUT NOT A MEMBER OF THE P & C ASSOCIATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS STATED:

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

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 8.39 PM AND RETURNED AT 8.42 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.44 PM AND RETURNED AT 8.46 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council allocate an amount of \$7,325 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

7.3 Events Co-Ordination - Maximisation of Council's ability to Attend, Support, Manage and Attract events.

COUNCILLOR WYNN LEFT THE CHAMBER AT 8.50 PM AND RETURNED TO THE CHAMBER AT 8.52 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on maximisation of Council's ability to attend, support, manage and attract events.**
- 2 That Council consider the level of service desired for event co-ordination as part of its deliberations on the four year delivery plan.**
- 3 That Council amend the 2009/2010 Management Plan to accommodate an Event Co-ordinator position.**
- 4 That Council endorse management's proposal to support the following events in accordance the 2009/2010 Management Plan:**
 - Central Coast Festival of Golf**
 - NSW U15/16 Rugby League Championships**

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

AGAINST: COUNCILLORS BEST, EATON AND WYNN

7.4 Competitive Grant Funding Surf Life Saving Clubs

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

That Council approve the two surf life savings clubs, Soldiers Beach and Shelly Beach, to be the selected redevelopment projects for the competitive component Commonwealth Government Regional and Local Community Infrastructure Program (RLCIP) Grant Fund to a total value of \$5,000,000.

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

AGAINST: NIL

7.5 CCTI Funding Alternatives

It was MOVED on the motion of Councillor EATON and seconded by Councillor GRAHAM:

That \$22,000 be granted to The Entrance Town Centre Management and \$23,000 to Greater Toukley Vision from the Tourism Marketing Fund in conformity with their applications.

An AMENDMENT was MOVED by Councillor MCBRIDE and SECONDED by Councillor SYMINGTON.

That \$22,000 be granted to The Entrance Town Centre Management from the Tourism Marketing Fund and consideration of \$23,000 to Greater Toukley Vision be deferred pending submission of additional information.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, VINCENT AND WEBSTER

PROCEDURAL MOTION

It was MOVED on the motion Councillor VINCENT and SECONDED by Councillor MATTHEWS:

That Council consider this matter after the Notice of Rescission on this matter listed as Item 11.1 on this business paper has been considered.

The MOTION was LOST on the casting vote of the Mayor.

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

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

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

That \$22,000 be granted to The Entrance Town Centre Management and \$23,000 to Greater Toukley Vision from the Tourism Marketing Fund in conformity with their applications.

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND WYNN

8.1 Minutes - Wyong Shire Grants Committee Meeting - 27 November 2009

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

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 27 November 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

9.1 Information Reports

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

That with the exception of report numbers 9.4 and 9.6 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

9.2 Minutes - Wyong Shire Senior Citizens' Council Meeting - 22 October 2009

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

That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 22 October 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

9.3 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

9.4 Investments for October 2009

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

That Council receive the report on Investments for October 2009.

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

AGAINST: NIL

9.5 Review of Council's Project Management Processes

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

That the Report be noted.

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

AGAINST: NIL

9.6 Access for Refilling Water Containers from Public Drinking Facilities in the Wyong Shire

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

That Council receive and note the report on Access for Refilling Water Containers from Public Drinking Facilities in the Wyong Shire.

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

AGAINST: NIL

9.7 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL

10.1 Notice of Motion - Protocol for Proposals Submitted for Naming of Public Reserves

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

- 1 That in order to avoid any potential embarrassment to people, requests from the community to recognise a person by naming of a geographical feature etc, (e.g. a park) be sent to the Mayor and the Mayor informally sound out Councillors before any action is taken in regard to the matter.**
- 2 That Council develop a guideline for the recognition of a person by the naming of a geographical feature/landmark and that the guideline include the criteria for consideration including:**
 - * significant contribution to Wyong Shire**
 - * the affiliation with the area/landmark.**

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

AGAINST: NIL

10.2 Notice of Motion - Pilot Program for Construction of Local Footpaths by Work for the Dole Recipients

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

That Council prepare a report, working within the existing Federal Government framework, for the implementation of a pilot program for the construction of local footpaths using "Work for the Dole" recipients.

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

AGAINST: NIL

10.3 Notice of Motion - Election of New Delegate for the Board of Central Coast Tourism Inc

COUNCILLOR GRAHAM WITHDREW HIS MOTION

11.1 Notice of Rescission - Central Coast Tourism Inc

MR BARTON LAWLER, CHAIRPERSON CENTRAL COAST TOURISM INC, ADDRESSED THE MEETING AT 9.22 PM, ANSWERED QUESTIONS AND RETIRED AT 10.20 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 10.10 PM AND RETURNED TO THE CHAMBER AT 10.11 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR EATON LEFT THE CHAMBER AT 10.12 PM AND RETURNED TO THE CHAMBER AT 10.13 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 10.12 PM AND RETURNED TO THE CHAMBER AT 10.20 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 10.16 PM AND RETURNED TO THE CHAMBER AT 10.17 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR EATON LEFT THE CHAMBER AT 10.19 PM AND RETURNED TO THE CHAMBER AT 10.20 PM DURING CONSIDERATION OF THIS.

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

That Council rescind the following resolutions carried at the Ordinary Meetings of Council held on 13 December 2006 and 27 May 2009:

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

- 1 That Wyong Council decline to contribute to this project as:
 - a No business case has been developed to justify the expenditure of such significant funds.**
 - b There is no demonstrated advantage to the ratepayers of Wyong Shire in providing such a facility at Mount Penang.**
 - c This is a "State Centre" as stated by Central Coast Tourism Inc and Tourism NSW and as such should be the responsibility of the New South Wales State Government, not the ratepayers of Wyong Shire.****
- 2 That Council ask the Central Coast Tourism CEO as to why the business case documents and the plans for the centre were not provide as promised in the recent briefing.**

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

- 1 That Council in considering adoption of the 2009-10 Management Plan consider amending it so that the \$175,000 allocated to CCTI be reallocated to a program providing for project funding, relating to tourism marketing and promotions, that generates significant employment opportunities.**
- 2 That Council staff report on the implementation of this resolution."**

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

AGAINST: NIL

It was *MOVED* on the motion of Councillors *VINCENT* and seconded by Councillor *WYNN*:

That Council endorse the position reached with Gosford City Council at the Joint Workshop held on 19 August 2009:

- 1 That Council support CCTI and a continuing regional approach to tourism.
- 2 That Council fund CCTI for \$100,000 for operational funding initially.
- 3 That Council jointly fund CCTI on an ongoing basis by means of operational funding.
- 4 That any presentations or documentation on the issues of tourism by CCTI should be made before the Joint Meetings of Wyong and Gosford Councils.
- 5 That CCTI be requested to forward to an electronic copy of the current Business Plan to all councillors as soon as possible.
- 6 That CCTI be requested to forward to an electronic copy the business plan, marketing plan, strategic plan and any other plans to all councillors as soon as possible.
- 7 That ongoing funding is dependant on significant restructure of the operation.

An *AMENDMENT* was *MOVED* by Councillor *EATON* and seconded by Councillor *GRAHAM*:

- 1 That Council support Central Coast Tourism Inc (CCTI) and a continuing regional approach to tourism.
- 2 That, subject to
 - (a) CCTI entering into an agreement with The Entrance Town Centre Management (TETCM) for TETCM to take over the lease of The Entrance Visitors' Centre and provide regional tourism services from the centre on behalf of CCTI for an amount of \$70,000 per annum; and
 - (b) CCTI agreeing to revise membership categories to ensure that all bodies that fund CCTI or purchase CCTI services become members on an equal basis; and
 - (c) CCTI agreeing to restructure the board to be skills based; and
 - (d) CCTI providing a business plan and marketing plan with KPIs to measure performance and a monthly report to all stakeholders.

The balance of funds of \$130,000 provided in the 2009-10 management plan for tourism marketing and promotion be allocated as follows:

- (i) \$35,000 to TETCM to operate The Entrance Visitors Centre and provide regional tourism services on behalf of CCTI in accordance with a service agreement between the two bodies
 - (ii) \$95,000 to CCTI to cover furniture and fittings in The Entrance Visitors Centre and as a contribution to organisational restructuring costs.
- 3 That Council consider ongoing core funding to CCTI in conjunction with the 2010-11 and 2011-12 Management Plans.

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

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

The AMENDMENT became the MOTION

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

- 1 **That Council support Central Coast Tourism Inc (CCTI) and a continuing regional approach to tourism.**
- 2 **That, subject to**
 - (a) **CCTI entering into an agreement with The Entrance Town Centre Management (TETCM) for TETCM to take over the lease of The Entrance Visitors' Centre and provide regional tourism services from the centre on behalf of CCTI for an amount of \$70,000 per annum; and**
 - (b) **CCTI agreeing to revise membership categories to ensure that all bodies that fund CCTI or purchase CCTI services become members on an equal basis; and**
 - (c) **CCTI agreeing to restructure the board to be skills based; and**
 - (d) **CCTI providing a business plan and marketing plan with KPIs to measure performance and a monthly report to all stakeholders.**

That Council allocate the balance of funds of \$130,000 provided in the 2009-10 Management Plan for tourism marketing and promotion:

- (i) **\$35,000 to TETCM to operate The Entrance Visitors Centre and provide regional tourism services on behalf of CCTI in accordance with a service agreement between the two bodies**
 - (ii) **\$95,000 to CCTI to cover furniture and fittings in The Entrance Visitors Centre and as a contribution to organisational restructuring costs.**
- 3 **That Council consider ongoing core funding to CCTI in conjunction with the 2010-11 and 2011-12 Management Plans.**

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

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.40 PM.

.....
CHAIRPERSON

2.1 DA 628/2009 - Proposed Torrens Title Subdivision at San Remo

TRIM REFERENCE: DA/628/2009 - D02115102

AUTHOR: SR

SUMMARY

An application has been received for a torrens title subdivision of an existing dual occupancy at 9 Emu Drive, San Remo. The application has been examined having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act (EP& A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. Following planning assessment the application is recommended for approval.

The reason this application is reported to Council is as a result of a directive by the Department of Planning (DOP) to all NSW Councils, that any applications that rely on a numerical variation to State Environmental Planning Policy No 1 (SEPP1) greater than 10% be reported to full Council for determination.

Applicant	Rolls & Associates Surveyors
Owner	Mr and Mrs Corriston
Application No	DA/628/2009
Description of Land	Lot 23 DP 232623, No.9 Emu Drive, San Remo
Proposed Development	2 lot subdivision of approved dual occupancy
Site Area	696.8m ²
Zoning	2(a) Residential
Existing Use	Dual Occupancy

RECOMMENDATION

That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.

PRECIS

- The application is for the torrens title subdivision of an existing dual occupancy building.
- The site is zoned 2(a) Residential under the provisions of the Wyong Local Environmental Plan 1991 (WLEP).
- If the application for dual occupancy and application for subdivision had been applied for concurrently, WLEP enables subdivision of the dual occupancy without reference to a minimum lot size variation.
- However, as the application for subdivision is subsequent to the application for the development, the proposal involves a variation greater than 10% under State Environmental Planning Policy No 1 (SEPP1) to Clause 42D of the WLEP.

- As a result of a directive by the Department of Planning (DoP) to all NSW Council's, any applications that rely on a SEPP 1 variation greater than 10% are required to be reported to full Council for determination.

INTRODUCTION

An application has been received for the torrens title subdivision of an existing dual occupancy building at 9 Emu Drive, San Remo. The dual occupancy is located within a residential area that consists of a mixture of single residences and dual occupancy developments.

The subject dual occupancy development was approved in 2003 under development consent 3220/2003 and a Section 96 modification was approved on 1 September 2004. The current application proposes to subdivide the existing dual occupancy. No physical changes to the existing development will result from this application.



The property is currently zoned 2(a) Residential and requires a SEPP 1 objection to Clause 42D under the WLEP 1991 for the subdivision of the dual occupancy building. The DoP released a circular in November 2008 directing that all development applications where there is a variation greater than 10% in numerical standards under SEPP 1 be determined by full Council. The subject application includes a SEPP 1 variation greater than 10% and as such is required to be determined by full Council.

The torrens title subdivision of the dual occupancy will not create any adverse impact on adjoining properties. As such, it is recommended that the application be approved subject to conditions.

VARIATIONS TO POLICIES

Clause	42D
Standard	450m ² minimum lot size
LEP/DCP	WLEP 1991
Departure basis	Lot 231 = 393.9m ² / Lot 232 = 302.9m ²
Variation %	Lot 231 = 13% / Lot 232 = 32.7%

PERMISSIBILITY

The subject site is zoned 2(a) Residential. Within this zone, Clause 13 of WLEP permits subdivision with development consent. Under the provisions of Clause 42D of WLEP 1991, subdivision within the 2(a) zone must not create lots that have an area less than 450m² unless the subdivision consent:

- “(a) is for the subdivision of land on which a dual occupancy building or detached dual occupancy was erected with consent pursuant to a development application lodged with the Council prior to 5 November 1997, or

- (b) *in the case of land within Zone No 2 (a), is granted concurrently with a development consent for a dual occupancy building or a detached dual occupancy on the same land and the subdivision will be carried out in conjunction with the dual occupancy development”.*

The proposed subdivision will create two lots with an area less than 450m². The dual occupancy that is to be subdivided was approved in 2003. The subdivision of the land was therefore not undertaken concurrently with the dual occupancy development and a SEPP 1 objection is therefore required to enable the subdivision to be considered.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Wyong Local Environmental Plan 1991 (Wyong LEP 1991)
- State Environmental Planning Policy 1 – Development Standards (SEPP 1)
- State Environmental Planning Policy 71 – Coastal Protection Zone
- Development Control Plan 2005, Chapter 66 – Subdivision (Chapter 66)
- Policy F5 Flood Prone Land Development

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

ASSESSMENT

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

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

State Environmental Planning Policy No 1 – Development Standards

The aim and objectives of State Environmental Planning Policy (SEPP) No. 1 is to provide *“flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act”.*

Under Clause 6 of SEPP 1, the applicant must provide a written objection that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case, and must also specify the grounds of that objection.

The applicant has submitted a SEPP 1 objection requesting Council’s support to exercise the powers available under SEPP 1 to vary the standard. The variation will enable consent to be granted to the subject application for a two lot subdivision on land zoned 2(a). In regard to the objectives of the 2(a) Residential zone, the applicant has provided information to demonstrate that,

- *the application for the two lot subdivision has demonstrated that the proposed application is based on Council's approved development application DA/3220/2003/A for a dual occupancy,*
- *No environmental impact will result from the subdivision as it is purely a paper entity created to define boundaries for the physical buildings which have already been approved and constructed on the land.*
- *The nature of the zoning of 2(a) land is such that dual occupancy development is permitted, therefore the creation of a two lot subdivision resulting from the dual occupancy formalises on paper what is already approved for construction. Strict compliance with the development standard is considered unreasonable.*

In addition to the SEPP, his Honour, Justice Lloyd, outlined five questions in *Winton Property Group Ltd v North Sydney Council* [2001] NSW LEC 24 that should be considered when preparing and considering a SEPP 1 objection. As such, Council, exercising its function as the consent authority, must be satisfied of all these matters before it upholds the SEPP 1 objection.

To ensure that a SEPP 1 objection is well founded and that compliance with a standard is unreasonable or unnecessary, the following questions identified within the *Winton Property Group Ltd v North Sydney Council*, [2001] NSWLEC 46 judgment need to be addressed. These questions and the appropriate answers are as follows:

1 Is the planning control in question a development standard?

Clause 42D of the Wyong LEP 1991 is a provision within an environmental planning instrument which regulates the area of land. It is therefore a development standard pursuant to section 4 of the Act.

2 What is the underlying object or purpose of the standard?

The purpose of Clause 42D is to provide residential housing and maintain the residential character of the 2(a) Residential zone through limiting the minimum size of new lots created through subdivision.

Applications lodged prior to 5 November 1997 are eligible for subdivision or subdivisions applied for concurrently with dual occupancy development are also considered eligible for approval within a 2(a) zone.

3 Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

Clause 3 of SEPP 1 provides a non-compliance must not "hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act." Section 5 of the Environmental Planning and Assessment Act 1979 (as amended) provides:

The objectives of this Act are:

(a) *to encourage*

- i. *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, town and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- ii. *the promotion and co-ordination of the orderly and economic use and development of the land*

The proposed non-compliance with Clause 42D will not hinder the attainment of the objectives of the Act. To enforce strict compliance with Clause 42D would prevent the promotion of the economic management of the property. The proposed non-compliance will further the locality's social interests by increasing the housing supply and diversity.

The non-compliance with the numerical requirement of a minimum lot size of 450sqm will not result in a development that is inconsistent with the aims of the WLEP 1991. The subdivision of the land will complement the orderly development of the land and surrounding residential area. There are currently a significant number of dual occupancy developments within Wyong Shire that have been the subject of Torrens Title Subdivision.

4 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The SEPP 1 objection has demonstrated that the non-compliance in this instance does not jeopardise the amenity, streetscape or orderly development within the local area. The site already has a dual occupancy building approved and built on the site. Strict compliance with Clause 42D is not considered appropriate in this instance because the subdivision proposal:

- Will not prejudice the residential environment;
- Will not generate additional traffic having regard to existing dwelling approval for the dual occupancy,
- Is a result of an existing approved and constructed housing development for dual occupancy,

To not allow the subdivision of the development would be unreasonable given the building already exists on the site. The subdivision of the property will not impact on the amenity or place demands on services.

5 Is the objection is well founded?

The objection is well founded in that the subdivision of the dual occupancy will allow the creation of two parcels of land which will then provide an alternative housing choice for members of the community.

The strict application of the minimum site area standard in this instance would be unachievable. The proposed non-compliance will not hinder the attainment of achieving orderly and economic development of the subject site. No adverse impacts will arise from the proposal affecting the local or broader community.

Reason for proposed variation:

It is considered that the objectives of the WLEP are being met by the proposed subdivision. The creation of the two parcels of land will enhance the residential amenity of the local area by providing two quality residential developments. Although smaller than the required 450sqm lot size, both proposed lots meet development control standards by providing adequate landscaping, open space and not exceeding the maximum floor space ratio and hardstand area.

There are a growing number of residents who wish to have smaller properties to reduce maintenance and economic obligations and to increase socioeconomic welfare. The torrens title subdivision of the land will provide scope for a wider range of the community.

Non-compliance with clause 42D of WLEP 1991 does not raise any matters of significance. Council is satisfied that the objection is well founded and that, in this instance, strict compliance with clause 42D of WLEP 1991 is unnecessary.

State Environmental Planning Policy No 71 – Coastal Protection

The site is located within the Coastal Protection Zone and therefore has been assessed against the matters contained within clause 8 of the SEPP. The proposal is considered to satisfy the requirements of the SEPP.

Development Control Plan Chapter 66 - Subdivision

DCP 66, Clause 1.5.3 Strata Plan Subdivision states that the Strata Titles Act 1973 applies principally to the subdivision of buildings into separate parts/units, with additional areas of land designated as common property. Those owning lots within the Scheme have a proportional entitlement to use the common property and also a proportional responsibility for maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot.

Flood Prone Land Development

The development may be affected by flooding from Tuggerah Lake, therefore Council's Flood Prone Land Development policy was taken into consideration. The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property and to reduce loss from floods. Development affected by flooding from Tuggerah Lake is required to have a minimum flood level of RL 2.7AHD for all habitable rooms. The development is consistent with this requirement and therefore complies.

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

The development is within a residential area that contains a number of new single dwellings and dual occupancy developments. The subdivision of the existing dual occupancy will not result in development that is not compatible with surrounding area.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

The proposal fits with the objectives of the residential locality.

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

Council has a duty of care to consider projected sea level rise and associated climate change impacts in assessing its development applications. To respond to these impacts, and in line with the NSW Department of Environment and Climate Change Draft Sea Level Rise Policy Statement (DECC March 2009), Council is currently exhibiting a Climate Change Policy.

This development application is for subdivision of an existing structure, therefore it would be inappropriate to require any adaptive measures to reduce the risk of future climate change impacts. It should be noted however, that the property is identified as being at risk of flooding from Tuggerah Lakes and the intensity and frequency of flooding may be exacerbated in the future due to climate change.

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

In accordance with the provisions of DCP 2005 Chapter 70 - Notification of Development Proposals, the application did not require notification.

Any submission from public authorities.

The application was identified as being integrated and submitted to the Rural Fire Service for comment. The RFS granted a Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997, subject to the following conditions:

Design and Construction

- 1 The existing building shall be upgraded to improve protection against bush fires by preventing the entry of embers by undertaking the following:
 - Windows are to be screened with aluminium, bronze or corrosion resistant steel mesh with a maximum aperture size of 2mm. Screens shall be placed over the openable part of the window;
 - Vents, weepholes and the like are to be screened with aluminium, bronze or corrosion resistant steel mesh with a maximum aperture of 2mm;
 - External doors are to be sealed with draft excluders.

Landscaping

- 2 The Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

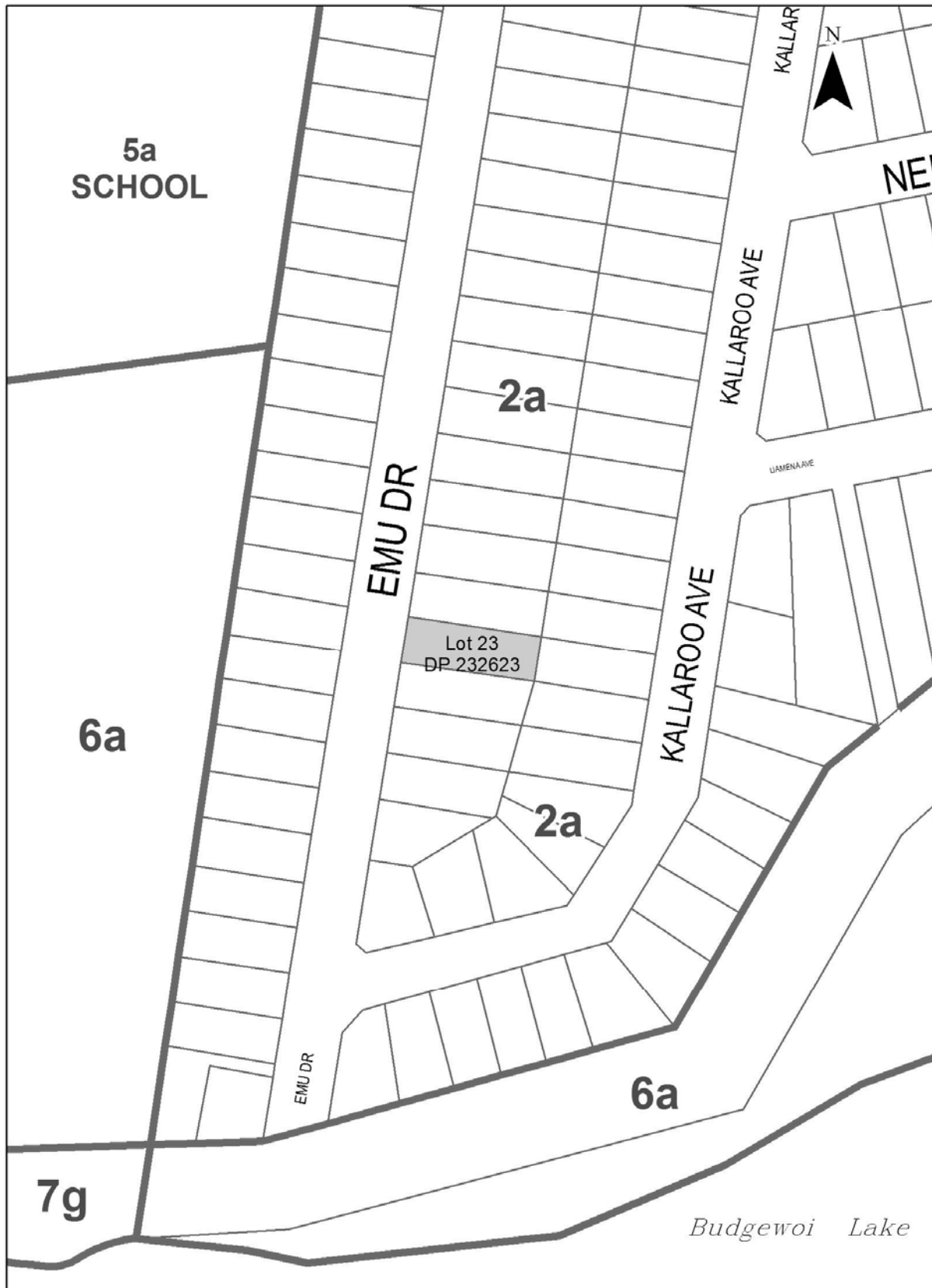
THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and community interests.

The proposal for the subdivision of the dual occupancy is considered to be of a positive community interest by providing a quality housing opportunity that is of a lower cost and maintenance.

OTHER MATTERS FOR CONSIDERATION

There are no further matters for consideration.



CONCLUSION

The proposed development is for the torrens title subdivision of a recently constructed dual occupancy building. The development requires a SEPP 1 objection to Clause 42D of the WLEP 1991 which is supported given that compliance with the clause is considered unreasonable in the current case. The application is therefore recommended for approval subject to suitable conditions of consent.

ATTACHMENTS

- | | | |
|---|--------------------------------|-----------|
| 1 | Draft Conditions of Consent | D02115115 |
| 2 | Proposed Subdivision Plan (A3) | D02124631 |

Date: 22 December 2009
Responsible Officer: Julie Garratley
Location: 9 Emu Dr, SAN REMO NSW 2262
Lot 23 DP 232623
Owner: Mrs I McCorriston and Mr S J McCorriston
Applicant: Rolls & Assoc Surveyors
Date Of Application: 29 June 2009
Application No: DA/628/2009
Proposed Development: Subdivision of dual occupancy
Land Area: 695.60

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number DA/628/2009 except as modified by any conditions of this consent, and any amendments in red.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

No Conditions

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

No Conditions

Prior to Release of the Subdivision Certificate:

The following conditions must be satisfied prior to the release of an Subdivision Certificate.

Bush Fire

- 2 Compliance with the general terms of approval of the Rural Fire Service as outlined in its correspondence dated 19 November 2009 as attached.

Certificates/Engineering Details

- 3 An application for a Subdivision Certificate must be submitted to and approved by the Council/Principal Certifying Authority prior to endorsement of the plan of subdivision.
- 4 A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 5 The submission to Council of documentation to demonstrate full compliance with all consent conditions in accordance with Section 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the Subdivision Certificate.

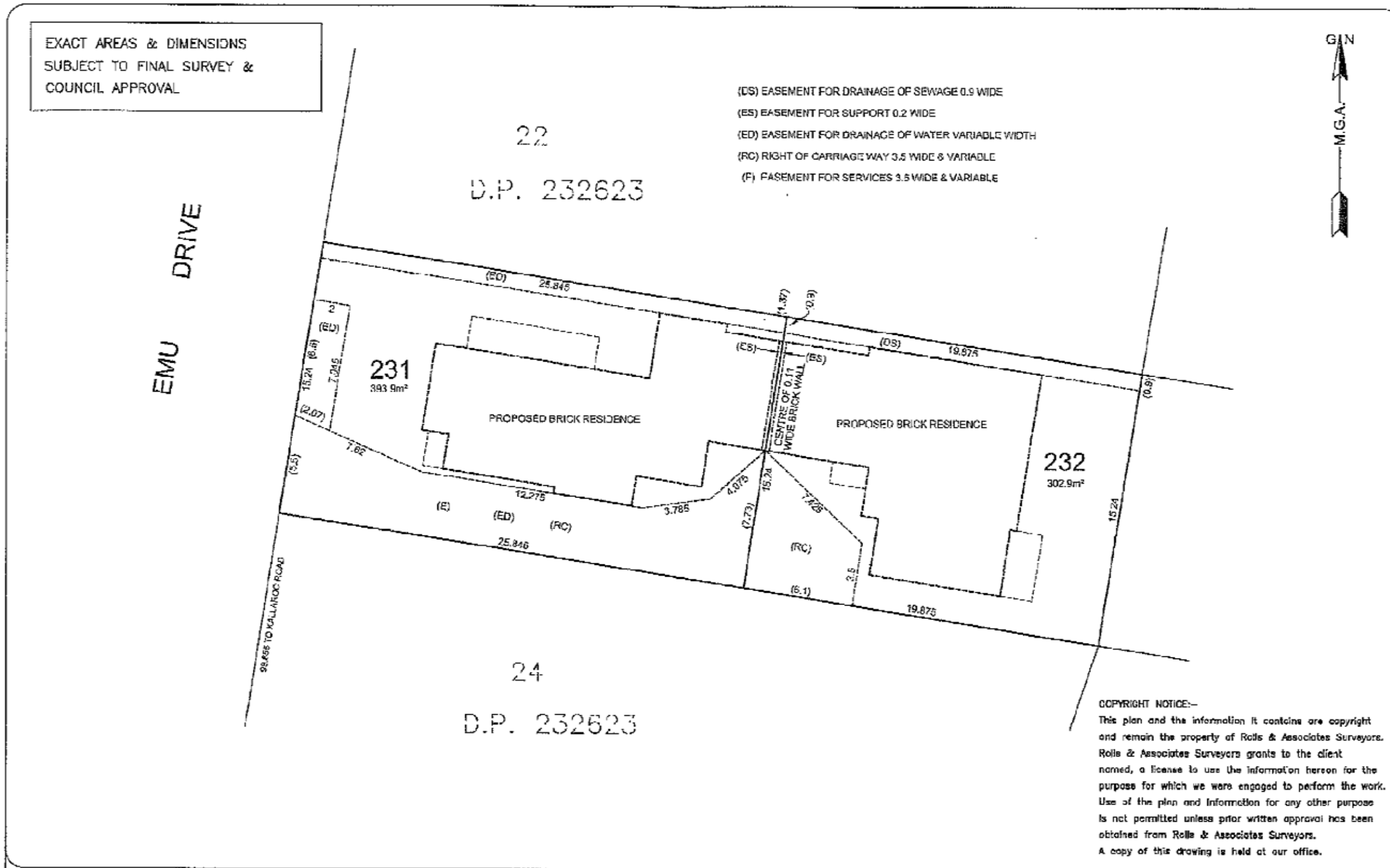
Subdivision Works

- 6 Prior to the issue of the Subdivision Certification a declaration by a Registered Surveyor shall be provided to Council as evidence that all construction has been effected wholly within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 7 The registration of the necessary restrictions as to user.
- 8 All necessary Rights of Carriageway and Easement are to be approved by Council prior to issue of the Subdivision Certificate and registered with the plan of subdivision.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

No Conditions



SCALE 1:200 DATUM : NA Origin of Levels : NA CONTINUOUS INTERVAL : NA	DRAWING FILE :- 9224D SUBAPP.DWG DATE : 09/10/07 DRAWN BY : F.G.D. CHECKED BY : M.R. OUR REFERENCE No: 9224D	PREPARED BY : Rolls & Associates Surveyors Rolls Enterprises Pty. Ltd. ACN 066 919 051 ABN 70 066 919 051 203 MAIN ROAD P.O. BOX 487 TOUKLEY 2263 EMAIL: admin@rollsauvey.com.au TELE : 02 4396 3076 02 4396 5300 FAX : 02 4396 8543 DX : 22609 TOUKLEY	PLAN OF PROPOSED SUBDIVISION OF LOT 23 IN D.P. 232623 9 EMU DRIVE SAN REMO FOR S.J. & I. McCORRISTON
--	---	---	---

2.2 DA 1257/2009 - Proposed Telecommunications Facility at Magenta

TRIM REFERENCE: da/1257/2009 - D02115485

AUTHOR: KOM

SUMMARY

An application has been received for the erection of a new telecommunications monopole and associated infrastructure at Magenta Drive, Magenta. The site is located within the 7(a) *Conservation Zone*, in which a communications facility, as defined in Wyong Local Environmental Plan 1991 (WLEP), is permissible with development consent from Council. The proposed development is compliant with all relevant environmental planning instruments and policies and is therefore recommended for approval by Council.

The application is referred to Council in accordance with the current Council resolution of 12 September 2007 which requires that applications for new telecommunication towers be reported to Council pending preparation of an appropriate Development Control Plan (DCP). The DCP is scheduled to commence in the second half of 2010.

Applicant	CPS Global
Owner	Magenta Shores Golf and Country Club
Application No	1257/2009
Description of Land	Lot 2 DP 270492 Magenta Drive, Magenta
Proposed Development	Communications Facility
Site Area	35.46ha
Zoning	7(a) Conservation and 5(a) Special Uses – Integrated Tourist Facility
Existing Use	Tourist Facility
Estimated Value	\$220,000

RECOMMENDATION

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.

PRECIS

- The proposed development is for the installation of a new telecommunication facility within the Magenta Shores Golf and Country Club site.
- The proposed development is consistent with the objectives of the 7(a) Conservation Zone pursuant to the provisions of WLEP and is permissible with consent from Council.
- The applicant has provided information which indicates that the proposed facility will emit electromagnetic energy that will be no greater than 0.02% of the acceptable standard set by the Australian Communications and Media Authority (ACMA) at any publicly accessible area.

- In accordance with Development Control Plan 2005 (DCP 2005) Chapter 70 – *Notification of Development*, the proposal was publicly advertised, with no submissions being received.

The majority of new telecommunication facilities erected in the Shire do not require consent from Council as they are defined as “low impact facilities” under the Telecommunications Act. This tower requires Council approval as it is a new monopole and antennae installation.

INTRODUCTION

The subject site is located on the eastern side of the Central Coast Highway in the Magenta Shore Golf and Country Club. The site currently contains the Golf Club with associated clubhouse and guest facilities along with residential development. The area of the proposed works contains the maintenance and storage sheds for the golf club.

Land to the north and west of the site contains the Wyrabalong National Park and Crown Land whilst further to the north is the suburb of Norah Head. Land to the east of the site contains Crown Land and Tuggerah Beach. Land to the south of the site contains additional Crown land whilst further to the south is The Entrance Picnic Point Reserve and the suburban area of The Entrance North.



The Proposed Development

The proposed development is for the installation and operation of a telecommunications facility that will form part of Telstra’s mobile phone network. The facility would provide services to the Magenta, Norah Head, The Entrance North and surrounding areas as well as along the Central Coast Highway. The following works are proposed to be undertaken as part of the current application:

- The installation of a 10.5 X 6 metre fenced compound with gates adjacent to the existing sealed access road;
- The installation of four panel antennas 2630mm (h) X 370mm (W) X 120mm (D);
- The installation of a 35 metre high steel monopole;

- The installation of a telecommunications equipment shelter adjacent to the monopole; and
- The installation of necessary and associated infrastructure for the telecommunications facility including electrical connection, earthing, underground cables, safe access infrastructure and safety equipment.

VARIATIONS TO POLICIES

Nil

HISTORY

There is no history of approvals for a telecommunications facility on this site. Consent was originally granted by the Department of Infrastructure, Planning and Natural Resources (DIPNR) on 3 February 2004 to both the early works and the masterplan for the Magenta Shores Managed Resort Facility. The masterplan consent gave in-principle approval for staged construction of the entire resort – including 411 permanent dwellings.

This consent was subsequently modified on 10 February 2005 by DPINR following a review of both the viability and functionality of a number of components of the development by MIRVAC, which resulted in a decrease in the number of permanent dwellings to 362 within 9 residential precincts. A number of the housing stages are now complete and the resort facility is operational on the site.

PERMISSIBILITY

Wyong Local Environmental Plan 1991

The subject site is zoned 7(a) Conservation and 5(a) Special Uses – Integrated Tourist Facility under the Wyong Local Environmental Plan 1991. The proposed development is to be undertaken within a 7(a) portion of the site and is defined as a communications facility which is permissible with consent.

The objectives of the 7(a) zone are as follows:

- (a) *to restrict the type and scale of development which will be carried out on land possessing special aesthetic, ecological or conservation values to that compatible with such environments, and*
- (b) *to allow such development where:*
 - (i) *it can be demonstrated that it can be carried out in a manner that minimises risks from natural hazards, functions efficiently, does not prejudice other economic development and does not detract from the scenic quality of the land referred to in the objective specified in paragraph (a), and*
 - (ii) *it is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations or the provision and quality of habitats for both indigenous and migratory species, and*
 - (iii) *it is unlikely to have an adverse impact on the region's water resources.*

Given the existing use and disturbed nature of the site the proposed development would not impact upon the existing ecological or conservation values of the site. Any vegetation to be

removed would be landscaping that was planted as part of the golf course development. The visual impacts from the development will be minimised due to the design of the tower and its proposed location. The proposed development is considered to be consistent with the objectives of the 7(a) zone.

State Environmental Planning Policy – Infrastructure 2007

SEPP Infrastructure has provisions for the development of infrastructure by the NSW Government authorities as well as private organisations. The SEPP identifies specific provisions relating to telecommunications facilities. Clause 115 of the SEPP states:

- (1) *Development for the purposes of telecommunications facilities, other than development in clause 114, may be carried out by any person with consent on any land.*

The proposed telecommunication facility could therefore be erected on the site with development consent regardless of whether or not it is a permissible use under the LEP.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Telecommunications Act 1997
- Telecommunications Code of Practice 1997
- Australian Communications Industry Forum Industry Code
- State Environmental Planning Policy 71 – Coastal Protection (SEPP Infrastructure)
- State Environmental Planning Policy - Infrastructure 2007 (SEPP Infrastructure)
- Wyong Local Environmental Plan 1991 (LEP 1991)
- Development Control Plan 2005, Chapter 14 – Tree Management (DCP Chapter 14)
- Development Control Plan 2005, Chapter 26 – North Entrance Integrated Tourist Facility (DCP Chapter 26)
- Development Control Plan 2005, Chapter 61 – Carparking (DCP Chapter 61)

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

ASSESSMENT

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

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

ACIF Industry Code C564:2004 – Deployment of Mobile Phone Network Infrastructure

This industry code operates under the authority of Part 6 of the Telecommunications Act 1997 to extend the obligations on carriers with regard to the consideration of electromagnetic radiation exposure and community consultation. The objectives of this code are:

- a to apply a precautionary approach to the deployment of radio communications infrastructure;*
- b to provide best practise processes for demonstrating compliance with relevant exposure limits and the protection of the public;*
- c to ensure relevant stakeholders are informed and consulted before radio communications infrastructure is constructed;*
- d to specify standards for consultation, information availability and presentation;*
- e to consider the impact on the well being of the community, physical or otherwise, a radio communications infrastructure; and*
- f to ensure Council and community views are incorporated into the radio communications infrastructure site selection."*

The Australian Communications Authority (ACA) sets standards that limit human exposure to EME under the Telecommunications Act. The ACA has adopted the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard as the mandatory standard for human exposure to EME from mobile base stations. The applicant has provided information that indicates that the proposed facility will emit EME no more that 0.02% of the ACA mandatory standard. These figures have been provided for exposure levels from 0 to 500 metres from the site.

Development Control Plan 2005, Chapter 26 – North Entrance Integrated Tourist Facility

The site is currently captured by the above plan which stipulates the desired development of the area as an Integrated Tourist Facility. The policy outlines which uses are permissible for the site whilst ensuring the natural and visual character of the area is maintained. There are no specific guidelines within the policy in relation to telecommunications facilities however any services on the site are to be designed to reduce the visual impact on the locality. The proposed monopole and compound have been designed and located to ensure that any visual impacts in the locality are kept to a minimum.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):*The relationship to the regional and local **context and setting**.*

The issue of the location of telecommunications facilities is often problematic as the facilities need to be located relatively close to residential and commercial areas, while remaining visually unobtrusive. The selected site has been chosen on the basis that its location would be able to provide adequate telecommunications services to The North Entrance, Norah Head, Magenta Shores Golf and Country Club areas and also along the Central Coast Highway in these areas.

The isolated nature of the site would ensure that the visual impacts of the facility are minimised. The applicant has further ensured visual impacts from the monopole would be reduced due to its location and design. Photomontages have been provided demonstrating the minimal impact the development would have when viewed from within the Magenta Shores development. Given the sites isolated location the monopole would not be visible from the North Entrance or Norah Head communities to the south and north of the site.

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

Access to the proposed telecommunications facility would be from an internal access road which gains access from the Central Coast Highway. During the construction phase of the development there would be adequate room on the site to providing parking for cranes and trucks without the need to park vehicles on the access road.

Upon completion of the development the site would be unmanned for a majority of the time with maintenance or repair visits undertaken 6-10 times per year. To restrict access to the telecommunications compound a set a double gates will be provided. Vehicles associated with these visits would be able to be accommodated for on the site.

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

The proposed development will not have an impact on recreation opportunities in the locality. The location of the tower would not impact upon the operation of the golf course or country club. The development would also have no impact on other public areas within the locality.

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

The telecommunications facility does not require access to water and sewerage facilities. There are no existing services located within proximity to the development that would be impacted upon by the proposal. An electricity supply is available to the site from the existing main power line located within 30 metres of the proposed compound.

*The effect on **heritage** significance.*

The subject site is not listed on any Commonwealth, State or Local register as being an item of heritage significance. Furthermore, the site is not located within an area of heritage significance.

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

The area of the proposed works is currently identified as containing Category 5 potential acid sulphate soils. Given the category of soils on the site and the scope of works proposed an acid sulphate management plan is not required to be prepared for the development.

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

The proposed development requires the establishment of a fenced compound that would have an area of approximately 65m². To ensure the equipment associated with the development is protected and also for the prevention of weeds and fire on the site the area is required to be cleared of vegetation. The site currently contains a number of coastal shrubs and herbs which were planted on the site as part of the golf course development.

The area of the development would have a crushed rock layer covered with weed matting whilst the edge of the site would contain treated pine edging. Given the vegetation to be removed is replantings that were undertaken as part of the golf course development and the net loss of vegetation is considered to be minor it is unlikely that there would be any significant impacts from the removal of vegetation from the telecommunications site.

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

The proposed development is not likely to result in any long term noise impacts to the area. Short term noise would be generated from the installation of the monopole and equipment shelter however due to the location of the site the nearby residents and guests of the golf club are unlikely to be impacted upon.

Once operational the only noise to be generated by the development would be from air conditioner units attached to the outer walls of the equipment shelter. The units to be used would be similar to those used within residential properties and due to the location of the site the units would be unlikely to impact upon residents and guests of the golf club.

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

The site of the telecommunications facility is currently identified as being Bushfire Prone Land. The telecommunications site is within a bushfire buffer that extends along the western boundary of the site with the bushfire risk coming from the Crown reserve on the western side of the Central Coast Highway.

It is considered that the presence of the communications facility will not increase the potential for bushfire in the locality and the site can be easily accessed if the need for defence from a bushfire arises. The aim and objectives of the Planning for Bushfire Protection 2006 have been considered in Council's assessment of the proposal.

*Whether the development provides **safety, security and crime prevention**.*

The site is only accessible via an internal road associated with the Golf and Country Club. To ensure that the facility is secure fencing will be provided around the perimeter of the site to restrict access. A climbing mechanism will be provided to the pole to enable riggers to climb the pole for repairs and maintenance. To ensure the public is not able to access the tower a lock will be provided on the climbing ladder. The measures to be implemented on the site would ensure the security of the site and reduce the potential for the crime.

*Any **social impact** in the locality.*

The proposed development would result in providing improved communications services to the area which would have beneficial impacts on the people who live, work and travel through the area.

*Any impacts of **construction** activities (construction site management, protection measures).*

All construction work will take place in accordance with the Building Code of Australia and all relevant Australian Standards. It is not anticipated that the construction of the communications facility will have a detrimental impact on the environment. The construction phase will involve approximately four vehicle movements daily, and work is expected to be completed within a four week period.

*Any **cumulative impacts**.*

There is the potential for visual impact from the proposed monopole when viewed from certain directions in the surrounding area. The proposal has addressed these impacts through the following mitigation measures:

- The applicant proposes to paint the monopole and shelter a pale green colour to allow it to blend in with its surrounds.
- The proposed location is a large distance from the Magenta Shires townhouses and clubhouse.
- The design of the telecommunications facility has used a slim line monopole instead of a lattice tower which is typically larger and more visually obtrusive.
- The buildings, rolling hills and vegetation on the site will partially screen the lower sections of the facility.
- The golf course, sheds and vegetation would provide a buffer between the site and the resort.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

*Whether the **proposal fits in the locality**.*

The site currently contains a Golf Course resort which includes casual and permanent accommodation as well as recreational and commercial land uses, whilst land immediately surrounding the site contains both Crown Land and National Parks. The proposed use would not significantly alter the use of the property or the surrounding lands. The use would also not affect the productivity of the property in relation to the residential, recreational or golf course purposes. Given the facility would increase mobile service to the area the proposal is considered to be suitable for the locality.

*Whether the **site attributes are conducive to development**.*

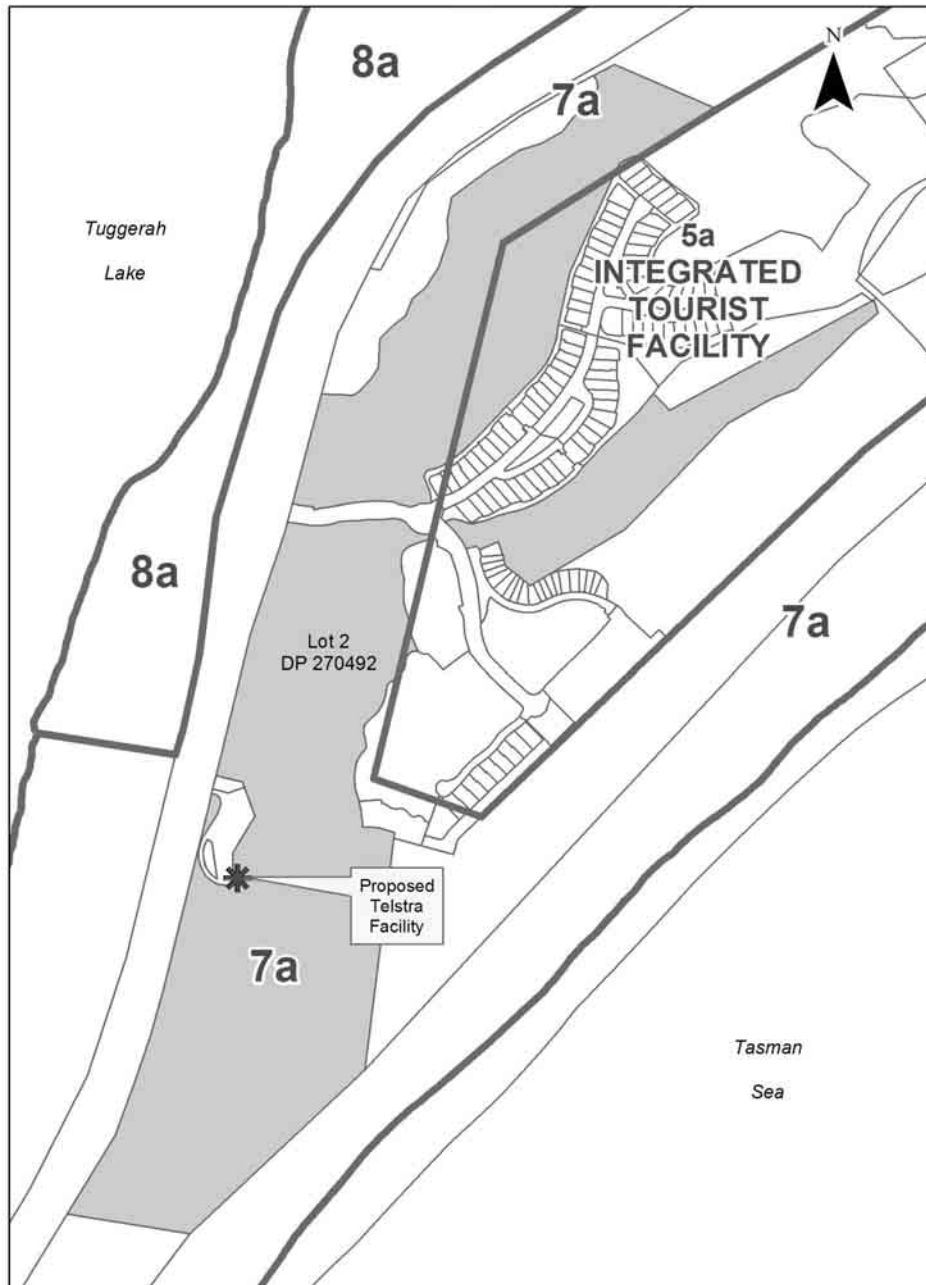
To achieve the objectives of a telecommunications facility a site needs to be centrally located, close to the intended customers and also on a site that has a high ground elevation relative to the general area. The site selected for the proposal, adjacent to the existing weather station and maintenance shed, is centrally located amongst the target coverage area. The selected site is also on top of a small hill and is close to roads, power supply and existing sheds. The attributes of the site therefore make it a suitable site for the intended purpose.

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

Any *submission from the public*.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with no submissions being received.

Locality Plan –

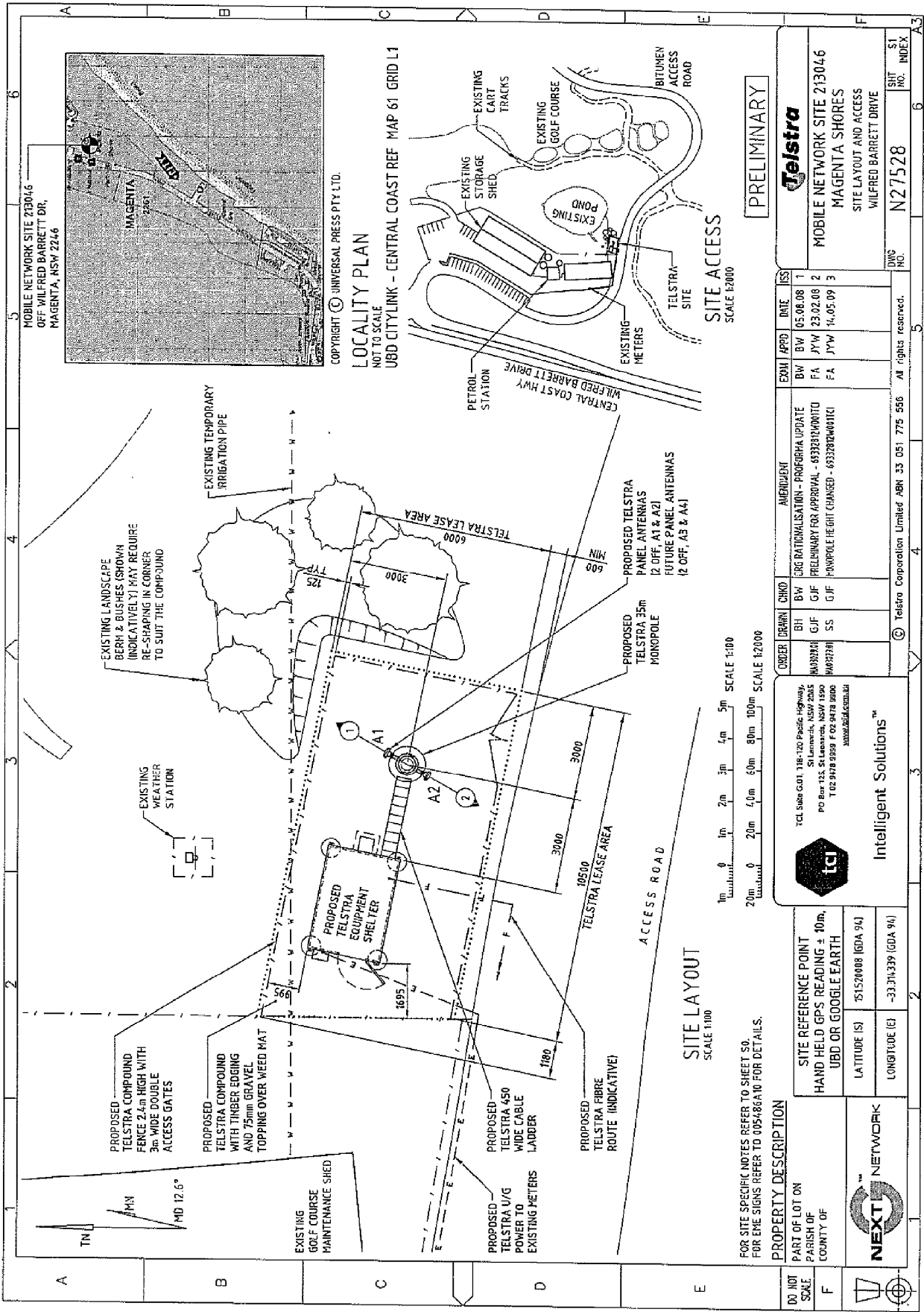


CONCLUSION

Construction of the proposed communications facility will significantly improve mobile phone services in the locality. The proposal will have an acceptable impact on the surrounding environment and EME emissions will be well below the current accepted standard. The proposed communications tower is therefore recommended for approval.

ATTACHMENTS

- 1 Development Plans D02124498



PRELIMINARY

MOBILE NETWORK SITE 213046 OFF WILFRED BARRETT DR, MAGENTA, NSW 2246
Telstra
MOBILE NETWORK SITE 213046 MAGENTA SHORES SITE LAYOUT AND ACCESS WILFRED BARRETT DRIVE
DWG NO. N27528
SIT NO. INDEX

ORDER	UBRN	CHD	MENUMENT	EXDN	APD	DATE	ISS
BH	BV	G/F	REG RATIONALISATION - PROOF OF RA UPDATE	BW	BW	05.06.08	1
M030200	G/F	G/F	PRELIMINARY FOR APPROVAL - 6533319/0010	FA	JYW	23.02.09	2
M032738	SS	G/F	MONOPOLE HEIGHT CHANGED - 6533328/0010	FA	JYW	14.05.09	3

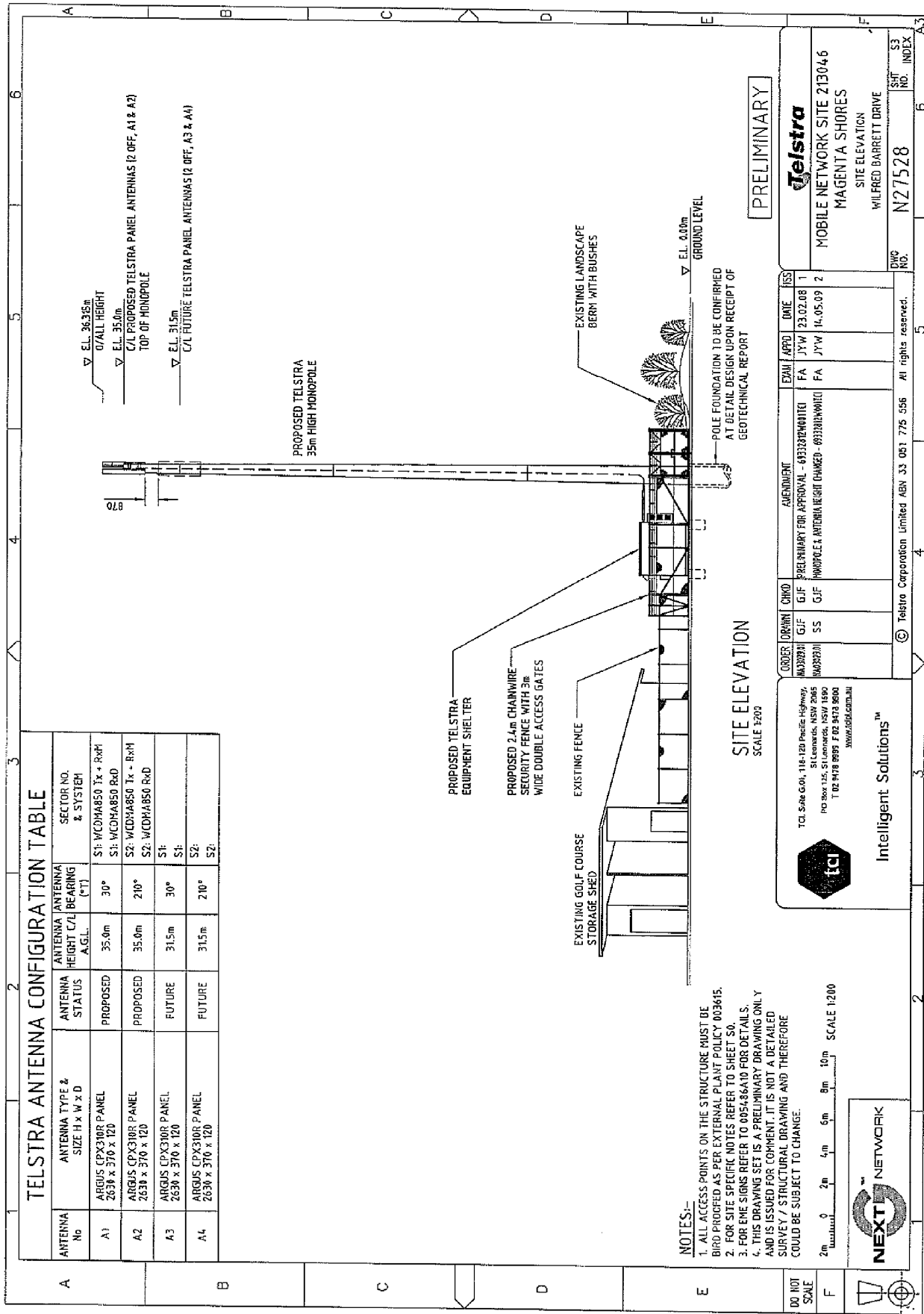
TCL Site G01, 118-120 Pacific Highway,
St Leonards, NSW 2055
PO Box 133, St Leonards, NSW 1590
T 02 919 9999 F 02 9478 0000
www.telstra.com.au

Intelligent Solutions™

SITE REFERENCE POINT HAND HELD GPS READING ± 10m, UBD OR GOOGLE EARTH
LATITUDE (S) 351520008 (GDA 94)
LONGITUDE (E) -333143339 (GDA 94)

PROPERTY DESCRIPTION
PART OF LOT ON
PARISH OF
COUNTY OF
NEXT NETWORK

FOR SITE SPECIFIC NOTES REFER TO SHEET S0
FOR BME SIGNS REFER TO 005486A10 FOR DETAILS.



2.3 Review of Policy B1 - Bonding of Development Works and Deferment of Contributions

TRIM REFERENCE: F2009/00055 - D02117011

AUTHOR: RM

SUMMARY

This report details the proposed exhibition of a revised version of draft Council Policy B1 – Bonding of Development Works and Deferment of Contributions. The Policy clarifies when the bonding of works to enable the issue of a Subdivision Certificate is appropriate and what action needs to be undertaken to permit the bonding of works to occur. While the Policy name indicates it involves the Deferment of Contributions, this is not the case as the existing Policy only relates to the Bonding process and it is proposed to rectify this issue in this review (Councillors may recall that the recently adopted Planning Agreements Policy incorporated a section on deferring the payment of contributions). It is proposed that the revised Policy be publicly exhibited for a period of 28 days.

RECOMMENDATION

- 1 That Council place revised Policy B1 – Bonding of Development Works and Deferment of Contributions on public exhibition for a period of 28 days for public comment.**
- 2 That following this exhibition period, Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.**
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**

BACKGROUND

As part of Council's regulatory responsibilities the Council Policy Manual is currently being reviewed to ensure documentation is sufficiently up-to-date and available to the public. Shire Planning has responsibility for 19 Council Policies and these have been reviewed with reference to policy development history, current relevance and to identify opportunities to improve and update policies.

As part of this process, Council's current Bonding of Development Works and Deferment of Contributions Policy has been reviewed with the need for the modification to this document being identified.

Issue of Deferment of Contributions

Though the heading of this policy indicates otherwise, Council does not permit the deferment of Contributions via this Policy. In fact there is no reference to Deferment of Contributions in the Policy. It is understood that in the past Council has two separate Policies to address the two distinct matters noted in this heading but these policies were amalgamated. This left ambiguity as to what Council would entertain with regard to the payment of contributions.

The potential for deferment of Contributions has now been addressed in the Planning Agreement Policy that was endorsed by Council at the Ordinary Meeting of 14 October 2009 and has since been adopted.

Other proposed changes

Other proposed changes to the document include:

- A strengthening of the Policy objectives.
- Further detail and clarification to ensure that sufficient security is provided to cover future costs to Council (130% of the agreed costs).
- Further detail and clarification to ensure that Council can be satisfied of the safety and efficiency of the completed development and the surrounding environment is not compromised by approving the Bonding of outstanding works.
- Update in the terminology used in the Policy e.g. – reference to Linen Plans instead of subdivision certificate.

STATUTORY REQUIREMENTS**Environmental Planning and Assessment Act 1979**

Part 4A Division 1 of the Environmental Planning and Assessment Act 1979 relates to the certification of work and indicates the restrictions placed upon consent authorities when issuing Certificates. In particular Section 109J(2) provides a Consent Authority with the flexibility to bond works to allow a subdivision certificate to be issued when it sees fit. This Policy assists Council in dealing with such matters with consistency.

NOTIFICATION

In accordance with Council's procedure for the notification of new or amended Policies, the amended policy will be placed on public exhibition for a period of 28 days. Member of the development industry who have used the current policy in the past, will be individually notified of the proposed changes to this policy during the notification period.

CONCLUSION

The Policy Review seeks to simplify and update Council's requirements of bonding of works. It is recommended that Council endorse the draft policy for the purpose of public exhibition.

ATTACHMENTS

- 1 Draft Policy - B1 Bonding of Development Works D02117013

B1 BONDING OF DEVELOPMENT WORKS

Department:	Shire Planning
Unit:	Planning – Legal and Policy
File:	F2009/00055
Adopted on: xx xx xxxx	Revision required by: xxxx

OBJECTIVES

1. To provide for the issue of a Subdivision Certificate prior to completion of all works required under the conditions of consent or other associated approvals subject to the works being substantially complete.
2. To provide for the bonding of works but only when Council is satisfied that the works completed are able to perform the intended function without creating safety issues that cannot be satisfactorily managed and is to be subsequently completed by the Developer.
3. To provide for the bonding of works but only in the circumstances where Council is satisfied that there will be no negative environmental impact.

PREAMBLE

In certain circumstances it is considered appropriate that incomplete works of a development which have been substantially completed may be bonded for subsequent completion by the developer to enable the issue of the Subdivision Certificate. This Policy clarifies when bonding of works is appropriate and what action needs to be undertaken to permit the bonding of works to occur.

Any incomplete works that a Developer would like to bond will be the subject of a formal application to Council. Consideration will be given to permit the bonding of incomplete works subject to satisfying the following criteria.

CRITERIA

Consideration to the bonding of any outstanding works will be subject to the following:

1. The works have been substantially completed and do not adversely affect the efficiency and/or operation of the development or a vital element of the development.
2. The incomplete works do not present a safety issue that cannot be satisfactorily managed.
3. The completion of the incomplete works can be carried out without significant impact on the operation of the development site and/or will not inhibit the commencement of building development on the proposed lots.
4. The nature and value of incomplete works can be accurately estimated and validated.
5. The developer can retain sufficient control of the site to satisfactorily carry out the incomplete works.

REQUIREMENTS

If the proposal meets the abovementioned criteria the following is to be provided:

6. A timeframe and schedule for the carrying out of the bonded works.
7. Suitable security being either cash, a bank cheque or irrevocable bank guarantee is to be provided to cover the future cost of the work including administrative, increases in construction costs due to the timing of works and contingency costs. This shall be generally 130% of the agreed costs plus any additional increase due to the proposed timing of the works. This is essential to ensure that Council is not financially disadvantaged should it be necessary for Council to arrange for the works to be carried out.
8. Any bank guarantee shall not have an expiry date and shall be from a reputable financial institution that may require approval from the Manager, Financial Services.
9. The lodgement of security or the making of a payment to Council for the completion of works has been agreed in writing. This shall include statements as to the completion date and an agreement of Council's absolute right to draw on the security to carry out the works and if required to recover any additional costs incurred in the carrying out of the works. In addition permission for unencumbered access for Council to enter the site and carry out works if required is to be provided.
10. The payment of the appropriate fees for the assessment of the application in accordance with Council's Management Plan.

GOODS AND SERVICES TAX

Where any charge, fee, supply of products or services under this policy is subject to a goods and services tax (GST), an amount equal to the GST paid or payable in respect of the charge, fee, supply of products or services, shall be included in the amount of consideration paid or payable under this policy.

LEGISLATION: ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, PART 4A DIVISION 1
DEPARTMENT: SHIRE PLANNING

3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby

TRIM REFERENCE: F2009/02384 - D02076094

AUTHOR: SB

SUMMARY

Approval is sought to enter into licence agreements for the joint use of Reserve for Public Recreation being Lots 206 and 217 DP 755271 Jilliby Road, Jilliby by Wyong Pony Club and Central Coast Sporting Horse Association Inc for horse related activities.

RECOMMENDATION

- 1** *That Council endorse, as the Reserve Trust Manager of the Jilliby Park (R570041) Reserve Trust, a development application by Wyong Pony Club and Central Coast Sporting Horse Association Inc for the sporting purposes use proposed by both Clubs, an upgrade of existing facilities and installation of new amenities for activities associated with the sporting purposes of both Clubs.*
- 2** *That Council, subject to a Development Consent being issued, grant a Licence, to Wyong Pony Club for the purpose of conducting horse related activities on land belonging to Wyong Shire Council, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby.*
- 3** *That Council, subject to a Development Consent being issued, grant a Licence, to Central Coast Sporting Horse Association Inc for the purpose of conducting horse related activities on land belonging to WSC, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby,*
- 4** *That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the above licences.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the above licences.*

BACKGROUND

Council is the manager of the Reserve Trust created for Jilliby Park (R570041) Reserve for Public Recreation comprising Lots 206 and 217 DP 755271 Jilliby Road, Jilliby.

Jilliby Park has an area of approximately 48,422m² and is zoned 6(a) Open Space and Recreation under the activities to be Wyong Local Environmental Plan 1991. The site contains two toilet blocks (as per Development Consent No. BA/70/1974 issued on 28/11/1973) and a rainwater holding tank. An existing cleared path is located on the property, previously used for a racing circuit (as per Development Consent No. DA/413/1995 issued on 24/05/1995 – which Consent lapsed on 25/05/2009).

The site also contains approximately 11,000m² of Endangered Ecological Communities, comprised of river flat eucalypt forest and is bordered by EEC along its southern boundary. Further EEC is located on neighbouring properties to the north, east and south of the property. The property is partly flood affected.

**3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271
Jilliby Road, Jilliby (contd)**

The park was formerly used by Central Coast Car Club as a car and go-cart racing track. There is an amenities building on the site which has fallen into disrepair.

The Wyong Pony Club (WPC) and the Central Coast Sporting Horse Association Inc (CCSHA) have applied to Council for joint use of the site as a horse riding and equestrian centre.

The activities to be undertaken under the proposed licence are permissible, subject to a Development Consent, as a "recreation area" as defined by Wyong Local Environmental Plan 1991.

The uses proposed under this proposed licence agreement do not have development consent and will need to obtain such approval prior to the grant of a licence by Wyong Shire Council.

THE PROPOSAL

The application by WPC and CCSHA contemplates use on a rotational basis whereby each Club would have access to the site on an alternative weekly basis.

To accommodate this arrangement it has been proposed by the Clubs that Council formalise the use of each party by way of a separate licence to each specifying the weeks of usage allocated to each party to operate horse related activities on alternative weeks at nominal rent. As the land is required by two separate entities, a Licence, which is terminable at will and provides for non exclusive use, is required over a Lease as a Lease is for exclusive use by the Lessee.

These activities would include but are not limited to monthly club rally day, inter-club days, training and practice for upcoming events, theory and practical instruction in horse care and health, care and correct use of equipment, best practice in floating and movement of horses, etc.

The licences will require both the Clubs to:

- Indemnify Council and carry public liability insurance
- Leave the licence area in a clean and tidy condition
- Conduct the horse related activities for not-for-profit purposes only
- Submit an annual Business Plan.
- Submit regular reports from an erosion and sediment control report.

Both the WPC and the CCSHA intend to run horse related activities on the land. In order for these activities to be run in a professional manner, it is the intention of the WPC and CCSHA to upgrade and improve the grounds to cater for such events. Included in the upgrade are the restorative works on the current toilet block, water supply, boundary fencing and the construction of a fenced arena.

Future construction of a club house and canteen facility along with storage facilities for equipment is also proposed. Further, WPC and CCSHA have advised that they are prepared to undertake maintenance of the grounds.

3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby (contd)

The provision of this new community facility will involve no cost to Council as WPC and CCSHA have advised Council that they are both in a strong and sound financial position to undertake the works without delay or financial assistance from Council. The only request from WPC and CCSHA is that Council grant the licences to them over Lot 206 DP 755271 Jilliby Road, Jilliby at nominal rent.

In granting the licences to WPC and CCSHA at nominal rent Council would be forgoing an income of approximately \$500 per annum, however that impost would be balanced by maintenance responsibilities included in the Licence.

Upon termination of the proposed licences to WPC and CCSHA the upgraded and newly constructed facilities will be transferred into Council's ownership for future use and maintenance.

The proposed use of the property for horse riding activities may disturb soils with potential for sediment and erosion issues arising. The impact of waste on nutrient loads for surrounding vegetation, including Endangered Ecological Communities (EEC) may require access to EEC areas on the property to be restricted.

The property is partly flood affected and traffic and parking issues should be considered having regard to the numbers of potential users of the site.

In that regard the Licence would be conditioned such that the Pony Club and Sporting Horse Association will be required to obtain all the appropriate approvals to allow their use of the site as proposed.

OPTIONS

- 1 Grant the licences to WPC and CCSHA at nominal rent on the basis that the WPC and CCSHA complete the upgrade works in a reasonable timeframe and that they be responsible for the maintenance and upkeep of the facilities.
- 2 Deny the licences to WPC and CCSHA and leave the land underutilised.

STRATEGIC LINKS

Not applicable.

Financial Implications

There is no additional cost to Council of granting the licences at nominal rent – at least in respect of the licence.

In 1989 Council entered into a five year Lease with Central Coast Car Club for a rental income of \$500.00 per annum. The lease has since expired and the Car Club has not expressed any interest in renewing the lease. No other organisations have approached Council since that time. The loss of prospective income in rent would be balanced by maintenance responsibilities included in the lease.

Principles of Sustainability

The Licence arrangements will grant exclusive use of the facilities to the two clubs and thereby effectively restrict the use of the land to other organisations.

Similar restrictions are inherent in other leased/licensed arrangements: for example Crown land managed by Council is leased to several organisations including but not limited to Surf Clubs across the Wyong Shire, Junior Trials Minicycle Club at Crangan Bay and Wyong District Pistol Club at Crangan Bay. Given that the licence provides for the improvement and use of otherwise underutilised land it is considered appropriate in this instance.

CONSULTATION

Instructions provided by Manager Open Space and Recreation. Negotiations with WPC and CCSHAI.

GOVERNANCE

The Conveyancing Act 1919 applies in respect of licences. The Local Government Act 1993 enables Council to enter into a licence.

CONCLUSION

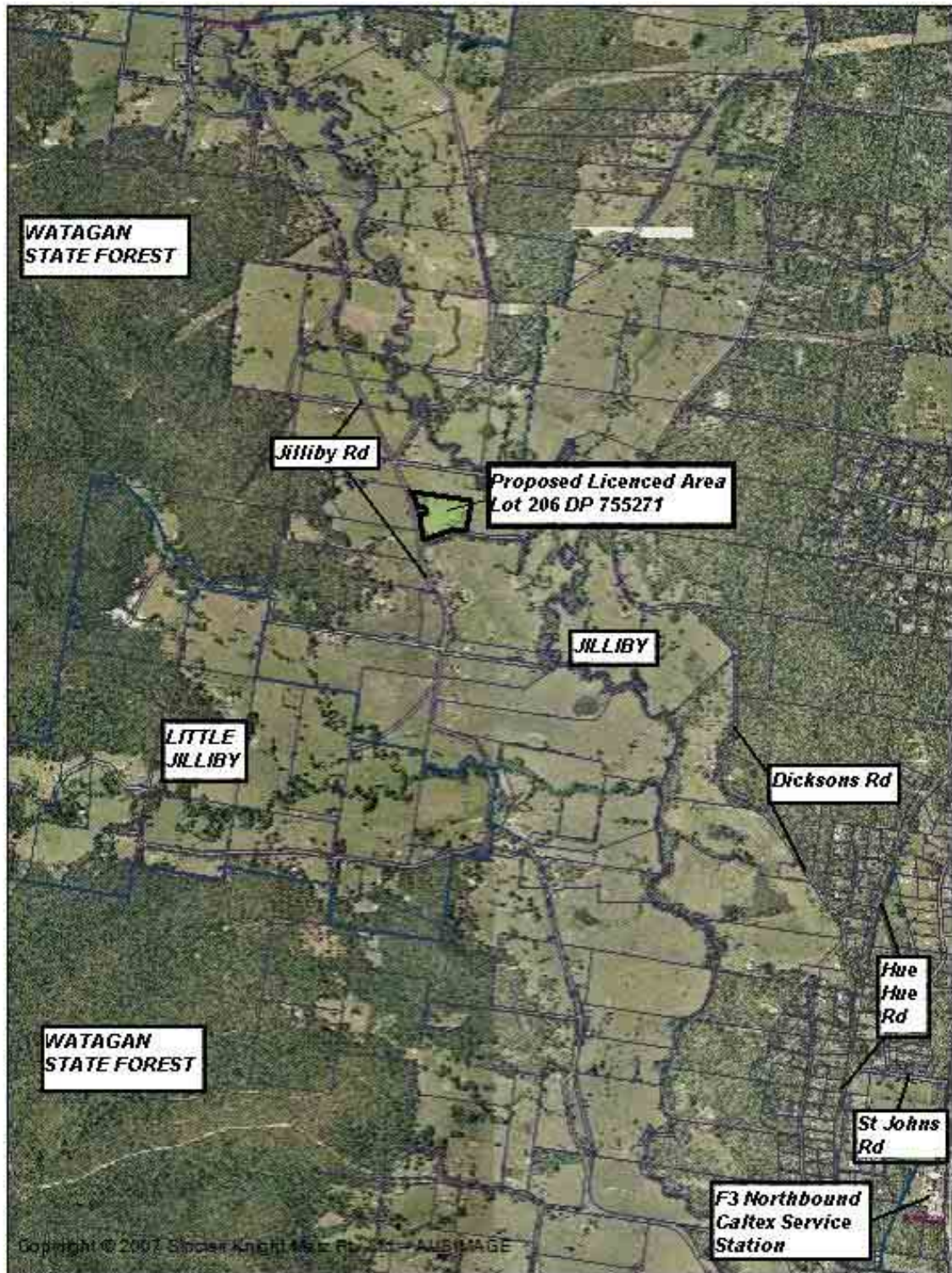
The land is classified to allow the proposed use by the Clubs.

A Development Application is to be lodged by the Clubs jointly to formalise the use of the land and to seek approval for development of facilities and amenities.

Council, as the Reserve Trust Manager is required to endorse the Development Application which once approved will allow Council to issue Licences.

The Clubs have similar objectives and activities however are separate legal entities. Separate Licences are the simplest method for formalising Council's agreement for the Clubs to use the land..

The proposal is in keeping with WSC's objectives to promote and support the community.



ATTACHMENTS

Nil.

3.2 Classification of Land - Lot 430 DP 1145240 at Hakone Road, Woongarra

TRIM REFERENCE: F2009/02533 - D02097172

AUTHOR: JT

SUMMARY

Authority is sought to classify Lot 430 DP 1145240 as Operational Land.

RECOMMENDATION

- 1 That Council classify Council land Lot 430 DP 1145240 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

BACKGROUND

Stannic Securities Pty Limited (Stannic) is the owner of Lots 90B, 90C, 72C and 72B in DP 22837 and Lots 6 and 7 in DP 1118025 (Stannic Land). As part of the development of the Stannic Land, Stannic has agreed to construct a drainage channel over land owned by Stannic, Danallam Developments Pty Ltd (Danallam), Samaritans Foundation, and land recently acquired by Council from R A and R Arbolino and Y J Connerton as shown on the attached plan.

The construction of the Woongarra Creek Drainage channel by Stannic will control flood water in this area.

Lot 430 DP 1145240 in a subdivision at Hakone Road, Woongarra has been dedicated to Council by Danallam Developments Pty Ltd as Drainage Reserve from the plan of subdivision pursuant to a consent condition of Development Application No 2281/2003 issued on 20 October 2004. Lot 430 DP 1145240 is required by Council for the construction of the drainage channel by Stannic.

Lot 430 DP 1145240 is 2,191m² and is zoned 2 (e) (Urban Release Area Zone).

THE PROPOSAL

It is proposed to classify Lot 430 DP 1145240 as Operational Land.

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

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

OPTIONS

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

STRATEGIC LINKS

The subdivision will enable better economic disposal and orderly development of the land as evidenced by the dedication of this land for drainage.

Financial Implications

There is no cost to Council for land classification and the dedication of the land to Council pursuant to DA 2281/2003 is at no cost to Council

Principles of Sustainability

The principles of sustainability were considered during the development consent process associated with both the Danallam land and the Stannic land.

The construction of the Woongarra Creek Drainage channel by Stannic will control flood water in this area.

GOVERNANCE

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



CONCLUSION

Lot 430 DP 1145240 has been dedicated to Council and requires classification in accordance with Local Government Act 1993 (Chapter 6, Part 2, s.25-34).

Council may resolve to apply either a “community land” or an “operational land” classification.

The land will be employed by Council for drainage purposes and thus requires to be classified as Operational land.

ATTACHMENTS

Nil.

3.3 Proposed Lease over Part Lot 36 DP 755224 Forest Road, Kulnura for trunk radio extension

TRIM REFERENCE: F2009/02486 - D02103736

AUTHOR: SB

SUMMARY

Council proposes to enter into a lease with the Government Chief Information Office ("GCIO") for occupation of its radio tower at Bumble Hill, Kulnura for the purposes of extending Council's two way radio network.

RECOMMENDATION

- 1 That Council enter into a Lease with Government Chief Information Office (GCIO) of part of Lot 36 DP 755224 for a term of five years commencing 1 December 2009.**
- 2 That Council approve fees(ex. GST) consisting of
 - a one-off application fee \$3,800.00,
 - an annual rental of \$4,780.00 site sharing fee and
 - an annual \$500.00 ground lease fee.All annual fees to be indexed by CPI.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and GCIO.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**

BACKGROUND

Council currently operates and maintains a two-way radio network throughout the Shire. In the more highly populated area the coverage is very good but in the less populated areas with fewer Council facilities there are gaps in the coverage. This has been a manageable problem to date however the construction of the Mardi-Mangrove Project has now escalated the significance of this issue.

The operation of the upgraded radio tower will enable the construction contractor access to all appropriate communication needs which Council has contractually agreed to provide.

Due to the necessity and commencement date of 31 December 2009 for the Mardi to Mangrove project, GCIO has allowed Council to install the radio base, antenna and microwave equipment on the GCIO's tower over land at Bumble Hill being part Lot 36 DP 755224 Forest Road, Kulnura prior to a lease being entered into.

Pursuant to the Local Government Act, Council cannot delegate the function of Council in respect of leasing.

THE PROPOSAL

GCIO has requested that Council enter into a lease with GCIO for a term of five years at a rental of \$4,780 per annum (excl. GST) being the site sharing fee and \$500 per annum being the lease fee (excl. GST) for the use of the tower situated on part Lot 36 DP 755244 Forest Road, Kulnura.

OPTIONS

There are two aspects to be considered. The best business case based on the optimal technical solution to the communication issue and secondly, the best cost means of achieving that.

Staff have considered the technologies available and identified three technical options in addition to the option of doing nothing:-

- 1 Extend the existing two-way radio network - preferred.
- 2 Mobile phone coverage. This option is not preferred for timing and cost reasons.
- 3 Satellite phones. This option is also not preferred for cost and reliability concerns

A brief summary of the consideration applied to the technologies on offer is as follows

Issue	Radio	Satellite Phone	Mobile Phone
Cost	Cheapest option. There are some start-up costs but negligible running costs.	Second most expensive option, high cost of handsets and running costs.	Most expensive option, handsets and running costs are not high but start-up cost is high due to lack of infrastructure.
Coverage	Effective coverage over the area required.	Coverage only available if there is an unobstructed view of the sky.	Coverage would be OK if expensive infrastructure was installed.
Availability	Can be installed within 3 months.	Off the shelf.	Would take 12-18 months to install the infrastructure.
Sustain-ability.	Minimum impact on the environment (using existing tower)	Minimum impact on the environment.	Some impact on the environment (new towers required).
Legacy	Extension of existing radio network has future benefits for Council's operations in this area.	No lasting benefit after the M2M project.	Extension of mobile phone network has future benefits for Council's operations in this area.

Given that two-way radio is the preferred option WSC has three choices for implementation:-

- Option 1** – Accept the GCIO offer which provided the best implementation cost option.
- Option 2** – WSC could build transmission/relay facilities of its own. Clearly has significant cost, availability and legacy impact and not for consideration on that basis.

Option 3 – Don't accept a lease with GCIO and adopt a different method of communication for the M2M project in the affected area. If the lease is not entered into, GIO will deny Council access to its site.

STRATEGIC LINKS

Contribution of Proposal to the Principal Activity

The project relates directly to the M2M Project and aligns with the Infrastructure Key Focus Area of "Secure the Water Supply".

Principles of Sustainability

The proposal is in keeping with the principles of sustainability in that effective communications are an important means of maintaining the safety of employees working in isolated areas.

Further, effective communications mean that less fuel is used in travelling from an area of poor coverage to an area of good coverage.

The infrastructure required, being radio-based, has a relatively low impact on the natural environment. No wire based options are proposed.

CONSULTATION

Comprehensive consultation with GCIO and the owner of the land resulted in the agreement terms that will allow Council to proceed

GOVERNANCE

Council may not delegate its function to authorise dealings in land under Section 377 of the Local Government Act 1993.

CONCLUSION

Good communication channels along the entire route of construction are essential to managing safety and environmental issues related to the M2M project. Existing coverage is inadequate.

Two-way radio network communication provides the best combination of reliability, coverage, cost and quality of voice links. Sharing facilities with GCIO is a better cost option than Council creating its own radio coverage facility.

GCIO requires acceptance of the Lease Agreement to allow the continuation of the use of its radio facilities on part Lot 36 DP 755224 and Lot 1 DP 242236 as the M2M Project requires the system to be in place by 31 December, 2009 (see plan below).



ATTACHMENTS

Nil.

3.4 Proposed Dedication of Council Land as Road Reserve Lot 2 DP 1047484 Jack Grant Avenue, Warnervale

TRIM REFERENCE: F2004/07789 - D02113389

AUTHOR: SB

SUMMARY

Authority is sought to dedicate as public road part of Lot 2 DP 1047484 Jack Grant Avenue, Warnervale.

RECOMMENDATION

- 1 That Council dedicate part of Lot 2 DP 1047484 Jack Grant Avenue, Warnervale as public road.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Plan of Subdivision that will dedicate the required land as public road upon registration.**
- 3 That Council authorise the Mayor and the General Manager to execute the plan of subdivision that will dedicate the required land as public road upon registration.**

BACKGROUND

Wyong Shire Council (WSC) proposes to construct a road on WSC land being part of Lot 2 DP 1047484 at Jack Grant Avenue, Warnervale. The proposed road will provide access to Lakes Anglican Grammar Schools at Warnervale and in future to that part of the subject land to the south zoned for future industrial use. The new section of road will provide a safe transport system and satisfactory standard of traffic control to and from the schools and the industrial land.

The road works require the construction of two intersections and the relocation of a gas main owned by Jemena Pty Ltd.

The relocation of the gas main is required during road construction which is under-way. The utilities provider, Jemena Pty Ltd require legal access to the main for construction and on-going maintenance operations during the life of their asset.

Negotiations for the exact location of the main have been protracted. It has only been recent that agreement was reached in respect of the route for the main.

The road works will form the northern section only of what is known as the "Link Road" from Sparks Road in the north to a proposed intersection with Albert Warner Drive in the south.

Planning issues exist for the remainder of the proposed road which have prevented any determination of the land required for the road beyond the point proposed in this paper.

PROPOSAL

Associated with the construction of the road for the purpose of providing public access it will be necessary to dedicate as public road, that part of Lot 2 DP 1047484 affected by the road works which will have the effect of converting Council's interest in the land to that of a roads authority pursuant to the Roads Act 1993.

The remaining land affected by the current road construction up to the senior school entry and access to Council land to be dedicated as public road.

That part of Lot 2 DP 1047484 required to be dedicated as public road has an area approximately 47,000m² and is zoned 5(c) Local Road.

OPTIONS

- Dedicate the land as Public Road to allow appropriate management of the public use and service provision within the road pursuant to the Roads Act 1993. This will allow immediate legal access to Jemena Pty. Ltd. for the purposes of relocating the gas main. Converting the land to public road will obviate the need to do so at a later date.
- Retain the land in Council fee simple ownership which will prohibit public use of the land as public road pursuant to the Roads Act 2009. For the gas main to be commissioned, Jemena Pty. Ltd. Would require legal access to the line which could alternatively be achieved by way of an easement. Using an easement process will delay current road construction and in any event, will be a redundant action when the remainder of the road route is finalised.

STRATEGIC LINKS

Management Plan

Infrastructure - To provide a safe road transport system and a satisfactory standard of traffic movement. (4.12 Management Plan)

Link to Key Focus Areas

Warnervale Town Centre - Roads Issues and Objectives

Financial Implications

There is no cost to WSC for the dedication of the land as public road – currently owned of WSC.

GOVERNANCE

Lot 2 DP 1047484 is classified as Operational Land pursuant to the provisions of the Local Government Act 1993 and there is no impediment to the dedication of part of the land as public road.

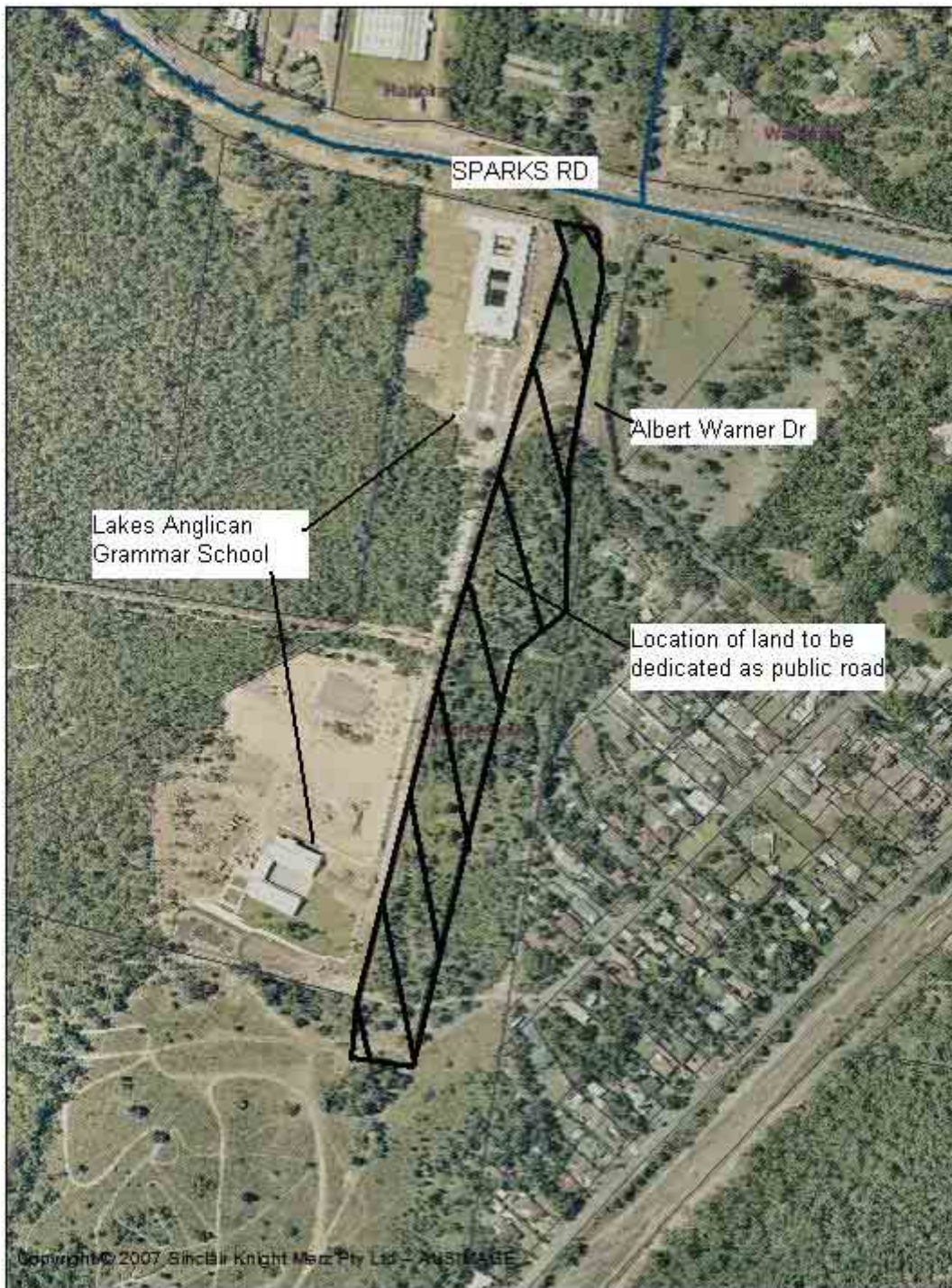
CONCLUSION

The land is owned by WSC. Dedication as public road of part of Lot 2 DP 1047484 Jack Grant Avenue, Warnervale is required to enable road works.

**3.4 Proposed Dedication of Council Land as Road Reserve Lot 2 DP 1047484
Jack Grant Avenue, Warnervale (contd)**

Dedication can occur without cost and will lead to the provision of access to Lakes Anglican Grammar Schools at Warnervale and in future, to that part of the subject land to the south zoned for future industrial use to provide a safe transport system and satisfactory standard of traffic control in that location.

Conversion of the land to public road is desirable.



ATTACHMENTS

Nil.

3.5 Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong

TRIM REFERENCE: F2009/02442 - D02127492

AUTHOR: JT

SUMMARY

Samaritans Foundation has requested a lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong.

RECOMMENDATION

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

BACKGROUND

At its meeting held on 14 October 2009, Council resolved to purchase the former Wyong Tennis Club site, Lot 4 DP 614523, 6 Ithome Street, Wyong (the land). The land was identified in the Wyong Active River Foreshore and Baker Park Masterplans (adopted 23 September 2009) as an area suitable for redevelopment that could include an integrated residential, community and recreational precinct. In the interim, it is proposed that the building be utilised for short term community use.

The land was acquired by Council on 11 November 2009. The land is zoned 5 (a) Special Uses – Club, has an area of 5,016 m² and is classified as Operational Land.

The building has a floor area of 1,200 m² and comprises reception areas, large function rooms, meeting rooms, commercial kitchen facilities, office accommodation, toilet facilities, storage areas, outdoor areas and 55 car parking spaces. The fixtures and fittings associated with the building's use as a sports club have been removed.

On 25 November 2009, Council sought Expressions of Interest from organisations providing community services and programs to lease the land. Due to the proposed future redevelopment of the site, the criteria for the use of the building included the following requirements:

- Lease for an initial term of three years with provision for two further one year option periods at Council's discretion and,
- Lessee responsible for any fit out to make the building fit for use.

3.5 Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong (contd)

One submission was received for the lease of the land from Samaritans Foundation (Samaritans). The submission complies with the Expressions of Interest criteria except that Samaritans require a lease for in excess of five years due to the substantial fit out costs of \$300,000. Samaritans require a minimum of 600 m² but would be willing to take a lease of the whole of the building with a view to working in partnership with other community service providers.

Samaritans is one of Australia's largest regional non-profit welfare organisations and has recently celebrated its 25th anniversary. It has over 530 employees and 520 volunteers and provides a range of services for children, youth, families and those with disabilities. Every week, Samaritans provides assistance to 250 families experiencing disadvantage in the community and provides food and utility vouchers, clothing and referrals and accommodation.

Samaritans presently operates many services on the Central Coast including, Youth, Disability, Community and Recycling Services.

The services proposed to be provided in conjunction with the lease by Samaritans of the land include a NSW Development Disability Health Unit GP Outreach Clinic and a Secondary Headspace Site.

The NSW Development Disability Health Unit GP Outreach Clinic provides specialist assistance for people with a disability which assists General Practitioners to identify the needs of a particular patient. Following a consultation with the client, Samaritans provides a health plan with a raft of recommendations for the client's General Practitioner to utilise and implement.

Headspace Central Coast is currently based in Gosford. Due to overwhelming numbers of young people attending this service and requests from community and health organisations for these services to be provided in the Wyong Shire, Samaritans wish to expand Headspace to the Wyong Shire. The mission of Headspace is to reduce the burden of disease in young people aged 12-25 years caused by mental health and related substance use disorders through early identification and intervention. Headspace provides initial screening assessments and determines the appropriate clinical pathway or referral for the young person.

Novaskill Central Coast has indicated that it supports the Samaritans' application and advised that it proposes to work in partnership with Samaritans to develop the land and building. Novaskill, in partnership with Jobfind Centre, provides training and work experience programs for unemployed community members with a view to securing long term employment. It is envisaged that many of the training programs could be utilised to maintain and repair areas of the building and its surrounds.

THE PROPOSAL

Samaritans has requested a lease of the land preferably for a period in excess of five years. A long term lease has been requested due to the cost to Samaritans to fit out the building which is estimated to be in excess of \$300,000. The fit-out will provide private interview rooms, training and conference facilities, recreation area and staff office space and meeting room.

Due to Council's proposals for the future redevelopment of the site, Samaritans has agreed to accept a lease for five years.

3.5 Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong (contd)

Rent has been agreed at \$5,000 per annum and will be subject to annual CPI increases. Under the lease, Samaritans will be responsible for maintenance of the land and building, insurance and rates for the land and require Samaritans to give reasonable consideration to use of the building by other community service providers.

OPTIONS

Council has the following options:

- Approve a lease to Samaritans for five years
- Refuse the lease to Samaritans and seek new Expressions of Interest for the land for a lease for three years with two options to renew the lease of one year each at Council's discretion

Approval of the lease will enable Samaritans to operate an important community facility from the land whilst improving and providing security for the building.

STRATEGIC LINKS

Link to Key Focus Areas

The proposal is not a Key Focus Area of the Management Plan as the land has only recently been acquired, however it is likely to enhance the quality of life of the Shire's residents.

Financial Implications

In addition to the commencing rent of \$5,000 per annum, Samaritans will be responsible for the maintenance, insurance and rates in association with the lease of the land in addition to paying rent.

If the lease is not approved, Council will be responsible for the security of the building and a valuable community asset will be vacant until such time as a tenant is found.

Since the acquisition of the land there have been several reports of damage to the building as a result of vandalism including broken windows and graffiti. The most recent incident occurred on Saturday 9 January 2010 and involved a large group of youths who broke in through a wall causing major damage to the wall.

Principles of Sustainability

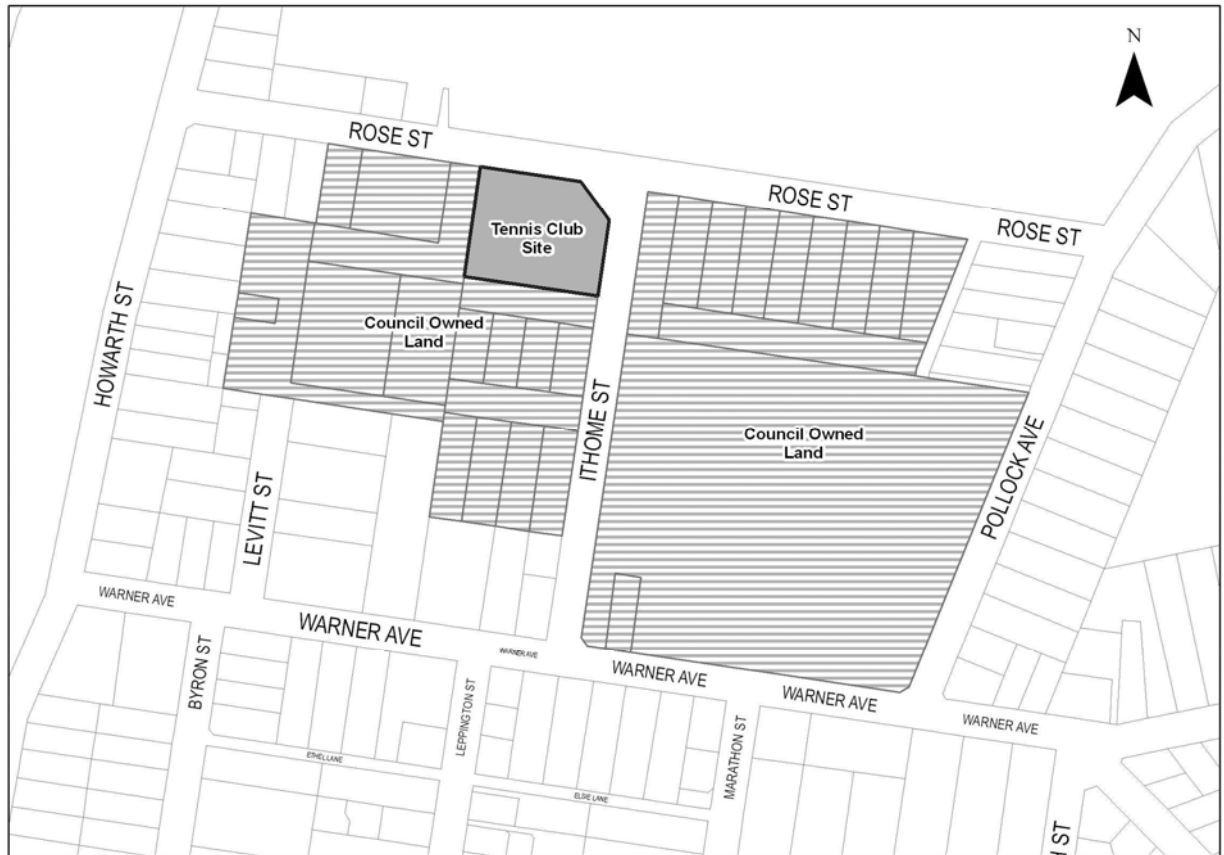
This proposal will have a positive effect on the development of a healthy, equitable, active and involved community.

CONSULTATION

Samaritans has requested a lease from Council for the land in the terms of the Expressions of Interest except that Samaritans has sought a term in excess of five years. Following consultation, Samaritans has indicated that a lease for five years is acceptable subject to agreement by the Director of Client Services who was unavailable at the time of writing this report.

GOVERNANCE

The land is classified as Operational land under the Local Government Act, 1993 and there is no impediment to the grant of a lease.



CONCLUSION

Authorising a lease to Samaritans for the land as proposed will provide security of tenure and ensure that the building is appropriately managed. Successful operation of the facility is of community benefit and in line with Council's strategies for supporting community activities.

On the basis that only one application has been received, it is recommended that a lease be granted to Samaritans for five years.

ATTACHMENTS

Nil.

4.1 Contract Variations and Finalisation - November 2009

TRIM REFERENCE: D02104895

AUTHOR: GP

SUMMARY

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

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

RECOMMENDATION

- 1 That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation – November 2009 report.**
- 2 That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – November 2009 report.**

BACKGROUND

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

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

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

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

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

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

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

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

THE PROPOSAL

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

CONCLUSION

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

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | OM 27-01-10 Attachment 1 Contract Variations November 2009 | D02109034 |
| 2 | OM 27-01-10 Attachment 2 Finalised Contracts for November 2009 | D02109039 |

Attachment 1 – Contract Variations for November 2009 Upgrade Works to The Buttoderry Waste Management Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget (incl. contingency)	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
152870	11-02-2009	G W H Construction NSW Pty Ltd	\$ 2,658,878.00	\$ 3,204,778.00	\$ 257,243.45	\$ 177,031.44	\$ 434,274.89	\$ 3,093,152.89	Management Plan Line 4.5.17
Individual Variations For Reporting Period									
Description		Value \$	Description		Value \$				
Variation 33 - Under the contract the Principal undertook to provide all materials for construction of <u>carpark and entry roads</u> (except concrete and asphalt) from stockpiles of suitable material already available on site. These materials had to be excavated, loaded and transported to the work areas. These materials were also used for replacement of soft spots or unsuitable materials. The most economical method of supplying these materials was by directly engaging the contractor to win, load and haul. The contractor's machinery rates were competitive and no establishment costs were incurred.		73,492.55	Variation 41 - Latent condition: removal and disposal of rubbish and foreign material encountered when modifying E-lane during construction of road works to west of weighbridge.		9,325.58				
Variation 34 - Credit variation: Section of concrete wall at Small Vehicle Transfer Facility was relocated to improve stability of earth embankment. This resulted in reduction in area of concrete floor slab and consequent savings to contract.		(2,830.00)	Variation 42 - Latent condition: removal of loose and unstable rock material encountered during preparation of pavement in E-lane east of weighbridge.		7,244.16				
Variation 35 - Credit variation: Original design included a landscaping structure on top of closed cell. This was determined to be in contravention of DECCW requirement not to construct any landscape structures on top of a closed cell. The original design intent was therefore changed so that large rocks could be placed to achieve the same aesthetic value. This resulted in credit to the contract.		(3,360.00)	Variation 43 - Boom gate for E-lane required additional electrical work to enable it to operate automatically. This work was undertaken by contractor's electrician as extension to existing work on administration building.		382.80				

Variation 36 - Latent condition: excavation and disposal of buried rubbish and foreign material found under the existing entry road during sub-grade preparation. Work included proof rolling of exposed sub-grade, replacement of soft spots and re-compaction and testing procedures. Rate for unsuitable material was included in tender documents to allow valuations as required.	12,704.26	Variation 44 - Installation of remote operation system for front entry of administration building to increase security, provide easier access and enhanced safety for staff using building.	533.50
Variation 37 - Credit variation: during construction limit of road works was able to be amended to avoid exposing more rubbish or waste material located under roadway, resulting in contract savings.	(6,150.00)	Variation 45 - Latent condition: excavation for E-lane revealed inadequate base material. Additional road base had to be provided, placed and compacted by contractor to meet pavement requirements.	5,500.00
Variation 38 - Latent condition: removal of existing subsoil pipeline and aggregate found in area of new works south of weighbridge.	1,199.00	Variation 46 - Existing E-lane pavement required replacement following failure due to water ingress. Contractor directed to remove and replace with suitable materials and address water issues. Not included in original scope of contract works.	26,976.95
Variation 39 – Under the contract the Principal undertook to provide all materials for construction of lead in road to <u>Small Vehicle Transfer Facility</u> (except concrete) from stockpiles of suitable material already available on site. These materials had to be excavated, loaded and transported to the work areas. These materials were also used for replacement of soft spots or unsuitable materials. The most economical method of supplying these materials was by directly engaging the contractor to win, load and haul. The contractor's machinery rates were competitive and no establishment costs were incurred.	17,692.14	Variation 47 - Costs associated with alternative option for on-site effluent treatment and disposal system. The selected system was demonstrated to be the most economical method of waste disposal.	36,223.00
Variation 40 – Credit variation: new entry gates were costed as a Provisional Sum (PS) under the contract. This credit variation is adjustment to the PS based on actual costs.	(1,902.50)		

Work under the contract is estimated at 99% complete.

There are some minor variations yet to be assessed and valued. With the information currently available, the contract budget as approved by Council is considered sufficient to cover these anticipated variations. No increase to the contract budget is therefore sought.

Construction of Woongarrah Sports Facility

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
153228	08-04-2009	Maincon Pty Ltd	\$ 4,620,995.00	\$ 5,203,095.00	\$ 358,274.87	\$ 7,813.97	\$ 366,088.84	\$ 4,987,083.84	Section 94	
Individual Variations For Reporting Period										
Description					Value	Description				Value
Variation 14 - Provide concrete edge strip to western rock retaining wall to facilitate edge mowing. Original design allowed for steep batter that was amended to rock wall to provide more spectator space and tree protection.					\$ 7,813.97					\$

Work under the contract is estimated at 70% complete.

As reported previously, further variations are anticipated, including:

- More substantive work at the Hakone Rd intersection in light of projected increased traffic volumes. This represents a scope change to the original project which allowed only for minor roadworks along the site frontage. The opportunity was taken to provide improvements using contract resources available on site to provide these improvements at a price that represents good value for Council. Estimated value \$120,000.00
- A number of smaller variations including adjustments to the Provisional Sums allowed in the contract for power supply and floodlighting (to match final costs after designs were completed by the supply authority and lighting subcontractor), fencing adjustments and building changes. Estimated value \$100,000.00.

These variations are yet to be fully assessed and valued.

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

Construction of Mannering Park Sewerage Treatment Plant Inlet Works

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
159880	22-07-2009	Eire Contractors Pty Ltd	\$ 1,191,000.00	\$ 1,369,000.00	\$ 32,056.00	\$ 5,913.00	\$ 37,969.00	\$ 1,228,969.00	Loan Funds
Individual Variations For Reporting Period									
Description					Value \$	Description	Value \$		
Variation 3 - Supply and install HDPE liner to the outlet chamber of the inlet works. The drawings supplied only indicated the inlet chamber to be lined. HDPE liner protects the concrete surfaces from corrosive gasses such as hydrogen sulphide.					5,913.00				

Work under the contract is estimated at 35% complete.

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

Construction Of The Mardi High Voltage Power Electricity Supply To Site

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds
142295	10-12-2008	Pole & Underground Pty Ltd	\$ 3,659,139.09	\$ 4,025,053.00	\$ (136,663.64) Credit variations	\$ 59,110.00	\$ (77,553.64)	\$ 3,581,585.45	50/50 Gosford & Wyong Councils
Individual Variations For Reporting Period									
Description		Value \$		Description		Value \$			
Variation 5 - Changes to power pole in Mardi Road, Mardi to meet Energy Australia requirements in relation to the attachment of open low voltage mains and links. This cost is required to be met by the Principal. Costs are reasonable.		19,652.00		Variation 8 - Survey for easement for relocated High Voltage Cables at the Mardi Water Treatment Plant. This variation is for the survey for the relocation of the Energy Australia easement at the Mardi Treatment Plant entrance to align the incoming power supply High Voltage switches with the new High Lift pump station. Energy Australia required this variation to ensure their final records of asset location were correct.		2,870.00			
Variation 6 - Use of copper cable in lieu of aluminium at approaches to Ourimbah Creek crossing. Subsequent to completion of the design, the Principal varied the contract to utilise Energy Australia's spare conduits between Berkeley Vale and Tuggerah. This variation is a consequence of that decision, as the specified 3 core aluminium cable was too big and not flexible enough to be pulled into this section of the existing conduits. The smaller more flexible copper cables were substituted for aluminium with no impact on performance. The cost saving achieved by using Energy Australia's existing conduits (approx \$137K and previously reported as Variations 1 & 2) far out weighs this additional cost.		11,880.00		Variation 9 – Latent condition. Rock was encountered in the trench along Zoriana Close, Mardi. A rate for rock excavation is included in the contract, however payment requires a variation to be made.		2,000.00			
Variation 7 - Construction of access pad beneath pole in Zoriana Close, Mardi. The ground below the pole was wet and swampy and did not provide Energy Australia with suitable access for future maintenance. Energy Australia required a pad to be constructed for safety reasons.		2,220.00		Variation 10 - Provision of additional conduits in road underbores. The design allowed for two (2) 150mm conduits. An additional two conduits were added as a requirement of EnergyAustralia.		20,488.00			

Work under the contract is estimated at 80% complete.

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

Rehabilitation Works - Saltwater Creek - Reach 11 .

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
144338	22-10-2008	Environmental Land Clearing Pty Ltd	\$ 310,066.34	\$ 341,072.97	\$ NIL	\$ 1,280.00	\$ 1,280.00	\$ 311,346.34	Stormwater Levy	
Individual Variations For Reporting Period										
Description							Value	Description		Value
Variation 1 - Extra work not envisaged to be required in original project scope to remove 43 noxious weed trees, species Cocks Comb Coral Trees. This work provided additional environmental benefits at a very cost-effective price.							1,280.00			\$

Work under the contract is estimated at 97% complete.

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

Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – NOVEMBER 2009						
Contract Number	Date of Council Award	Name of Contract	Contract Price Type	Approved Budget / Estimate (incl. contingency) Ex. GST \$	Final Contract Value Ex. GST \$	Comments
120554	13-06-2007	In Situ Stabilisation Works	Schedule of Rates	1,363,638.00	1,229,388.02	The contract budget was based upon an estimate of needs over the two year contract period. Final actual expenditure was approx. \$134K less than the pre-award estimate. Works were undertaken across a number of operational areas. Any excess funds were retained in the respective operational budgets.
118477	13-06-2007	Supply & Application of Pavement Marking & Associated Works	Schedule of Rates	500,000.00	341,009.81	The contract budget was based upon an estimate of needs over the two year contract period. Final actual expenditure was approx. \$159K less than the pre-award estimate. Works were undertaken across a number of operational areas. Any excess funds were retained in the respective operational budgets.

4.2 Contract CPA 144547 - Estuary Management Plan Stormwater Treatment Works Project - Colongra Bay Road, Lake Munmorah

TRIM REFERENCE: CPA/144547 - D02108870

AUTHOR: JR

SUMMARY

Evaluation and selection of Schedule of Rates tenders for Contract CPA/144547. Estuary Management Plan – Stormwater Treatment Works Project – Colongra Bay Road, Lake Munmorah.

RECOMMENDATION

- 1 That Council accept the tender from Environmental Land Contracting Pty Ltd for the sum of \$271,039.50 (excl GST) (adjusted extended Schedule of Rates) for Contract CPA/144547 – Estuary Management Plan Stormwater Treatment Works Project – Colongra Bay Road, Lake Munmorah.**
- 2 That for Contract CPA/144547, Council approve a contract budget of \$298,039.50 (excl GST) that provides for a contingency amount of \$27,000.00 (excl GST) representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

Council through its Estuary Management Unit is implementing the Tuggerah Lakes Estuary Management Plan. The Plan involves a number of projects over the next five years within the catchment of the Lakes, enabling the improvement of water quality and foreshore ecology in Tuggerah Lake, Budgewoi Lake and Lake Munmorah.

As part of this Plan stormwater treatment works were identified at Colongra Bay Road, Lake Munmorah.

The works consist of the installation of a Gross Pollutant Trap, the construction of a “Rainwater Garden” and associated stormwater diversion structures in Lake Munmorah. Also included is an independent peer review of the work to be progressively undertaken by a recognised environmental scientist.

Design solutions were developed for this project being cognisant of Council's Draft ‘Water Sensitive Urban Design (WSUD) Management Guidelines’ that take into account sustainability.

The principal objectives of this contract are to:

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

6 Improve the riparian zone ecology.

The environmentally sensitive nature of these works necessitate that time cannot be the overriding criterion during the delivery process.

An initial 2008 estimate of the value of the works prepared by the design consultant was \$145,000.00. Under the Local Government tendering regulations open public tenders do not have to be called if the estimated cost of the works is less than \$150,000.00. A selective quotation process was therefore undertaken at that time for construction of the works.

None of the received quotations was fully conforming, with only one close to fulfilling the requirements priced at approximately \$200,000.00. Based on this one quotation it was apparent that the overall market rates for the works were going to be considerably higher than allowed for by the design consultant in the pre-construction estimate. In addition, development consent from Council was delayed due to unexpected concerns raised regarding the suitability of the design solution. The design was subsequently modified.

The amended design still incorporates a "Rainwater Garden" that improves water quality prior to discharge of stormwater into the lake. This is not a common water quality solution within the Shire, and it took considerable time to receive planning approval after addressing the concerns raised.

The impact of these considerations and necessity to invite open tenders resulted in considerable delay to the project. Other priority projects were, however, brought forward to minimise impacts on the overall program budget for the Estuary Management Program.

The pre-tender estimate for the works was revised to \$300,000.00 to better recognise market rates.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 20 October 2009 and the Central Coast Express Advocate on 21 October 2009. Tenders were also advertised on Council's e-Tender site. The advertised closing date was 12 November 2009.

The invitation documents called for schedule of rates tenders based on a detailed specification and suite of supporting documentation.

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

- 1 Returnable Schedules Issued (15 October 2009).
- 2 Confirmation of NSW Legislation (27 October 2009) regarding – Spoil Classification – EPA Act.
- 3 Alterations to the specification (27 October 2009) due to the requirement to provide Peer Review Environmental Management Measures.
- 4 Response to tender queries (29 October 2009).
- 5 The issue of second file noted in Addendum No 4.

Tenders closed at Council Chambers at 2.00pm on 12 November 2009.

EVALUATION OF TENDERS

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

Threshold Criteria:

- Compliance with Tender documents, including lodgement of tender by specified time.
- Ability to manage financial, environmental, operational and safety risks.
- An Environmental Management System.

Weighted Criteria:

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

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

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Extended Schedule of Rates as Tendered (Ex GST)	Status
1	Environmental Land Contracting Pty Ltd	\$235,189.50	Submitted on time.
2	Keller Civil Engineers Pty Ltd	\$247,000.00	Submitted on time.
3	Kerroc Constructions Pty Ltd	Schedule Incomplete	Submitted late.
4	Quality Management Constructions Pty Ltd	\$355,826.00	Submitted on time.
5	Scape Constructions Pty Ltd	\$272,736.70	Submitted on time.
6	Tenite Pty Ltd	\$479,859.00	Submitted on time.

Assessment of Conformance

Clarification of the Schedule of Rates was sought from Tender No 1 (from Environmental Land Contracting Pty Ltd) resulting in a proportional increase in value and an adjustment to the extended Schedule of Rates amount to \$271,039.50. The tenderer had omitted amounts for a number of small Provisional Sum items, and there were arithmetic errors in several items. The Tender Panel considered that these adjustments were minor in nature and were allowed as an adjustment to the tendered Schedule of Rates.

Correction of an arithmetical error in the Schedule of Rates for Tender No 2 (from Keller Civil Engineers Pty Ltd) resulted in an adjusted extended Schedule of Rates amount of \$250,570.80.

Tender No 3 (from Kerroc Constructions Pty Ltd) was received after the tender closing time and was excluded in accordance with the Tender Regulations. The Schedule of Rates was also incomplete.

Correction of an arithmetical error in the Schedule of Rates for Tender No 4 (from Quality Management Constructions Pty Ltd) resulted in an adjusted lump sum amount of \$360,922.00.

Following minor adjustments as described above the tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Environmental Land Contracting Pty Ltd), Tender No 4 (from Quality Management Constructions Pty Ltd) and Tender No 5 (from Scape Constructions Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

Tender No 6 (from Tenite Pty Ltd), was nonconforming with Threshold Criteria regarding Environmental Management Systems. Given the nature of the contract works it is essential that the selected contractor has in place and adheres to a properly developed and implemented Environmental Management System. This tenderer could not demonstrate that it had systems of adequate quality to comply with the requirements for this contract and was excluded from further consideration.

Weighted Evaluation

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

Tender No	Tender	Extended Adjusted Schedule of Rates as Tendered (Ex GST)	Weighted Evaluation Score
1	Environmental Land Contracting Pty Ltd	\$271,039.50	85
5	Scape Construction Pty Ltd	\$272,736.70	80
2	Keller Civil Engineers Pty Ltd	\$250,570.80	67
4	Quality Management Constructions Pty Ltd	\$479,859.00	61

Tender No 4 (from Quality Management Constructions Pty Ltd) achieved the lowest weighted evaluation score and had a greater tendered price. This tender was not considered further.

4.2 Contract CPA 144547 - Estuary Management Plan Stormwater Treatment Works Project - Colongra Bay Road, Lake Munmorah (contd)

Tender No 2 (from Keller Civil Engineers Pty Ltd) achieved a lower weighted score due to limited company, personnel and project experience relevant to this tender. The lower price did not sufficiently increase the weighted score to overcome its limited expertise and experience.

Tender No 5 (from Scape Construction Pty Ltd) achieved weighted evaluation scores lower than that of Tender No 1 (from Environmental Land Contracting Pty Ltd), notwithstanding its tendered price was of similar value. Tender No 5 was unable to demonstrate superior recent experience and expertise when compared to Tender No 1.

Tender No 1 (from Environmental Land Contracting Pty Ltd), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 1 (from Environmental Land Contracting Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments and independent referees, it is considered that Environmental Land Contracting possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Environmental Land Contracting is a contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Environmental Land Contracting Pty Ltd is within 13% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works. It is noted that the pre-tender estimate was prepared by independent cost valuers.

Process Review

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

RISK ASSESSMENT

General

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

Lump Sum versus Schedule of Rates

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

Contract Risks

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

Generic Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$27,000.00 (excl GST) representing approximately 10% the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the project budget of \$298,039.50 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

The total project budget assigned to this Stormwater Treatment Works Project is \$300,000.00 coming from the Waterways Environmental Levy.

Although the value of the contract works is \$271,039.50 the actual value will depend on the quality of design documentation and the administration of the contract over the life of the works. The total amount of the contract as defined could therefore vary marginally during the execution of the works.

APPROVALS

All necessary approvals have been obtained to allow this work to proceed.

TIME-FRAME

It is expected that the works will be completed within three months of commencement. Environmental Land Contracting Pty Ltd has advised it can mobilise within three weeks of contract award.

LOCAL CONTENT

Environmental Land Contracting Pty Ltd is an Ourimbah-based company. The tenderer has indicated that the contract works are expected to generate approximately 50 person-weeks of labour requirements and that all labour resources to be employed on the project will be sourced from the Central Coast region.

The application of the Local Preference Policy adopted by Council at the Ordinary Meeting of 25 November 2009 would not make any difference to the recommended tenderer in this instance.

CONCLUSION

Tender No 1 (from Environmental Land Contracting Pty Ltd) from Ourimbah is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire

TRIM REFERENCE: CPA/160330 - D02123952

AUTHOR: RW

SUMMARY

Evaluation and selection of lump sum tenders for Contract CPA/160330 – Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire.

RECOMMENDATION

- 1 That Council accept the tender from Smada Electrical Services Pty Ltd for the sum amount of \$431,505.00 (excl GST) for Contract CPA/160330 – Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire.**
- 2 That for Contract CPA/160330, Council approve a contract budget of \$496,000.00 (excl GST) that provides for a contingency amount of \$64,495.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

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

The objective of this capital works program is to improve floodlighting to levels that meets Australian Standards on all Council-owned sportsgrounds, netball courts and tennis facilities within the Shire. Generally the work will comprise the supply and installation of new poles, cabling and light fittings. The specified lighting level for sportsfields is 100 lux, which will allow for night training and club matches in accordance with the relevant Standard. This lighting level has been adopted as a benchmark standard for Council's main sportsfields.

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

A total of nine ovals were identified for upgrade works in 2009-10. A decision was made to invite tenders in two contract packages broadly based on geographical locations of sportsfields. This reduced the value of each package and allowed greater opportunities for tendering by smaller local companies. It also reduced the risk of not completing all of the works in time for the start of the winter 2010 sporting season.

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire (contd)

For contract CPA/160330 five ovals were selected for floodlighting upgrades as listed below.

- Kurraba Oval, Berkeley Vale;
- Sir Joseph Banks Oval, Bateau Bay;
- EDSACC Netball Courts, Bateau Bay;
- Ourimbah Rugby Field, Ourimbah; and
- Ourimbah Soccer Fields, Ourimbah.

The other four ovals are the subject of a separate report to Council.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 29 September 2009 and the Central Coast Express Advocate on 30 September 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was Thursday 22 October 2009. The invitation documents called for lump sum tenders based on a detailed specification and design drawings.

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

- 1 Issue of Planning Consents and conditions for all five ovals (30 September 2009).
- 2 Floodlighting plans re-issued on Wyong Shire Council title block (30 September 2009).
- 3 CAD versions of plans issued (14 October 2009).
- 4 Answers to questions from Tenderer (14 October 2009).

Tenders closed at Council Chambers at 2.00pm on Thursday 22 October 2009.

EVALUATION OF TENDERS

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

Threshold Criteria:

- Compliance with Tender documents, including lodgement of tender by specified time.
- Ability to manage financial risk.
- Evidence of corporate systems for quality, environmental and Occupational Health & Safety (OH&S) management.

Weighted Criteria:

- The tendered price and structure as well as any other potential costs to Council that may be identified.
- Tenderer's recent past experience in the specific field.
- Tenderer's previous performance (including implementation of corporate quality, environmental and safety systems).
- Sustainability measures as offered by the Tenderer and listed in Returnable Schedules.

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.

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire (contd)

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

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Tendered Lump Sum (Ex GST)	Status
1	Alan Kneale Electrical Pty Ltd	\$ 689,049.00	Submitted on time
2	ICS Industries Pty Ltd	\$ 551,560.00	Submitted on time
3	Master Electrical Contractors Pty Ltd	\$ 591,991.00	Submitted on time
4	Sine Industries Pty Ltd	\$ 685,670.00	Submitted on time
5	Smada Electrical Services Pty Ltd	\$ 431,505.00	Submitted on time
6	Sovereign Energy Pty Ltd	\$1,151,102.18	Submitted on time

All tenders were progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Alan Kneale Electrical Pty Ltd), Tender No 2 (from ICS Industries Pty Ltd), Tender No 3 (from Master Electrical Contractors Pty Ltd), Tender No 5 (from Smada Electrical Services Pty Ltd) and Tender No 6 (from Sovereign Energy Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

Tender No 4 (from Sine Industries Pty Ltd) did not provide evidence of a documented quality system as required by the tender documents. One of the threshold criteria requires tenderers to have corporate systems for quality, environmental and OH&S management. This tender was therefore eliminated from further consideration.

Shortlisting

The remaining tenders were shortlisted against the criterion for price.

Tender No 6 (from Sovereign Energy Pty Ltd) tendered an amount 162% higher than the pre-tender estimate and 267% higher than the lowest priced tender. Regardless of how it rated on non-price criteria the substantial price difference would make it virtually impossible for this tender to rate as the preferred option after a full weighted evaluation. Furthermore, at the rate offered in the tender Council would need to reconsider the overall viability of the project.

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire (contd)

This tender was therefore eliminated to allow the panel to concentrate its assessment efforts on the four remaining competitive tenders.

Weighted Evaluation

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

Tender No	Tender	Tendered Lump Sum (Ex GST)	Weighted Evaluation Score
5	Smada Electrical Services Pty Ltd	\$431,505.00	93
2	ICS Industries Pty Ltd	\$551,560.00	77
3	Master Electrical Contractors Pty Ltd	\$591,991.00	72
1	Alan Kneale Electrical Pty Ltd	\$689,049.00	67

Tender No 1 (from Alan Kneale Electrical Pty Ltd) and Tender No 3 (from Master Electrical Contractors Pty Ltd) received the lowest weighted evaluation scores and tendered the highest prices of the four tenders that were short-listed. On this basis Tender No 1 (from Alan Kneale Electrical Pty Ltd) and Tender No 3 (from Master Electrical Contractors Pty Ltd) were eliminated from further consideration.

The next highest scoring tender was Tender No 2 (from ICS Industries Pty Ltd). At this stage of the review ICS Industries Pty Ltd withdrew its tender because of a stated error in pricing. This tender was not progressed further.

A review of the highest scoring and lowest priced tender from Tender No 5 (Smada Electrical Services Pty Ltd) showed that rock excavation would be an additional cost. The equipment being offered is alternative floodlight equipment to that specified, with higher operating costs than equipment offered by other companies. The specification permitted alternative lighting systems. It is estimated that these additional costs could be up to \$15,000.00 for construction in rock, and approximately \$10,000.00 in total for additional energy costs over the first 10 years of operation. When added to the tender price for Tender No 5 this still represents good value for money for Council.

Smada Electrical Services Pty Ltd has also offered a 10 year maintenance warranty on their lighting, including a complete re-lamp after 10 years. On the basis of 1 lamp per field failing each year this could amount to a saving of approximately \$65,000.00 over 10 years. This potential saving in maintenance costs, while of benefit to Council, did not affect the tender relativities and was not directly considered in the tender evaluation. It is also noted that in the future the light fittings could be changed as technologies improve without replacing poles and cabling.

Tender No 5 (from Smada Electrical Pty Ltd) being the preferred tender was progressed to the next stage of the evaluation.

Due Diligence

Tender No 5 (Smada Electrical Services Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Referee checks have confirmed that Smada Electrical Services Pty Ltd has produced satisfactory performance and quality in lighting and electrical works they have completed at Baker Park Netball Courts for Council and as a sub-contractor on other Council projects such as Jubilee Oval and Wadalba Sports facility. The company has a certified Integrated Management System (Quality Assurance System), and satisfactory Environmental and OHS&R Management Systems.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments and independent referees, it is considered that Smada Electrical Services Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works under this contract. It is noted that while the company was able to achieve a satisfactory financial assessment on this contract, the financial implications of it also being awarded the contract for the remaining four ovals required further close consideration by Council's financial assessor Kingsway Financial Assessments. This is discussed in a separate report to this Council meeting on these remaining four ovals.

Smada Electrical Services Pty Ltd is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Smada Electrical Services Pty Ltd is within 10% of Council's pre-tender estimate (excluding extensive piled foundations that were allowed in the pre-tender estimating stage, but were not required following further detailed geotechnical investigations.) This is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT

General

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

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

Contract Risks

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

Generic Risks

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

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire (contd)

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Additional rock excavation required leading to extra claims. Mitigated by adequate geotechnical investigations and analysis with appropriate contingency amount to cover possible rock claims.

Risk Contingency

The above risks are considered to be Medium for this contract given the value of the contract and the nature of the work across five sites. Accordingly, it is recommended that a contingency sum of \$64,495.00 (excl GST) representing approximately 15% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$496,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Total project funds of \$755,000.00 (excl GST) are available from Line 1.7.4 Floodlight Upgrading in the 2009/10 Management Plan. The pre-tender estimate for this work was \$454,800.00 (excl GST).

TIME-FRAME

The contract work is to be completed in 15 weeks. Smada Electrical Services Pty Ltd has confirmed they can complete this project within the specified time, and that their tender still remains available for acceptance until 5 February 2010.

APPROVALS

All necessary planning approvals have been obtained for this work.

LOCAL CONTENT

The recommended tenderer is a Sydney-based contractor and will carry out the work using the company's own specialised work force. One local company (Tender No 3 from Master Electrical Contractors Pty Ltd) was submitted a tender but at a premium price of \$160,486.00 (37%) above that of the recommended tenderer, Smada Electrical Services Pty Ltd. The application of Council's Local Procurement Policy would not have changed the recommendation in favour of Smada Electrical Services Pty Ltd.

CONCLUSION

Tender No 5 from Smada Electrical Services Pty Ltd is the highest scoring acceptable tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire

TRIM REFERENCE: CPA/160331 - D02123962

AUTHOR: RW

SUMMARY

Evaluation and selection of lump sum tenders for Contract CPA/160331 – Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire.

RECOMMENDATION

- 1 That Council accept the tender from Master Electrical Contractors Pty Ltd for the lump sum amount of \$736,577.50 (excl GST) for Contract CPA/160331 – Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire.**
- 2 That for Contract CPA/160331, Council approve a contract budget of \$810,000.00 (excl GST) that provides for a contingency amount of \$73,422.50 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

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

The objective of this capital works program is to improve floodlighting to levels that meets Australian Standards on all Council-owned sportsgrounds, netball courts and tennis facilities within the Shire. Generally the work will comprise the supply and installation of new poles, cabling and light fittings. The specified lighting level for sportsfields is 100 lux, which will allow for night training and club matches in accordance with the relevant Standard. This lighting level has been adopted as a benchmark standard for Council's main sportsfields.

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

A total of nine ovals were identified for upgrade works in 2009-10. A decision was made to invite tenders in two contract packages broadly based on geographical locations of sportsfields. This reduced the value of each package and allowed greater opportunities for tendering by smaller local companies. It also reduced the risk of not completing all of the works in time for the start of the winter 2010 sporting season.

4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire (contd)

For contract CPA/160331 four ovals were selected for floodlighting upgrades as listed below:

- Watanobbi Oval No 1, Watanobbi
- Watanobbi Oval No 2, Watanobbi
- Darren Kennedy Oval, Toukley and
- John Slade Park, Budgewoi.

The replacement of floodlighting at EDSACC South Rugby League Fields has also been added to this contract as a late addition following failure of the existing floodlight poles and their removal due to identified structural inadequacies.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 3 November 2009 and the Central Coast Express Advocate on 4 November 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was Thursday 26 November 2009. The invitation documents called for lump sum tenders based on a detailed specification and design drawings.

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

- 1 PDF versions of lighting plans numbers 13548, 13567, 13568, and 13569 for the information and use of tenderers. (10 November 2009).
- 2 Provision floodlighting for the EDSACC South Rugby League Fields added to Tender Documents (12 November 2009).
- 3 Revised lighting plan number 13568 for Watanobbi Oval. This plan provides for 100 lux lighting over both the senior and junior fields. (17 November 2009).

Tenders closed at Council Chambers at 2.00pm on 22 October 2009.

EVALUATION OF TENDERS

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

Threshold Criteria:

- Compliance with Tender documents, including lodgement of tender by specified time.
- Ability to manage financial risk.
- Evidence of corporate systems for quality, environmental and Occupational Health & Safety (OH&S) management.

Weighted Criteria:

- The tendered price and structure as well as any other potential costs to Council that may be identified.
- Tenderer's recent past experience in the specific field.
- Tenderer's previous performance (including implementation of corporate quality, environmental and safety systems).
- Sustainability measures as offered by the Tenderer and listed in Returnable Schedules.

4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire (contd)

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, related correspondence, referees and external advisors.

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Tendered Lump Sum (Ex GST)	Status
1	Alan Kneale Electrical Pty Ltd	\$ 825,695.00	Submitted on time
2	Master Electrical Contractors Pty Ltd	\$ 736,577.50	Submitted on time
3	Musco Lighting Australia Pty Ltd	\$ 771,500.00	Submitted on time
4	Planelec Services Pty Ltd	\$ 829,670.00	Submitted on time
5	Rob Edwards Electrical Pty Ltd	\$ 770,995.80	Submitted late
6	Salem Power Engineering Pty Ltd	\$1,362,769.34	Submitted on time
7	Smada Electrical Services Pty Ltd	\$ 708,300.00	Submitted on time

Tender No 5 (from Rob Edwards Electrical Pty Ltd) was not loaded onto Council's e-Tender web-site by the closing time. Under Clause 177 (2) of the Local Government Regulation (General) 2005 Council is not permitted to consider this tender.

All other tenders were progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from Alan Kneale Electrical Pty Ltd), Tender No 2 (from Master Electrical Contractors Pty Ltd), Tender No 3 (from Musco Lighting Australia Pty Ltd), Tender No 4 (from Planelec Services Pty Ltd), Tender No 6 (from Salem Power Engineering Pty Ltd) and Tender No 7 (from Smada Electrical Services Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

Shortlisting

All remaining tenders were shortlisted against the criterion for price.

4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire (contd)

Tender No 6 (from Salem Power Engineering Pty Ltd) tendered an amount approximately 158% higher than the pre-tender estimate and 192% higher than the lowest priced tender. Regardless of how it rated on non-price criteria the substantial price difference would make it virtually impossible for this tender to rate as the preferred option after a full weighted evaluation. Furthermore, at the rate offered in the tender Council would need to reconsider the overall viability of the project. This tender was therefore eliminated to allow the panel to concentrate its assessment efforts on the five remaining competitive tenders.

Weighted Evaluation

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

Tender No	Tender	Tendered Lump Sum (Ex GST)	Weighted Evaluation Score
7	Smada Electrical Services Pty Ltd	\$708,300.00	91
2	Master Electrical Contractors Pty Ltd	\$736,577.50	89
3	Musco Lighting Australia Pty Ltd	\$771,500.00	89
1	Alan Kneale Electrical Pty Ltd	\$825,695.00	85
4	Planelec Services Pty Ltd	\$829,670.00	77

Tender No 1 (from Alan Kneale Electrical Pty Ltd) and Tender No 4 (from Planelec Services Pty Ltd) received the lowest weighted evaluation scores and tendered the highest prices of the five tenders that were short-listed. On this basis Tender No 1 (from Alan Kneale Electrical Pty Ltd) and Tender No 4 (from Planelec Services Pty Ltd Pty Ltd) were eliminated from further consideration.

Tender No 7 (from Smada Electrical Services Pty Ltd) received the highest weighted evaluation score but is also the recommended tenderer for another Council floodlighting project under CPA/160330. This is the subject of a separate report to this meeting. Further evaluation of this tender was therefore undertaken to assess the financial implications of awarding additional work to this tenderer.

It was determined by Council's independent financial assessor, Kingsway Financial Assessments, that if Tender No 7 (from Smada Electrical Services Pty Ltd) was also the successful tenderer for contract CPA/160330 (as recommended), it would not meet the strict financial requirements set for this contract CPA/160331 due to the additional demands on its financial resources. The report indicated that if the company were to win both contracts it would have a significant shortfall in working capital. This was based on the information provided by the tenderer in relation to its financial situation at the time of the assessment. On this basis Tender No 7 (from Smada Electrical Services Pty Ltd) was eliminated from further consideration on the basis of an unacceptable financial risk to Council if awarded both contracts.

The next highest scoring tenders were Tender No 2 (from Master Electrical Contractors Pty Ltd) and Tender No 3 (from Musco Lighting Australia Pty Ltd) with equal scores. It is noted that both tenders proposed the use of lower energy light fittings as supplied by Musco. Both tenders were progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 2 (from Master Electrical Contractors Pty Ltd) and Tender No 3 (from Musco Lighting Australia Pty Ltd) were subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Referee checks confirmed that both Master Electrical Contractors Pty Ltd and Musco Lighting Australia Pty Ltd have produced satisfactory performance and quality in lighting and electrical works they have completed. Musco Lighting Australia Pty Ltd recently completed floodlighting for Council at Don Small Oval, Tacoma.

Musco Lighting Australia Pty Ltd has a certified Integrated Management System (Quality Assurance System), and satisfactory Environmental and OHS&R Management Systems.

Master Electrical Contractors Pty Ltd has a satisfactory Management System (Quality Assurance System), and Environmental and OHS&R Management Systems.

Although both tenderers achieved the same score and have satisfactory references, financial capabilities and management systems, the tender from Master Electrical Contractors Pty Ltd is \$34,922.50 lower than that of Musco Lighting Australia Pty Ltd and is a Central Coast company. On that basis Tender No 2 (from Master Electrical Contractors Pty Ltd) is the preferred tenderer.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that Master Electrical Contractors Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Master Electrical Contractors Pty Ltd is a Gosford based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Master Electrical Contractors Pty Ltd is 15% below Council's pre-tender estimate of \$861,000.00 and is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT**General**

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

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

Contract Risks

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

Generic Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.
- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.

Risk Contingency

The above risks are considered to be Low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$73,422.50 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$810,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Total project funds of \$1,358,000.00 (excl GST) are available from Line 1.7.4 Floodlight Upgrading and \$170,000.00 from Line 1.7.6 in the 2009/10 Management Plan. The pre-tender estimate for this work was \$861,000.00 (excl GST).

TIME-FRAME

The contract work is to be completed in 15 weeks. Master Electrical Contractors Pty Ltd has confirmed they can complete this project within the specified time.

APPROVALS

All necessary planning approvals have been obtained for this work.

LOCAL CONTENT

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

CONCLUSION

Tender No 2 from Master Electrical Contractors Pty Ltd is the highest scoring acceptable tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields

TRIM REFERENCE: CPA/171026 - D02124148

AUTHOR: RW

SUMMARY

Evaluation and selection of lump sum tenders for Contract CPA/171026 – Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields.

RECOMMENDATION

- 1 That Council accept the tender from The Green Horticultural Group Pty Ltd (Option B) for the lump sum amount of \$286,442.60 (excl GST) for Contract CPA/171026 – Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields.**
- 2 That for Contract CPA/171026, Council approve a contract budget of \$315,000.00 (excl GST) that provides for a contingency amount of \$28,557.40 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

Council has a number of playing fields with soil structures and poor subsoil drainage that result in the playing surfaces remaining out of use for extended periods following heavy rainfall and/or that experience excessive deterioration through usage following rainfall periods.

A prioritised works program based upon maximising field utilisation following rain events has been prepared that will provide improved field drainage to sportsfields based upon field performance. These works will be undertaken under contract, with the following three sportsfields to be included in contract CPA/171026:

- Killarney Vale Athletics Field, Killarney Vale
- Halekulani Oval, Budgewoi and
- Kurraba Oval, Berkeley Vale.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 27 October 2009 and the Central Coast Express Advocate on 28 October 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 19 November 2009.

The invitation documents called for lump sum tenders based on a detailed specification. To allow Council to optimise the works undertaken, tenderers were asked to provide lump sum prices for basic field drainage works and for enhanced field drainage works defined as Option A and Option B works as shown below.

4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields (contd)

Option A – Supply and install only subsoil drainage lines to the three fields. The drainage consists of 50mm diameter slotted lateral drainage lines at 2.5m spacings, connected to 100mm diameter main lines that discharge to the existing drainage system.

Option B – Supply and install subsoil drainage to the three fields and also provide additional “sand slitting” to increase the efficiency of the subsoil drainage. This “sand slitting” involves cutting 100mm deep X 15mm wide grooves at 200mm spacings which are backfilled with sand to enable surface water to drain more efficiently to the main drainage system.

It is noted that after completion of Option B works the sportsfields will be placed in the highest category of drainage for retro-fitted fields. This is appropriate given the priority placed on these fields to maximise utilisation. By structuring the tender documents in this manner Council was able to select the most cost-effective combination of drainage works for each sportsfield.

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

- 1 Exclusion of Kanwal Oval from Contract (12 November 2009).
- 2 Clarification of requirements for drainage medium (17 November 2009).

Tenders closed at Council Chambers at 2.00pm on 19 November 2009.

EVALUATION OF TENDERS

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

Threshold Criteria:

- 1 Compliance with Tender documents, including lodgement of tender by specified time.
- 2 Ability to manage financial, environmental, operational and safety risk.
- 3 Evidence of corporate systems for quality, environmental and OH&S management.

Weighted Criteria:

- 1 The tendered price and structure, as well as any other potential costs to Council that may be identified.
- 2 Experience in the specific field.
- 3 Performance in similar work as evidenced by referee reports.

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 shortlisted tenderers.

4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields (contd)

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Status
1	The Green Horticultural Group Pty Ltd	Option A - \$232,754.90 Option B - \$286,442.60	Submitted on time
2	Turf Drain Australia	Option A - \$212,845.00 Option B - \$263,232.25	Submitted on time
3	Turspec Pty Ltd	Option A - \$209,659.00 Option B - \$258,466.00	Submitted on time

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Tender No 1 (from The Green Horticultural Group Pty Ltd) conformed to all requirements and was progressed to the next stage of evaluation.

Tender No 2 (from Turf Drain Australia) and Tender No 3 (from Turspec Pty Ltd) did not provide evidence of a documented corporate quality system as required by the tender documents. Checks with these companies confirmed that the level of documentation was only at a very basic level in relation to the undertaking of works, and did not constitute a documented corporate quality system as required from all tenderers. As one of the threshold criteria requires tenders to have corporate systems for quality, environmental and OH&S management these tenders were eliminated from further consideration.

Weighted Evaluation

Tender No 1 (from the Green Horticultural Group Pty Ltd) was the only remaining tender. Prices were tendered for Options A and B as required for all three ovals. The price for the enhanced Option B works was within the available budget for all ovals. Accordingly, this option was scored against each of the weighted evaluation criteria (including price and non-price elements). The tender weighted evaluation score is shown below.

Tender No	Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
1	The Green Horticultural Group Pty Ltd	Option B - \$286,442.60	84

Tender No 1 (from The Green Horticultural Group Pty Ltd) was the preferred tender and was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 1 (from The Green Horticultural Group Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Referee checks have confirmed that The Green Horticultural Group Pty Ltd has produced satisfactory performance and quality in field drainage works they have completed for various councils and other organisations.

The Green Horticultural Group Pty Ltd has certified Integrated Management System (Quality Assurance System), Environmental and OHS&R Management Systems.

On the basis of the information provided by the tenderers, Council's independent financial assessor Kingsway Financial Assessments, and independent referees, it is considered that The Green Horticultural Group Pty Ltd possess all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

The Green Horticultural Group Pty Ltd is a Sydney based contractor with a history of successfully completed contracts similar in nature and scope to the current works.

The amount tendered by The Green Horticultural Group Pty Ltd is within 5% of Council's pre-tender estimate of \$290,000.00 and is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT

General

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

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

Contract Risks

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

Generic Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.

4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields (contd)

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

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Changes to regulatory design standards requiring project re-design. Mitigated by using latest information in tender documents and minimising delays in award of contract.

Risk Contingency

The above risks are considered to be low for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$28,644.26 (excl GST) representing 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$315,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Project funds of \$ 315,000.00(excl GST) are available from Line 1.7.6c (Open Space Improvements) in the 2009-10 Management Plan.

TIME-FRAME

The contract work is to be completed within 8 weeks. A work program submitted by the Green Horticultural Group Pty Ltd has confirmed that it can complete this project within the specified time

APPROVALS

No approvals are required for these field improvement works.

LOCAL CONTENT

The Green Horticultural Group Pty Ltd is a Sydney based contractor and would carry out the work using the company's own specialised work force and equipment. The application of Council's Local Content policy has been considered in this evaluation. It is noted that all tenderers are Sydney-based companies.

CONCLUSION

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

ATTACHMENTS

Nil.

4.6 Contract CPA 172474 - Construction of 300mm Diameter Gravity Sewer main - Gavenlock Rd, Tuggerah

TRIM REFERENCE: CPA/172474 - D02124261

AUTHOR: LP

SUMMARY

Evaluation and selection of Schedule of Rates tenders for Contract CPA/172474 - Construction of 300mm Diameter Gravity Sewer main – Gavenlock Rd, Tuggerah.

RECOMMENDATION

- 1 That Council accept the tender from Eire Contractors for the sum of \$470,000.00 (excl GST) (extended Schedule of Rates) for Contract CPA/172474 – Construction of 300mm Diameter Gravity Sewer Main – Gavenlock Road, Tuggerah.**
- 2 That for Contract CPA/172474, Council approve a contract budget of \$541,000.00 (excl GST) that provides for a contingency amount of \$71,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

BACKGROUND

A previous report on this work was provided to the Ordinary Meeting of 14 October 2009. Council had awarded contract CPA/161651 to Kilbraney Civil Pty Ltd for the construction of a 300mm diameter gravity sewer in Gavenlock Road at Mardi. Following issue of the Letter of Acceptance the company advised that it did not wish to proceed with the contract, in Council's opinion effectively repudiating the contract. The company cited workloads and financial issues for its decision.

In response to this position Council resolved at the meeting of 14 October 2009 as follows:

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

- 1 That Council cancel the Contract CPA/161651 Construction of 300mm Diameter Gravity Sewer main at Gavenlock Rd, Tuggerah formed with Kilbraney Civil Pty Ltd.*
- 2 That Council delegate to the General Manager and the Mayor the authority to determine whether to seek damages from Kilbraney Civil.*
- 3 That Council proceed to re-tender the above contract.*

In response to Resolution 1 contract CPA/161651 has been cancelled.

In response to Resolution 2 Council has obtained further legal advice. The Mayor and the General Manager have considered this advice and directed that legal action proceed to recover the additional costs Council has incurred as damages. Further advice on the progress of this action will be provided to Council.

This report addresses Resolution 3.

Reasons for Proposed Sewer Main

Development within the catchment of Sewer Pump Station (SPS) WS9 has resulted in the pump station loading exceeding the existing capacity of the station.

From investigations it was determined that a new 300mm diameter gravity main, 590 metres in length could be constructed along Gavenlock Road. The gravity main would divert some flows into the adjoining SPS WS8 catchment to address the overloading of SPS WS9.

The benefits of this approach will be to divert sewage flows from SPS WS9 to SPS WS8 to reduce the risk of sewage overflows, avoid the more expensive option of upgrading SPS WS9 and reduce energy demands by lowering overall pump operation.

The location of the proposed diversion is shown in Figure 1.

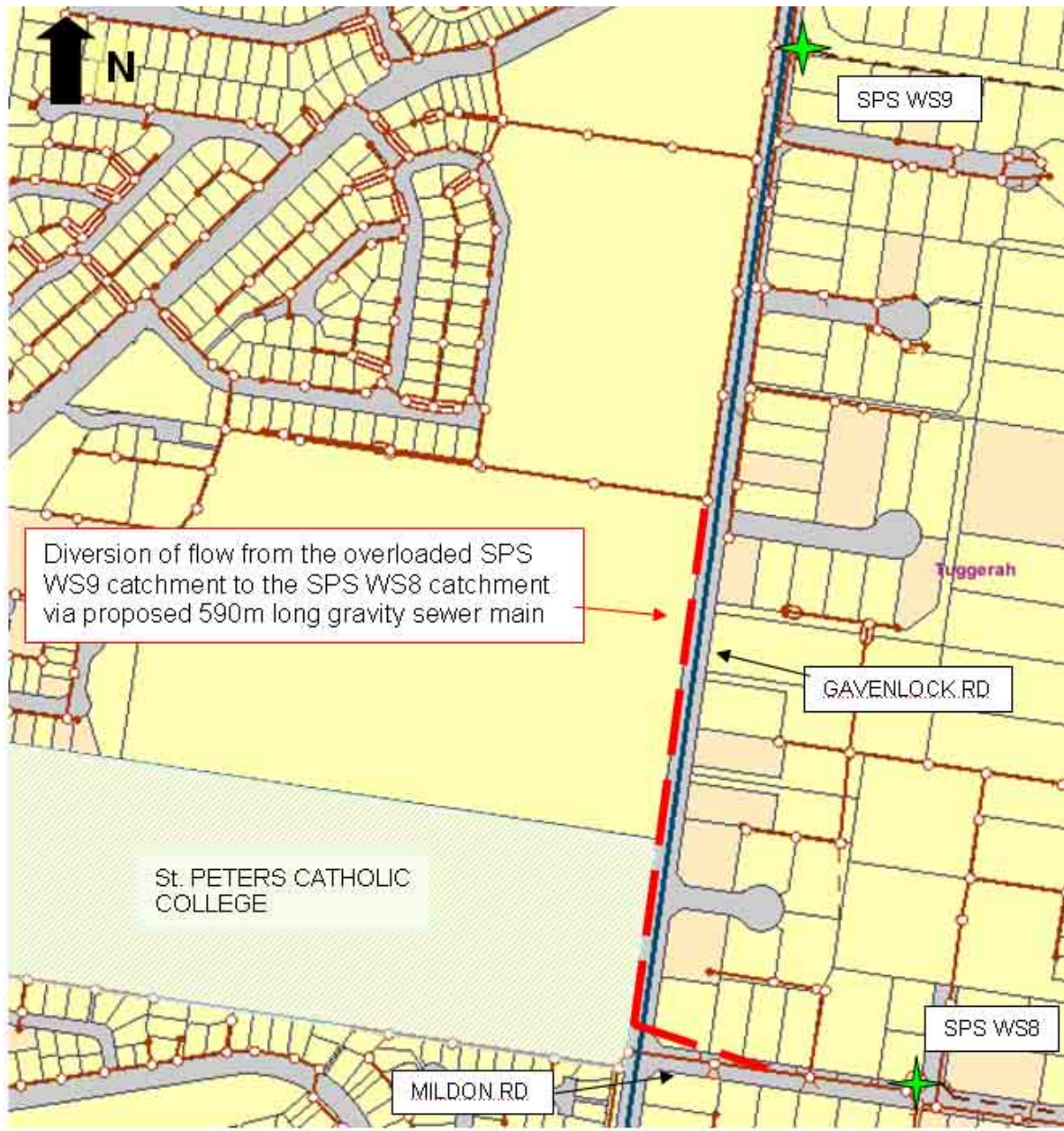



Figure 1 Proposed gravity sewer diversion 

TENDER PROCESS

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 10 November 2009 and the Central Coast Express Advocate on 11 November 2009. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 3 December 2009.

The invitation documents called for Schedule of Rate tenders based on a detailed specification and plans.

The following addendum was issued to all prospective tenderers during the invitation period.

- 1 Clarification of specification and addition to Schedule of Rates (26 November 2009).

Tenders closed at Council Chambers at 2.00 pm on 3 December 2009.

EVALUATION OF TENDERS

Schedule of Rates 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:

- Compliance with tender documents, including lodgement of tender by specified time.
- Ability to manage financial, environmental, operational and safety risks.
- Proposed methodology / construction program.
- The tendered price and structure as well as any other potential costs to Council that may be identified.
- Experience in the specific field.
- Past performance.

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 and external advisors.

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Extended Schedule of Rates Amount (Ex. GST)	Status
1	Boomdell Pty Ltd	\$1,247,542.00	Submitted on time
2	Declare Constructions Pty Ltd	\$853,092.00	Submitted on time
3	Down Under Pipe Line Surveys	\$1,825,239.00	Submitted on time
4	Draincorp Aust Pty Ltd	\$622,056.00	Submitted on time
5	E.L. Civil Engineering	\$432,621.00	Submitted on time
6	Eire Contractors Pty Ltd	\$470,000.00	Submitted on time
7	Greg Houston Plumbing Pty Ltd	\$920,163.00	Submitted on time
8	Kanal Construction Pty	\$807,018.00	Submitted on time
9	Kerroc Pty Ltd	\$979,770.00	Submitted late
10	Ledonne Constructions Pty Ltd	\$1,051,159.00	Submitted on time
11	McCourt Dando Civil Pty Ltd	\$2,251,144.00	Submitted on time
12	McNamee Constructions Pty Ltd	\$736,800.00	Submitted on time
13	Milbant Constructions Pty Ltd	\$607,720.00	Submitted on time
14	RK Civil and Environmental Engineering Consultants	\$1,009,918.00	Submitted late
15	Williams Bros. Contracting	\$1,614,110.00	Submitted on time

Tender No 9 (from Kerroc Pty Ltd) was received via the Council's Corporate Information email account. The late lodgement via this email address was due to the tenderer experiencing difficulties with the E-Tender website and contacting Council regarding this issue at 1:45pm on the tender closing day. Although technically this may have been considered a late tender, the Tender Panel agreed to allow the tender to be progressed to the next stage of the evaluation pending further investigation into the circumstances of lodgement.

Tender No 14 (from RK Civil and Environmental Engineering Consultants) was also received late by the E-Tender system. As this tender was received after 5.00pm on the day of tenders closing it was not progressed to an assessment of conformance.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification.

Tender No 1 (from Boomdell Pty Ltd) failed to use Council's Schedule of Rates, created a new schedule based on different methods of construction and failed to fill in any of the remaining returnable schedule forms. No conforming offer was provided. This tender was considered non-conforming and was not assessed further.

Tender No 4 (from Draincorp Aust Pty Ltd) did not provide required rates and amount for significant items, and thus the Schedule of Rates were found to be incomplete. This tender was considered to be significantly non-conforming by the Panel and was not assessed further.

Tender No 5 (from E.L. Civil Engineering Pty Ltd) provided a cover letter that listed five assumptions that were used to price the Schedule of Rates. The assumptions were such that they needed to be negotiated and prices altered to make the tender conforming. The Panel considered that this tender was non-conforming and it was not considered further.

Tender No 6 (Eire Contractors Pty Ltd) did not provide rates for two items in the Schedule of Rates, but did provide the respective extended amounts. This was assessed as an omission and the tenderer was asked to provide the missing rates. No adjustment was made to the total extended Schedule of Rates and this tender was progressed to the next stage of the evaluation.

All remaining tenders including Tender No 6 were progressed to the next stage of the evaluation.

Shortlisting

The ten remaining tenders were shortlisted against Criterion No 3 – Price. Only the three lowest priced conforming tenders were shortlisted for detailed consideration. No matter how well they performed on non-price criteria the remaining seven tenders would not be able to achieve higher scores than the lowest three tenders. These seven tenders were therefore not considered further to allow the Tender Panel to concentrate on a detailed evaluation of the three lowest tenders. Tender Nos 6 (Eire Contractors Pty Ltd), 12 (McNamee Constructions Pty Ltd) and 13 (Milbant Constructions Pty Ltd) were therefore progressed for further assessment.

Weighted Evaluation

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

Tender No	Tender	Extended Schedule of Rates Amount (Ex. GST)	Weighted Evaluation Score
6	Eire Contractors Pty Ltd	\$470,000.00	88
13	Milbant Constructions Pty Ltd	\$607,720.00	68
12	McNamee Constructions Pty Ltd	\$736,800.00	49

Tender No 12 (from McNamee Constructions Pty Ltd) was the lowest scoring tender and 57% more expensive than Eire Contractors Pty Ltd. This company is based at Jilliby on the Central Coast. Even with a 10% preference applied under Council's Local Preference Policy this company would not be preferred ahead of Eire Contractors Pty Ltd. This tender was not considered further.

Tender No 13 (from Milbant Constructions Pty Ltd) was the second lowest scoring tender and 29% more expensive than Eire Contractors Pty Ltd. This company is based at Ourimbah on the Central Coast. Even with a 10% preference applied under Council's Local Preference Policy this company would not be preferred ahead of Eire Contractors Pty Ltd. This tender was not considered further.

Tender No 6 (from Eire Contractors Pty Ltd) achieved the highest weighted evaluation score. The construction program provided showed that the tenderer has a proper understanding of the project and the management plans required prior to commencement of site works. The tenderer has experience with large scale water and sewer projects. This company is currently engaged by Council to complete works at the Mannering Park Sewage Treatment Plant where they are showing good progress.

Tender No 6 (from Eire Contractors Pty Ltd), being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

Due Diligence

Tender No 6 (from Eire Contractors Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

Eire Contractors Pty Ltd was engaged to complete the Mannering Park Sewage Treatment Plant (MPSTP) upgrade in June 2009. The value of the works is \$1.3M and the financial assessment conducted in June 2009 by Council's independent financial assessor, Kingsway Financial Assessments revealed that the company has the financial capacity to complete the project.

An additional financial assessment was completed by Kingsway Financial Assessments as part of this tender review. This showed that the company is still well placed financially to complete the project.

On the basis of the information provided by the tenderer, Council's independent financial assessor Kingsway Financial Assessments and independent referees, it is considered that Eire Contractors Pty Ltd possess all of the technical, financial and managerial resources necessary to satisfactorily complete the works. Eire's performance to date on the MPSTP upgrade contract confirms this view.

Eire Contractors Pty Ltd is a Wauchope based contractor with a history of successfully completed contracts similar in nature and scope to the current works. The company has in place fully documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The amount tendered by Eire Contractors Pty Ltd is below Council's pre-tender estimate of \$590,000.00 (excl GST) and is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT

General

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

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

Contract Risks

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

Generic Risks

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

- Contractor experiences financial difficulties or goes into liquidation, leading to additional project delays and costs. Mitigated through financial and referee checks before contract award and timely progress payments.
- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.

Specific Risks Leading to Contract Variations

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.

- Quantities for work items under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Mitigated through the tender process by requiring specified rates for each work item under a Schedule of Rates arrangement with upper and lower control limits. Contract payments are then calculated by multiplying the actual quantity for each work item by the tendered rate. Actual quantities are confirmed by Council through measurement / survey prior to payment.
- Potential Acid Sulphate Soils present at the site requiring additional management of excavated material. Mitigated by requiring the Contractor to undertake soil testing prior to excavation and preparing an Acid Sulphate Soil Management Plan to manage this situation. These items have been requested in the Specification and Schedule of Rates.
- Due to deep excavations, underground conditions could pose risks related to poor ground conditions, raised water table or from inclement weather patterns resulting in extensive dewatering and storm damage. Mitigated by requiring geotechnical testing at 100m intervals for Acid Sulphate Soils. This will provide additional information on ground conditions. An allowance for dewatering has been made in the Schedule of Rates. The required construction management plans will provide an additional tool to manage construction risks.

Risk Contingency

The above risks are considered to be Medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$71,000.00 (excl GST) representing approximately 15% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$541,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Funds of \$800,000.00 are available for the works under Infrastructure Water in the 2009/2010 Management Plan, Line 4.4.9.

TIME-FRAME

The contract period is 13 weeks from the date of award. The preferred tenderer has indicated it can meet this requirement for construction.

APPROVALS

Approval for the work has been obtained under Part 5 of the EP& A Act.

LOCAL CONTENT

The tenderer has indicated that local labour and resources sourced within the Central Coast represent an approximate value of \$170,000.00 to the Central Coast.

CONCLUSION

Tender No 6 from Eire Contractors Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted.

ATTACHMENTS

Nil.

5.1 Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek

TRIM REFERENCE: F2004/06943 - D02124121

AUTHOR: SF

SUMMARY

In late 2008, Council completed a significant dredging exercise to remove 10,800 m³ of sediment that had blocked the mouth of Tumbi Umbi Creek costing the Federal Government and Council a total of \$1.8 m. Council has spent a further \$1 m at Tumbi Umbi Creek as part of the Tuggerah Lakes Estuary Management Plan (TLEMP) implementation program to stop the source of silt build up at the mouth of the creek. This is a long term Council project and over the next five years Council expects to have dealt with all the major issues in the Tumbi Umbi Creek catchment area. Already work has involved significant streambank rehabilitation and stormwater treatment works. All of this is not an overnight solution and the creek is still burdened with a build up of sediment that will eventually move towards the lake.

This report addresses Part One of Council's Resolution of the 26 August 2009. The independent Consultant's Report addressing Part Two of the Resolution is included as an Attachment.

RECOMMENDATION

- 1 ***That Council undertake no further dredging of Tumbi Umbi Creek pending the completion of the study into sediment loads within the tributary creeks entering the Tuggerah Lakes estuary***
- 2 ***That Council continue to monitor the sediment build up in the mouth of Tumbi Umbi Creek to ensure that it poses no flooding risk to local residents***
- 3 ***That Council promote the newly refurbished Picnic Point boat ramp as an alternate access to the Tuggerah Lakes until the sediment load study is finalised and decisions are made regarding long term dredging operations for all of the tributary creeks entering the Tuggerah Lakes estuary.***
- 4 ***That Council adopt the recommendations of the peer review prepared by Worley Parsons dated 19 January 2010.***

BACKGROUND

Council at its meeting held on 26 August 2009 resolved the unanimously on the motion of Councillor Graham and seconded by Councillor Best:

- “1 *That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.*
- 2 *That Council engage a suitable independent expert to review the report produced in item 1 and also that Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.*

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

AGAINST: NIL”

History of dredging at Tumbi Umbi Creek

The channel at the mouth of Tumbi Umbi Creek has been subject to periodic dredging by Council, but at decreasing time periods between each dredging campaign. Records indicate the mouth was dredged in the mid-1970s, in 1986 (after 10+ years) and again in 1995 (after 9 years). In 2000 (after only 5 years) the mouth was again blocked. For a range of reasons the channel was not re-opened until mid-2008. Siltation at the mouth appears to be symptomatic of increasing development in the Creek catchment, increasing stormwater runoff and eroding and unstable creek banks and creek bed.

Recent Dredging Operation

In view of the previous channel blockages, a proposal was developed to dredge a new wider channel (400m long) into Tumbi Umbi Creek aligned more to the direction of the original Creek mouth as evident in early aerial photographs. The proposal involved dredging and relocating the dredged material further out into the Lake. This material would be spread out over the bed in the centre of the Lake several hundred metres offshore. In this location the accumulated mud and ooze are up to 35cm thick and the Lake bed is very flat. The proposal was to place the material in a layer approximately 150mm thick.

This proposal was reviewed in conjunction with the NSW Government and Sydney University and endorsed as an acceptable option with suitable constraints. State Government approval was subsequently received and with the required monitoring, surveys and studies the estimated cost of the proposal was \$300,000. The proposal was placed before Council for final approval but was rejected, partly due to public perceptions and concerns that the proposal appeared to be polluting the Lake. Council directed that an alternative option be found that removed the material and disposed of it at the Buttonderry Waste Management Facility.

In accordance with Council's directive an alternative option was developed to take the dredged material to Landfill. This was estimated to cost \$2.04M. The NSW State Government refused to contribute to this cost as it had already approved an alternative and less expensive option. In the lead up to the 2004 Federal elections Council was able to secure Federal Government funding for 2/3 of the estimated cost of this alternative option, with Council to pay the remaining 1/3.

Approvals were finally obtained for this option and subsequently the work was sent to tender. To verify that the proposed work method was feasible a short trial dredging operation was undertaken in June 2006 to show that the methodology and proposed dredging equipment would work.

Final planning approval was received from Council and on-site dredging commenced in May 2007 just before the June long weekend floods. After a number of delays for weather-related impacts and other causes the dredging was completed in June 2008. During the course of the contract several significant rain events, in particular during April 2008, resulted in silt washing down the creek and partly refilling the dredged channel behind the existing dredging operation. Consequently, it was necessary to remove an additional 2,800m³ during the course of the contract. The final project cost was approximately \$1.8M or \$167 per cu.m meaning a total of 10,800m³ of sediment was removed.

Upon completion of the dredging contract, a post dredging survey was undertaken by registered surveyors which showed that the channel had been excavated in accordance with the approved design.

5.1 Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek (contd)

Subsequent to the completion of the dredging works and final channel survey, advice was received from NSW Maritime that there was a suspected re-siltation of the channel. Council, acting on this advice, engaged registered surveyors to re-survey the channel. This survey carried out in June 2009 indicated that approximately 5,680m³ of silt had been deposited over the length of the channel, particularly in the immediate vicinity of the mouth of the Tumbi Umbi Creek

In August 2009, NSW Maritime informed Council, both verbally through the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee and in writing, that it intended to remove the navigational aids in the channel of Tumbi Umbi Creek and attach signs to the outer channel markers advising boat users: "Caution, Shallow Water Beyond This Point".

In summary, the recent dredging operation was successful in that all of the nominated material was removed from the channel and the channel was moved and reshaped to have a more natural alignment. However, dredging does not prevent future and ongoing deposition of sediment and therefore whilst the dredging project achieved its objective, the benefits were shortlived as the channel filled in faster than previously predicted.

Viability of future dredging on Tumbi Umbi Creek

In considering the potential success or otherwise of future dredging, it needs to be understood that as long as the stream banks of Tumbi Umbi Creek continue to erode, loading the creek with sediment, the channel and creek mouth will continue to experience periods of sediment build up and blockage as this sediment moves its way down the creek during significant flow events. Dredging the mouth of the creek is a short term fix and is treating the symptom, not the cause of erosion. It may well be that if navigation is required to be maintained through the mouth of Tumbi Umbi Creek, continued dredging may be necessary until the sediment store within the creek has depleted and all further erosion is stopped by streambank rehabilitation works and stormwater treatment works that are underway and will continue within the Tumbi Umbi catchment (treating the cause).

Of relevance to this issue, subject to approval by the Federal Government (under the "Caring for our Country" contract funding the TLEMP Implementation project), a study will be undertaken in the 2010/11 financial year to assess the sediment loads existing within each of the creek systems (Saltwater Cr, Tumbi Umbi Cr, Ourimbah Cr, Wyong River, Spring/Wallarah Cr) that drain into the Tuggerah Lakes estuary. This study is critical as it will provide Council with a clear understanding of how much sediment currently exists within the creek systems as a result of streambank erosion and poor catchment management and predict how long it will take for that sediment to build up at the mouths of each creek. From this assessment, Council will confidently be able to predict how long any given creek mouth will remain "unblocked" following a dredging operation and therefore, how often a dredging operation should occur to ensure that the creek mouths remain open for navigational purposes (as recommended in the TLEMP). Therefore it will provide Council with the information necessary to enable it to determine whether to pursue creek mouth dredging or, alternatively to focus attention on providing better boating facilities (such as boat ramps and jetties) elsewhere within the lakes system.

Together with an understanding of the sediment load within each of the creek systems, this study will also contain a spoil disposal strategy. This strategy will assess all of the options available (for example: disposal at a tip; relocation across the bed of the lakes; creation of islands within the lakes; or, commercial reuse) for the disposal of the spoil from the creek mouths and provide recommendations on feasible options to pursue should Council wish to ensure that the creek mouths remain open to navigation.

Catchment Management Planning and Remediation for Tumbi Umbi Creek

Tumbi Umbi Creek is one of five major tributaries draining to Tuggerah Lakes. The creek performs a vital function in protecting and improving water quality within the catchment and ultimately within the estuary. In addition to this, Tumbi Umbi Creek and the associated Tumbi Wetland provide habitat for many native flora and fauna and represents one of the major remaining vegetation corridors in the south of Wyong Shire.

The upper reaches of Tumbi Umbi Creek have undergone extensive urbanisation since the 1950's and are currently heavily constrained by residential & industrial development. The middle sections of both branches of the creek are notable disparities supporting regionally significant wetland Endangered Ecological Communities (EEC).

The creek and associated wetlands are under tremendous pressure from stormwater pollution, excess sediment loads, increased flow volumes, increased flow velocities, vegetation degradation and weed invasion. In recent years, the constant accumulation of sediment at the mouth of the creek, as a result of the streambank erosion, has required dredging to remediate.

In 2006, under the TLEMP program, Council commissioned the preparation of five catchment-wide Streambank Rehabilitation Plans for each of the major tributaries. The *Tumbi Umbi Creek Streambank Rehabilitation Plan (2007)* assessed the geomorphology, ecology and land use of Tumbi Umbi Creek and its immediate catchment, and provided a prioritised list of sites which required remediation. Council has since developed detailed designs for the eight priority management reaches on Tumbi Umbi Creek with works ranging from extensive weed removal and replanting of local provenance native vegetation, through to installation of Gross Pollutant Traps, improved stormwater outlets and creek bed stabilisation.

It should be noted that these catchment works are vital in ensuring the long term protection of Tumbi Umbi Creek and the Tuggerah Lakes estuary. With the onset of the effects of climate change and the potential for more frequent and severe storm events, a sustainable future for Tumbi Umbi Creek and the Tuggerah Lakes estuary will be jeopardised unless the causes and sources of erosion are addressed. All works have been and will continue to be designed to withstand the impacts of climate change.

Works to Address the Causes of Erosion

The TLEMP is a holistic management plan for the entire Lakes system and it's extensive catchment. The works identified in the Tumbi Umbi Creek Streambank Rehabilitation Plan form an integral part of the overall protection of the Tuggerah Lakes by stopping the sediment at the source (i.e. the streambank) and thereby stopping the sediment from reaching the Lakes.

Following the completion of the Tumbi Umbi Creek Streambank Rehabilitation Plan in 2007, Council began work on the detailed designs and approvals for the 7 priority reaches on Tumbi Umbi Creek. In early 2009, construction works commenced to rehabilitate 5.5km of streambank, constituting 80% of the actively eroding streambank. The vital works consisted of extensive weed removal and replanting of local provenance native vegetation, through to installation of gross pollutant traps, improved stormwater outlets and creek bed and bank stabilisation. Works are still continuing in the Tumbi Umbi Creek catchment to treat stormwater before it enters the creek. This will assist in reducing catchment sourced sediments and nutrients from entering the creek.

5.1 Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek (contd)

It should be noted that whilst very important works have been undertaken and will continue to be undertaken in the Tumbi Umbi Creek catchment to stop sediment and nutrients from entering the creek, a large sediment store still resides in the creek as a result of historical erosion. This sediment will continue to move down the creek during significant flow events until it meets the slower moving water at the mouth of the lakes and will be deposited there resulting in blockage of the creek mouth to the lakes.

It may be a number of years before the sediment store within the creek reaches the mouth of Tumbi Umbi Creek. Continued dredging may be beneficial to maintain navigation through the mouth of Tumbi Umbi Creek until such time as sediment store within the creek has depleted and all further erosion ceases following streambank rehabilitation works and stormwater treatment works that are underway within the Tumbi Umbi catchment.

Short Term Options

While it will take some time, possibly several years, for the sediment currently deposited in the creek to make its way to the mouth of the creek, Council can expect that periodic blockages will occur.

In terms of flooding risks, Council should continue to monitor the sediment build up in the mouth of Tumbi Umbi Creek to ensure that it poses no flooding risk to local residents.

Council may opt to remove the sediment build up in the mouth of the creek as a short term remedy to maintain the channel for navigation purposes, however it is recommended that this option only occur after the study to assess the sediment loads within the creeks is completed to ensure that all dredging operations are carried out with full knowledge of their longevity.

Council could choose to close the boat ramp located towards the mouth of Tumbi Umbi Creek and promote the newly refurbished Picnic Point boat ramp as an alternate access to the Tuggerah Lakes until a determination is made in relation to the long term dredging operations.

ATTACHMENTS

1 Report by WorleyParsons - Infilling of Tumbi Umbi Creek dated 19
January 2010

D02135364

**WorleyParsons**

resources & energy

141 Walker Street
North Sydney NSW 2060 Australia
Telephone: +61 2 8456 7200
Facsimile: +61 2 8923 6877
worleyparsons.com
WorleyParsons Services Pty Ltd
ABN 61 001 279 912

19 January 2010

Ref: 002008gwb_hrf100118

Ms Sian Fawcett
Manager
Estuary Management
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Sian

REVIEW OF REPORT ON INFILLING OF TUMBI UMBI CREEK

I refer to our previous discussions in relation to the above matter and am pleased to set out below my review of your final report on infilling of Tumbi Creek.

1. BACKGROUND

The latest maintenance dredging campaign near the mouth of Tumbi Umbi Creek was undertaken over the period May 2007 to June 2008 and involved the removal of approximately 10,800 m³ of material at a total cost of \$1.8M, or \$167/m³. The material was disposed of to Buttonderry Waste Management Facility. An immediate post dredge survey indicated that the dredging had been completed in accordance with the approved design.

In June 2009 a re-survey of the channel was undertaken following advice received from NSW Maritime that siltation had occurred. This survey indicated that approximately 5,680 m³ of sediment had been deposited within the creek, particularly in the immediate vicinity of the mouth of the creek. The channel had been subjected to infilling much faster than predicted.

In response to the outcome of the dredging, Council resolved the following Notice of Motion:

1. That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.
2. That Council engage a suitable independent expert to review the report produced in Item 1 and also the Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.

This letter report deals with Item 2 of the Notice of Motion.

2. INFORMATION EXAMINED

The following information was examined as part of the preparation of this letter report;

- report prepared by Council staff in response to Item 1 of the Notice of Motion, supplied via email on 6 January 2010;

EcoNomics



WorleyParsons

resources & energy

EcoNomics

- main text and Appendices 8, 9 and 10 of the Review of Environmental Factors (REF) titled *Maintenance Dredging at the Mouth of Tumbi Creek, Killarney Vale, December 2004, Amended in October 2006 (Incorporating Results of Dredging Trial July 2006)*. The Appendices comprised:
 - Appendix 8 : Report on Preliminary Waste Classification Assessment Tumbi Creek, Berkeley Vale, prepared by Douglas Partners (14 December 2004);
 - Appendix 9 : Acid Sulfate Soil Management Plan, Proposed Dredging Works Tumbi Creek, Berkeley Vale, prepared by Douglas Partners (March 2005);
 - Appendix 10 : Hydrographic Survey for Proposal for Dredging at the Mouth of Tumbi Creek into Tuggerah Lake at Berkeley Vale, prepared by Chase Burke and Harvey, Date of Survey 27 September 2005;
- photographs of the May 2007 – June 2008 maintenance dredging campaign;
- extract from the Tuggerah Lakes Estuary Management Study comprising Section 2.2.8.5 titled *Tumbi Creek (Case Study)*.

In addition, an inspection with Council staff was conducted on 13 January 2010, of the mouth of Tumbi Umbi Creek and the foreshore to the east that had been used as a temporary storage and rehandling area in the latest maintenance dredging campaign conducted over the period May 2007 to June 2008.

3. REPORT PREPARED BY COUNCIL STAFF

3.1 General

The report prepared by Council staff addressed the following matters:

- the history of dredging at Tumbi Umbi Creek;
- a description of the recent (May 2007 – June 2008) dredging campaign;
- the viability of future dredging on Tumbi Umbi Creek;
- catchment management planning and remediation for Tumbi Umbi Creek;
- works to address the causes of creek erosion;
- short term options;
- recommendations.

3.2 Main Points Noted from the Report Prepared by Council Staff

It is useful to summarise a number of points from the report as these influence the review comments and recommendations in Section 4.

- the channel at the mouth of Tumbi Umbi Creek has been subject historically to periodic dredging commencing in the mid 1970's, but at decreasing time periods between each dredging campaign, considered to be symptomatic of increasing development in the creek catchment (thereby increasing stormwater runoff and causing erosion of the creek banks and bed);



WorleyParsons

resources & energy

EcoNomics

- the alignment of the channel dredged in the May 2007 - June 2008 campaign followed more closely the alignment of the original channel at the creek mouth, as evident from early aerial photography (March 1954 aerial photograph);
- the method of disposal originally intended for the dredged material from the latest dredging involved spreading the material on the bed of the lake several hundred metres offshore, in a layer approximately 150 mm thick. This method of disposal was approved by the NSW Government but rejected by Council due to public perceptions and concerns that this proposal appeared to be polluting the lake. Council directed that the material be disposed of at Buttonderry Waste Management Facility;
- a short trial dredging operation was undertaken in June 2006, prior to commencement of the actual dredging in May 2007, to confirm that the proposed dredging methodology and equipment would work;
- if navigation is required to be maintained through the mouth of Tumbi Umbi Creek, continued maintenance dredging may be required until the sediment store within the creek has been depleted and all further erosion is stopped by stream bank rehabilitation works and catchment management measures;
- a study is to be undertaken in the 2010/2011 financial year to assess sediment loads existing within Tumbi Umbi Creek and allow prediction of future maintenance dredging requirements. The study will also address a strategy for disposal of the dredged material;
- catchment management works are ongoing to address sediment and nutrient entering the creek, in accordance with the *Tumbi Umbi Creek Stream Bank Rehabilitation Plan (2007)*, prepared under the Tuggerah Lakes Estuary Management Plan program. However, a large sediment store still resides in the creek as a result of historical erosion and will continue to move down the creek and be deposited at the creek mouth for possibly several years;
- Council should continue to monitor sediment build-up at the mouth of Tumbi Umbi Creek to ensure it poses no flooding risk to local residents;
- no further dredging should take place in Tumbi Umbi Creek pending completion of the proposed study of sediment loads within the creek, referred to above;
- Council should close the existing boat ramp near the mouth of Tumbi Umbi Creek and promote use of the recently refurbished Picnic Point boat ramp until such time as the sediment load study is completed and a more informed decision on future maintenance dredging can be made.

4. REVIEW COMMENTS AND RECOMMENDATIONS

A number of comments and recommendations are set out below based on review of the report prepared by Council staff, review of the main text of the REF and Appendices 8, 9 and 10, observations during the site inspection on 13 January 2010, and discussions with Council staff.

- the report by Council staff provides a good summary of the general history of maintenance dredging, the details of the May 2007 – June 2008 maintenance dredging campaign, and the catchment management initiatives currently being undertaken by Council;



WorleyParsons

resources & energy

EcoNomics

- * the dredging undertaken in May 2007 – June 2008 was successful in that it achieved the design alignment and cross section;
- ◊ the selection of a channel alignment for the May 2007 – June 2008 maintenance dredging campaign that more closely followed the original natural channel alignment visible in the 1954 aerial photograph (as opposed to the shorter, more north-easterly, channel alignment dredged in the 1970's) is considered sound in principle, but the following is noted;
 - the natural channel alignment visible in the 1954 aerial photograph pre-dates any of the historical maintenance dredging, which is understood to have commenced in the mid 1970's and been repeated in 1986 and 1995;
 - the historical maintenance dredging, involving the shorter more north-easterly channel alignment, may have modified the natural channel behaviour at the mouth of the creek;
 - the hydrographic survey conducted on 27 September 2005, prior to the last maintenance dredging campaign, shows that the remnant channel at the time trended to the north-east along the alignment of the previously dredged channels;
 - a comparison of the 27 September 2005 hydrographic survey, any hydrosurvey undertaken after the April 2008 rainfall event, the immediate post-dredging hydrosurvey (c. June 2008?) and the hydrographic survey undertaken in June 2009 in response to siltation concerns raised by NSW Maritime, is recommended in order to gain an understanding of the mode of depositional behaviour at the creek mouth and to inform any future maintenance dredging channel alignment. This comparison should include preparation of isopach plots of successive hydrographic surveys showing the differences between bed levels at the creek mouth over time;
- ◊ adoption of a dredging trial to determine the feasibility of a proposed dredging methodology and equipment, where dredging and disposal operations can be problematic for reasons of access and the properties of the dredged material, such as at the mouth of Tumbi Umbi Creek, is a good approach;
- ◊ it is considered that it is likely to take more than 'several years' for sediment currently situated in the creek to make its way to the mouth of the creek. As such, the need for maintenance dredging can be expected for many years should navigation access be required and / or to avert adverse impacts on flooding;
- * the cost of disposal of the maintenance dredging material to landfill is high. Unless there is a need for cover material at the landfill and this form of disposal represents the optimum disposal strategy, consideration should be given to beneficial reuse opportunities as part of the sediment load study referred to in the report by Council staff. Beneficial reuse could include use as fill, subject to the feasibility of improving the physical properties of the material, eg by addition of cement, and use of the material in the landscape industry, subject to evaluation of the agronomic properties of the material and need for amelioration / blending with other materials;

**WorleyParsons**

resources & energy

EcoNomics

- the suite of testing conducted on samples from the maintenance dredging area did not include particle size distribution. It is recommended that such testing be included in any future sampling program as this will allow better characterisation of the material to be dredged and evaluation of reuse opportunities. In addition, it is recommended that consideration be given to use of vibrocoring techniques in future sampling programs. This technique allows improved understanding of the sediment stratigraphy and the ability to photograph and retain, at or near the insitu moisture content, the sediment profile (one half of the split core);
- it is recommended that the sediment properties in the area of the creek mouth, in addition to dredging volume and sediment infill behaviour, be taken into account when determining the optimum channel alignment for any future maintenance dredging;
- the proposed continued monitoring of sediment build-up at the mouth of Tumbi Umbi Creek is endorsed. This should take the form of repeat hydrographic surveys and comparison with previous hydrographic surveys;
- the proposed sediment load study, including a strategy for disposal of dredged material, is endorsed;
- it is recommended that consideration be given to the introduction of a dredged sediment trap in any future maintenance dredging program to improve longevity of channel depths. The location and configuration of a sediment trap is best determined as part of the sediment load study. It is understood a sediment trap has previously been dredged near the bridge, however it may be better located further downstream near the creek mouth.

Please do not hesitate to contact the undersigned should you require any clarification or additional information.

Yours faithfully
WorleyParsons

A handwritten signature in black ink, appearing to read 'Greg Britton'.

Greg Britton
Select Manager, Coastal and Marine Southern Operations

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial

TRIM REFERENCE: F2004/07986 - D02106614

AUTHOR: GW

SUMMARY

Reporting on a recommendation from the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC).

RECOMMENDATION

- 1 ***That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee:***
- 2 ***That Council not support proceeding with any Geotextile Bag trial at the North Entrance Beach until the finalisation and release of the Coastline Management Plan.***
- 3 ***That subject to the outcome of recommendation 2 above, Council then consider other comparable trials to reduce the cost and time incurred by Council.***

BACKGROUND

At its meeting held on 14 October 2009, it was resolved unanimously on the motion of Councillor Best and seconded by Councillor Webster as follows:

"That further to Council's initial resolution of 27 February 2008 on Item 194 – Geotextile Bag Investigations and Council's subsequent unanimous resolution on Item 343 – Geotextile Bag Investigations on 23 July 2008, staff now report as to what state this matter is now at as at this date (14/09/09)."

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

AGAINST: NIL

On 3 December 2009, staff provided a report to the TLECFMC updating the Committee on the Geotextile Bag Sand Dune Stabilisation Trial.

The Committee resolved as follows:

- 1 ***Taking into account the recent State Government Coastal Reform Initiatives, the Committee defer making any recommendations on supporting Geotextile Bag trial at the North Entrance Beach until the release of the Coastline Management Plan.***
- 2 ***That the Committee refer its decision to Council for its consideration and that at this time other comparable trials be considered to reduce the cost and time incurred by Council.***

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial (contd)

At its meeting held on 27 February 2008, it was resolved unanimously on the motion of Councillor Best and seconded by Councillor Eaton as follows:

“That staff investigate and report on the emerging technology and use of geotextile sandbags for dune stabilisation as temporary/permanent solutions to assist in maintaining effective management of our estuary and coastal environments.”

At its meeting held on the 14 May 2008, Council resolved unanimously on the motion of Councillor Best and seconded by Councillor Veugen as follows:

- 1 *That the report be received and the information noted.*
- 2 *That this report be referred to the Peak Manufacturers of this technology Geofabrics Australasia to provide a current product performance update for Council’s consideration.*

Council considered a report (see attachment 1) on the use of geotextile bags for dune stabilisation as a temporary/permanent measure to assist in maintaining effective management of our estuary and coastal environments. Council subsequently resolved, inter alia, that the report be referred to the Peak Manufacturers of this technology, Geofabrics Australasia Pty Ltd, to provide a current product performance update for Council’s consideration. This report on item 343 (Attachment 2) was provided for Council’s consideration at its Ordinary meeting of the 23 July 2008.

Council at its meeting held on 23 July 2008 resolved unanimously on the motion of Councillor Best and seconded by Councillor Rose as follows:

- 1 *That Council (including the role of the Estuary Management Committee) in partnership with the local North Entrance Coastcare Group and Department of Environmental and Climate Change, Council facilitate a Dune Stabilisation trial utilising the new Geotextile Bag Technology.*
- 2 *That prior to any such trial staff report to Council on indicative cost and locality details.”*

Following the resolution of the 23 July 2008, the issue was raised at the TLECFMC meeting held on the 7 August 2008. At this meeting, the committee generally agreed that the Geotextile bags were not an appropriate measure in high energy environments, such as on open coastal beaches, but may be of use as a support in dune stabilisation measures. The Committee resolved that:

“In accordance with Council’s resolution of the 23 July 2008, a Project Team be formed, which includes representatives from Council (including the TLECFMC) North Entrance Coastcare Group, and the Department of Environment and Climate Change (DECC) to prepare designs and costs for a trial project using geotextile bags and report back to the Committee which will in turn report to Council.”

At its meeting of the 4 September 2008 the TLECFMC was advised that the project team had been formed and they had chosen a project site adjacent to the houses along Curtis Parade at North Entrance. The manufacturers of the geotextile bags, Geofabrics Australasia Pty Ltd had agreed to send an engineer for a site visit and to prepare a base concept design and provide a cost estimate for construction. A survey was also carried out by Council’s Open Space and Recreation Unit to accurately locate the boundary between crown land under care and control of Council’s and private property.

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial (contd)

A public meeting was held on the 6 October 2008, with the aim of mobilising the local community to undertake a trial of dune stabilisation using the Geotextile bags as a base. It was proposed the trial would be undertaken in conjunction with the Land Care Coast Care Group that could be funded through the Dunecare/Landcare/Coastcare movement.

The meeting was attended by many property owners along Curtis Parade, Councillors, Council officers and officers from DECC (now DECCW). The public meeting provided a mixed reaction from residents/property owners along Curtis Parade with some wanting the proposed trial to be a total long term solution undertaken by Council where others were willing to use more traditional methods of dune stabilisation including planting and fencing methods and to be actively involved in such action. DECCW's Coastal Engineer Phil Watson also advised against using the geotextile bags even as the basis for dune stabilisation and indicated that approvals would be difficult to obtain.

Subsequent to the public meeting, the issue was brought back to the TLECFMC meeting of the 4 December 2008. In order to progress the issue an option to construct a geotextile sandbag wall as the base for dune stabilisation works along the beachfront at Curtis Parade was proposed. The wall, that was considered the minimum required to provide appropriate protection for the properties, was some 400 metres in length and could be constructed at an estimated cost of \$520,000.

Concern was expressed by a number of Committee members regarding the trial, its location and costs. The light weight nature of the sandbags and their effectiveness in open coastal areas was discussed at length with concern raised by DECCW Officers that during large events such as high tides or large storms, the sandbags could be lost to the sea. As the sandbags would not provide certifiable protection for the houses along Curtis Parade, this area was discounted as a location for the proposed trial. It was generally agreed that use of geotextile sandbags in these open coastal areas should begin with a small trial where the dune stabilisation is directed towards erosion from access issues rather than protection of assets from significant storm events and a recommendation was put forward to look at other available options for the trial.

The sub-committee of the TLECFMC met in late January 2009 to consider further options for the trial.

FURTHER OPTIONS FOR A TRIAL

The beach access from the North Entrance Surf Club carpark was suggested as a potential location for the proposed trial. In this location, assets would not be in jeopardy should the trial fail. This location also has an added benefit of having another beach access in close proximity (within 50 metres) which would act as a control during the trial allowing for easy and effective monitoring of any differences between the trial and existing methods of dune stabilisation for beach access (i.e. board and chain).

The general consensus was that the bags would be recessed into the dune to the surrounding sand level with the entrance onto the beach being recessed into the dune and fanned out at the end. This design would limit interaction of the structure with the wave zone.

It was suggested that the Surf Club could be approached to help gauge the public reaction to the sandbags and monitor any damage sustained whether by natural forces or vandalism. If the public had a positive reaction to the sandbags being used as access to the beach and the trial was a success, other beach access could be retrofitted with the sandbags, a method that could potentially outlive the current board and chain accesses and require less maintenance.

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial (contd)

It was suggested that the trial should commence before the next Christmas period in order to capture the high volume of pedestrian traffic over that period. Further, to have a meaningful trial it should span at least 2 years in order to encompass all pedestrian traffic and weather conditions.

The use of sandbags as a beach access was discussed with the potential for slippery surfaces being discounted as the surface of the bags is rough and even when sand is covering the bags there is good traction. Geotextile sandbags have been successfully used as beach accesses in other areas of Australia.

This location was agreed to be the best potential placement for the trial given the above mentioned reasons and the broader public benefit of the trial in comparison to the original proposed location.

In summary:

- The most suitable trial location was decided by the sub-committee to be the Northern (carpark) access to the beach at the North Entrance Surf Club.
- The trial would consist of retrofitting the current eroding board and chain beach access with geotextile sandbags. North Entrance Coastcare and Council would facilitate revegetation of the surrounding area. A concept design was to be prepared by Geofabrics Australia. An initial estimate of the order of cost was expected to be within the \$10,000 to \$20,000 range (R. Cooper Geofabrics Australasia pers. comm. 5 Feb 2009). At present, there are no allocated funds in the 2009/2010 Management Plan. However, the opportunity to access the grant funds would increase should the project be incorporated within an adopted Coastline Management Plan.
- The trial would be judged on the broad issue of sustainability, i.e. in terms of its environmental performance in protecting against dune erosion (as compared to more traditional means such as board and chain), the social acceptance as measured by community reaction and use, and the cost (again in comparison with more traditional means).

CONTINUING ACTION

Subsequent to this meeting, Geofabrics Australasia have shown no further commitment or enthusiasm to the project and have failed to correspond or reply to further requests. Consequently, it has not been possible to confirm a detailed design or cost estimates for the proposed trial at the North Entrance Beach.

Following the realisation that Geofabrics Australasia has no further interest in the project, Council has the option of proceeding with the trial or waiting for all options to be canvassed under its Coastline Management Plan.

COASTLINE MANAGEMENT PLAN

In early 2009, the Wyong Shire Coastline Management Plan (WCMP) project was revitalised after several years of delays attributable to a range of factors. Council is still developing its CMP with a draft scheduled for consideration by Council in February 2010. The Plan is being developed under the State Government's Coastline Management Manual. The Manual indicates that the Coastline Management Planning process is the forum to consider constructed options for protection works such as the protection works along Curtis Parade or the beach access trial using geotextile bags at the North Entrance.

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial (contd)

The CMP should weigh these options against other management or protection options to develop recommendations for preferred and sustainable solutions to erosion problems. This issue has been incorporated into the scope of works for the Plan being undertaken by the consultants Umwelt Pty Ltd.

Any such proposal or recommended option within the Coastline Management Plan would have far greater chance of gaining the required approvals or licences from Government Departments, such as Department of Lands and DECCW as well as potential contributions to funding the works when compared to options raised independently.

COASTAL REFORMS

As Councillors would be aware, the State Government recently released information on its Coastal Erosion Reforms which included the following relevant information:

- Recognition of 19 coastal erosion “hot spots” along the coast - Cabbage Tree Harbour and the North Entrance included.
- Council is required to prepare an Emergency Management Plan for “hot spots” indicating how landholders, agencies and Council will respond during severe erosion events. DECCW will provide guidance on emergency protection measures. SEPP infrastructure will permit landholder funded emergency works as long as they conform to a Code of Practice to be developed by DECCW.
- Legislative amendments to enable Councils to recoup costs for protection works (implemented for landholders benefit) by a pro-rata service charge – outside of rate pegging and to allow for approval of appropriate landholder funded protection works, as long as they are technically feasible and manage off-site impacts.

In recent months, the background considerations for constructing erosion protection works along the coast has changed and it is most likely that it will continue to change in the immediate future as further reform initiatives are released or existing initiatives are confirmed or clarified by the State and Federal Government. In considering any option for protection against erosion along the coastline, the use of Geotextile bags will always be an option but in choosing such an option it should be based on being an appropriate measure for the specific location and its overall sustainability in terms of the triple bottom line.

ATTACHMENTS

- | | | | |
|----------|---|-----------|-----------|
| 1 | OM 14-05-08 194 - Geotextile Bag Investigations | Enclosure | D01152708 |
| 2 | OM 23-07-08 343 Geotextile Bag Investigations | Enclosure | D01209466 |
| 3 | OM 23-07-08 343 Enclosure - Geotextile Bag Investigations -
Report from Geofabrics Australasia Pty Ltd | Enclosure | D01209469 |

5.3 The Entrance Community Precinct Committee - Proposed Name and Boundary Change

TRIM REFERENCE: F2004/06494 - D01995347

AUTHOR: BD

SUMMARY

A proposal for consideration by Council to change the name of The Entrance Community Precinct Committee to The Entrance Peninsula Precinct Committee and to include in this boundary the suburb of Magenta.

RECOMMENDATION

- 1** *That Council change the name of The Entrance Community Precinct Committee to The Entrance Peninsula Community Precinct Committee.*
- 2** *That Council include the suburb of Magenta within The Entrance Peninsula Community Precinct and establish the appropriate new boundary for the precinct.*

BACKGROUND

At a meeting of the Executive of The Entrance Community Precinct Committee (TECPC) on 2 June 2009 the Executive resolved to request Council to consider a boundary and name change for the Committee.

TECPC boundary comprises of North Entrance, The Entrance, Toowoan Bay, Blue Bay, Long Jetty and Shelly Beach.

PROPOSAL

The TECPC proposes the following:

- 1 Inclusion of the suburb Magenta into the Precinct boundary.
- 2 The addition of the word 'Peninsula' into the Precinct name (ie The Entrance Peninsula Community Precinct Committee).

In support of the request TECPC advises that:

- The suburb of Magenta is adjacent to the suburb North Entrance which is the current northern boundary for the Precinct.
- The suburb of Magenta is not currently represented by a CPC.
- The Entrance Social Planning District includes all the suburbs which are in the boundaries of TECPC with the exception of Magenta.
- The addition of the word 'Peninsula' would more accurately describe the various suburbs contained within the precinct boundary and enable the CPC to better promote itself.

5.3 The Entrance Community Precinct Committee - Proposed Name and Boundary Change (contd)

GOVERNANCE

Council adopted the boundaries for all CPC's when it set up the Committees in 1996/1997. The current suburbs included in TECPC are North Entrance, The Entrance, Toowoan Bay, Blue Bay, Long Jetty and Shelly Beach.

The global CPC Charter requires that:

- "1 The boundary must conform with one or more suburb boundaries.*
- 2 The permanent population within that boundary must be at least 5,000 people in densely populated suburbs, and 1,500 people in outlying suburbs."*

The proposal to add an additional suburb to the area of TECPC conforms to the above requirements.

The suburb adjoining Magenta to the north is Norah Head. Council has previously resolved that Norah Head be classified as an outlying suburb for the purposes of creating a separate Precinct Committee. The small population of Magenta is geographically closer to The Entrance than Norah Head and is likely to have more interest in that Precinct.

The Entrance Social Planning District includes the suburbs of Blue Bay, The Entrance, Long Jetty, Toowoan Bay, North Entrance, Shelly Beach, Bateau Bay and Magenta.

There is no objection to the amendments proposed by the TECPC.

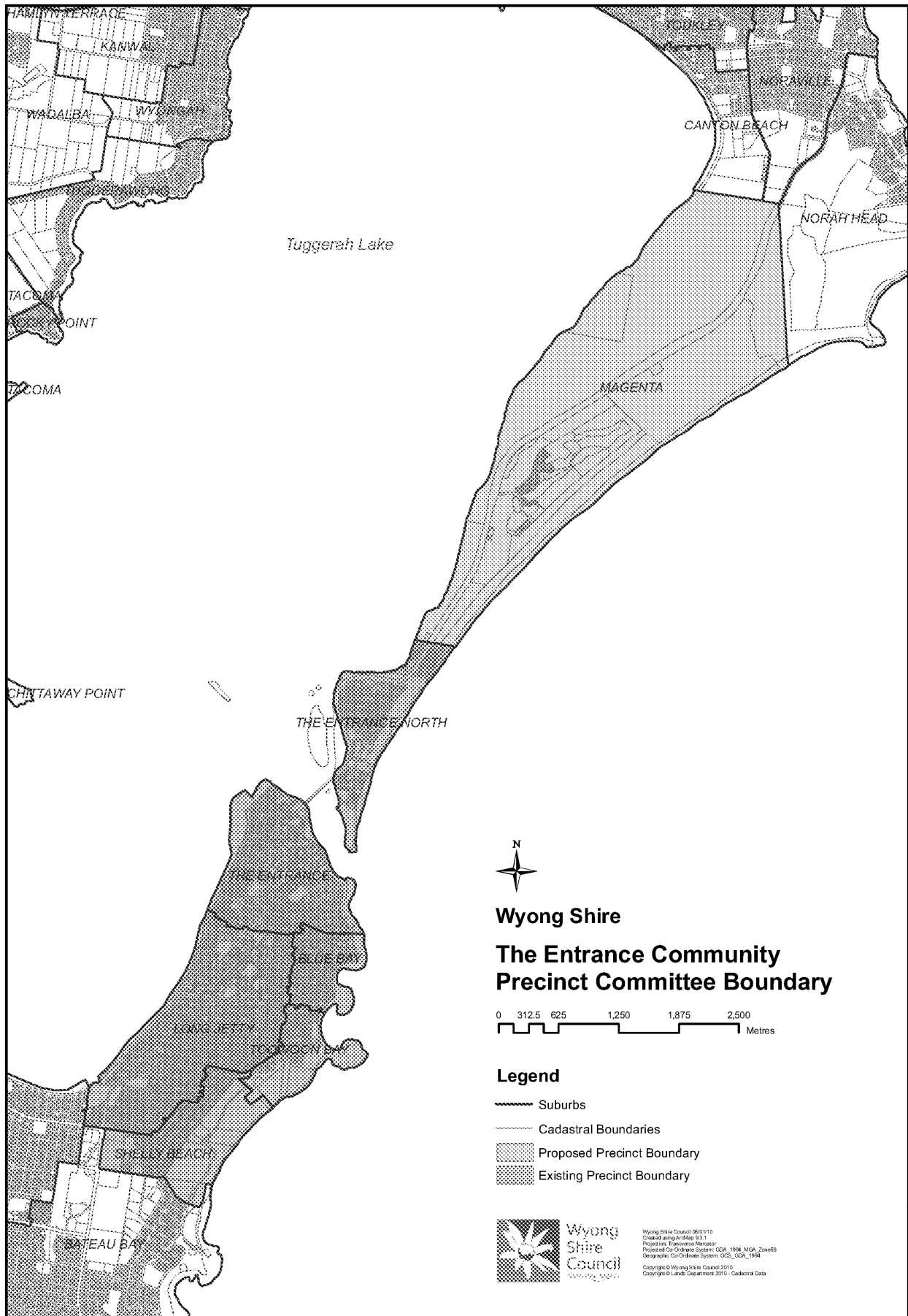
A map indicating the existing and new boundary for the TECPC is attached. (Attachment 1)

CONCLUSION

The proposal to include the suburb of Magenta and rename the CPC is in keeping with the intent of the formation of community precinct committees. The adopted charter and guidelines are required to be amended by Council to enable the proposal to take effect.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Map of boundary change including Magenta - The Entrance Community Precinct | D02124413 |
|---|--|-----------|



5.4 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2009/01723 - D02122039

AUTHOR: SG

SUMMARY

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

RECOMMENDATION

That Council allocate an amount of \$4,230.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

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

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

THE PROPOSAL

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

OPTIONS

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

STRATEGIC LINKS

Management Plan

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

Contribution of Proposal to the Principal Activity

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

5.4 Proposed Councillors' Community Improvement Grants (contd)

Link to Key Focus Areas

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

Financial Implications

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

Funding Return

An allocation of funding was given to Mannering Park Precinct Committee for a community noticeboard (\$550), resolved at Council's meeting of 14 October 2009. The Precinct Committee has since returned unspent money of \$38.50. Three Councillors allocated funding and the unspent money has been apportioned back to their allocation for 2009-10 as shown in the spreadsheet below.

CONSULTATION

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

GOVERNANCE

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

CONCLUSION

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

Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 09/12/2009	3,875	4,200	6,548	4,849	5,191	1,650	1,450	7,375	7,270	8,385	50,793
Available allocation as at 09/12/2009	11,125	10,800	8,452	10,151	9,809	13,350	13,550	7,625	7,730	6,615	99,207
Proposed Allocations for 27 January 2010											
A Classified Weekend - a Festival of square dancing (\$1,200)									250		250
Australian Breastfeeding Association (Berkeley Vale Branch)	100			500							600
Central Coast Multiple Sclerosis and Handicapped Group Inc (\$5,780) (\$1,100 already allocated)										780	780
Jaedyn Beattie (\$3,000)	50			100							150
Killarney Kripples (payment in advance) (\$500)		500									500

5.4 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2009-10 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2009 - 30/06/2010	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	150,000
Expenditure up to and including Ordinary Council Meeting of 09/12/2009	3,875	4,200	6,548	4,849	5,191	1,650	1,450	7,375	7,270	8,385	50,793
Available allocation as at 09/12/2009	11,125	10,800	8,452	10,151	9,809	13,350	13,550	7,625	7,730	6,615	99,207
Proposed Allocations for 27 January 2010											
Wyong Community Bank (payment in advance) (\$500)			250	250							500
Warnervale Family & Community Centre (\$2,000)	200			250		1,000					1,450
Total Proposed Allocations for 27/01/2010	350	500	250	1,100	0	1,000	0	0	250	780	4,230
Part Chq return - Mannering Park Precinct Committee from 14/10/2009 allocations apportioned	7.15						14.15			17.20	38.50
Total Accumulated Allocations as at 27/01/2010	4,218	4,700	6,798	5,949	5,191	2,650	1,436	7,375	7,520	9,148	50,755
Balance Uncommitted as at 27/01/2010	10,782	10,300	8,202	9,051	9,809	12,350	13,564	7,625	7,480	5,852	99,246

ATTACHMENTS

Nil

27 January 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

6.1 Minutes of the Strategic Finance Committee Meeting - 9 December 2009

TRIM REFERENCE: f2009/02538 - D02115375

AUTHOR: MW

SUMMARY

Minutes of the Strategic Finance Committee held on 9 December 2009.

RECOMMENDATION

That Council receive the minutes of the Strategic Finance Committee meeting held on 9 December 2009 and the recommendations contained therein be adopted.

The first meeting of the Strategic Finance Committee was held on 9 December 2009 and the minutes of that meeting are attached.

ATTACHMENTS

1 Minutes - Strategic Finance Committee - 9 December 2009 D02102611

WYONG SHIRE COUNCIL

**MINUTES OF THE
STRATEGIC FINANCE COMMITTEE OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 09 December 2009
COMMENCING AT 9.35 AM**

PRESENT

COUNCILLORS E M McBRIDE (CHAIRPERSON), J J McNAMARA, W R SYMINGTON, D P VINCENT, L D WEBSTER.

APOLOGIES

COUNCILLORS L A MATTHEWS AND R L GRAHAM (ARRIVED 10.45 AM).

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, MANAGER ECONOMIC/CORPORATE PLANNING, MANAGER FINANCIAL SERVICES, INTERNAL AUDITOR, ASSISTANT INTERNAL AUDITOR, ACTING MANAGER GOVERNANCE AND ADMINISTRATION, ASSISTANT DIRECTOR SHIRE SERVICES, ACTING MANAGER FUTURE PLANNING (ARRIVED 9.55 AM) AND AN ADMINISTRATION OFFICER.

PROCEDURAL ITEMS**1.1 Disclosure of Interest**

RECOMMENDATION

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

STRATEGIC FINANCE COMMITTEE RESOLUTION

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

GENERAL REPORTS**2.1 Presentation - The Strategic Environment**

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee receive and note the information provided in the presentation on Strategic Financial Issues.

2.2 Strategic Financial Issues

STRATEGIC FINANCE COMMITTEE RESOLUTION

That staff reissue the 'Financial Issues to be Considered' table with additional information as requested and recirculate for Councillors to determine a priority list.

2.3 Strategic Finance Prioritisation of Issues

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee note the discussion on the Strategic Finance Prioritisation of Issues.

2.4 Review of the Strategic Finance Committee Charter

STRATEGIC FINANCE COMMITTEE RESOLUTION

That the Committee receive an updated Strategic Finance Committee Charter and provide feedback on any amendments required.

THE MEETING terminated at 11.02 AM.

7.1 Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference

TRIM REFERENCE: F2004/06517 - D02112504

AUTHOR: ED

SUMMARY

Report submitted by Councillor Webster on attendance at the 10th International Cities, Town Centres and Communities Society Conference held in Geelong between 27 and 30 October 2009.

RECOMMENDATION

That Council receive the Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference .

In accordance with Council's Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of conferences attended.

Councillor Webster attended the 10th International Cities, Town Centres and Communities Society Conference held in Geelong, Victoria, between 27 and 30 October 2009. The attached formal report has been submitted by Councillor Webster regarding her attendance at the Conference:

ATTACHMENTS

- | | |
|--|-----------|
| 1 Delegate's Report Cr Webster International Cities Town Centres and Communities Society 2009 Conference | D02113335 |
|--|-----------|

REPORT**INTERNATIONAL CITIES TOWN CENTRES AND COMMUNITIES SOCIETY**

Held
Deakin University, Geelong
October 27 – 30 2009

By Lynne Webster

"CITIES IN TRANSITION"**Summary**

The conference was held at the Deakin University Campus in Geelong, Victoria on 27 - 30 October 2009 with the overarching theme of the conference "Cities in Transition".

Features

- Making Places Better
- Engaging the Community
- Sustainable town centres

Key note speakers

Brad Segal, founder and President of the Progressive Urban Management Associates in Denver Colorado.

Cathy Parker, Professor of Marketing and Retail Enterprise at Manchester Metropolitan University UK.

Duration of each breakout session was 40 minutes; there were 90 speakers in attendance. The pace of the conference was rapid and incredibly worthwhile.

Session Speakers

There was a broad range of session speakers ranging from architects, urban designers, town planners, council representatives, marketing advisors and BID committees.

Many great ideas came from these sessions.

Making Places Better by engaging the Community

- There was strong implication on creating Active and Vibrant Communities.
- Brad Segal said, the majority of the planet now lives in Cities. Town Centre development is imperative. More and more people will be compelled to make this their choice.
- Another aspect that came through strongly is the need for medium to high density living in the future. Achieving this is unpopular with the community, but will need to be addressed

- In most instances people oppose change. So Council must show the need to support change by pointing out how to move from one stable state to achieve another stable state.
- Community meetings are needed to identify issues, the process must be transparent to allow community trust to be developed.
- Council should be showing a commitment to the community by creating an alignment of understanding.
- Everyone at each Community workshop is on the same learning journey.
- Change should take place gradually over a period of time.
- Failure is not fatal, stagnation is.
- With an outstanding facilitator; community engagement is a way of overcoming public disagreement and achieve an outstanding result.

Sustainable towns (Can Warnervale Town Centre be one of these?)

Zero-carbon suburbs may be technically achievable – but are they feasible? Based on real world experience with feasibility studies for zero-carbon suburbs, Kate Noble (Green Spark Consulting/Australia) provided an overview on what a zero-carbon suburb is; how it can be achieved, some of the pitfalls and some opportunities for local governments. She included an overview of international and local examples where zero-carbon suburbs have been; are being attempted and some of the difficulties faced in getting these projects off the ground.

Ms Noble also provided an overview of the technological and financial development, she examined the long term economic, demographic and policy trends that are relevant to the feasibility of a zero-carbon suburb. For example the impact of increasing electricity and petrol costs on household affordability and the development of smart financing mechanisms to fund renewable infrastructure.

Kate Noble showed us how local Governments can go beyond the hype and into the nitty gritty to take practical steps to prepare their suburbs for climate change.

I strongly advise that council contact Ms Noble in regard to the development of the Warnervale Town Centre.

Kate Noble: kate@greenspark.net.au

I have a copy of "Toward climate safe home" The case for zero emission and water waving homes and neighbourhoods, if anyone would like to read it.

The Entrance Town Centre Management

In regard to my position as a Director of The Entrance Town Centre Management, I would like to advise that it appears that The Entrance Town Centre Management **IS** the only Town Centre managed by a Board of Management. It is unique. I met up with another Town Centre Manager, Noella Jacobs who manages Greensborough in Victoria, and was a speaker at the Conference. She told me that she uses The Entrance in many of her speeches across Victoria as it is so unique. She visited The Entrance last year; however, it was disappointing that she didn't call into the office and speak with Management.

The Entrance Town Centre Management hopes to bring her to The Entrance in the near future, to speak with the townspeople. She is successful and inspiring.

The Farmers Markets

Farmers Markets are the flavour of the day across the nation, however, after hearing several speakers talking about their successes of attracting around 3000 people to their markets, The Entrance is continuing to lead the rest as the markets at The Entrance tends to draw around 5000 people into the town each fortnight.

Suggestion

I do suggest that this Conference be a regular one for Wyong, and I would love to see it be mandatory that someone from Planning attend in the future.

Where to next year?

The venue for the 2010 conference has yet to be determined; however, the Mayor of Gosford was in attendance at the Geelong Conference and has put an expression of interest in for 2011.

Thank you to Wyong Shire Council for giving me the opportunity to attend this Conference, I found it outstanding and probably one of the best conferences I have ever attended.

Lynne Webster

7.2 Delegate's Report - Local Government Information Technology Conference

TRIM REFERENCE: F2004/06517 - D02121852

AUTHOR: ED

SUMMARY

Report submitted by Councillor McNamara on attendance at the 2009 Local Government Information Technology Conference held in Coffs Harbour between 10 and 13 November 2009.

RECOMMENDATION

That Council receive the Delegate's Report - Local Government Information Technology Conference.

In accordance with Council's Facilities and Expenses Policy for Councillors, Councillors attending conferences must provide a written report detailing the proceedings of conferences attended.

Councillor McNamara attended the Local Government Information Technology Conference held in Coffs Harbour between 10 and 13 November 2009. The attached formal report has been submitted by Councillor McNamara regarding his attendance at the Conference.

ATTACHMENTS

- 1 Local Government Information Technology Conference - report from Cr McNamara D02121845



Local Government Information Technology Conference
10th to the 13th November 2009 - Novotel Pacific Bay Resort

The 12th Annual IT conference for Local Government presented by Coffs Harbour City Council

Report by Cr John McNamara

In summary

From a Councillor point of view this conference appears to be less than what is expected and provided a limited amount of information about innovative IT services and products that could be used by councils. From my extensive experience of attending these types of conferences around the world Capability 2009 and the content needs to be seriously updated and more relevant if it is to survive.

Although I appeared to be the only Councillor attending the conference I concede that there may have been some benefits to an IT staff member attending and networking at this event.

The opportunity to network with other IT managers looked to be the only benefit to holding this event. Maybe after 12 years the host council needs to re-evaluate the direction of the conference.

Apart from some interesting CCTV and Web-based systems all other presentations and displays were standard industry infrastructure, software and services. This was disappointing and I provided feedback to the organisers that more needed to be done to show how IT can help ratepayers and councils work together.

The keynote speakers were irrelevant to IT and tried to make some connection between what they were talking about and the IT industry. This generally failed.

Presentations:

All presentations are available for download from:

<http://it2009.coffsharbour.nsw.gov.au/IT2009NF.htm>

Below I have provided a list of all the presentations and if you are interested in any particular topic I would encourage you to download the presentation and read the content. However, after casting a very critical eye over all the presentations I have selected the following few presentations to comment on:

1) Green IT

This will be one of many presentations from consultants trying to find a way to make money off councils due to "GREEN IT" initiatives.

After all the hype I only found that the message to conserve energy by selecting energy efficient machines was the best way to assist the environment. It doesn't take a consultant to tell us this.

ACTION: Council's IT should have a energy efficiency program in place to help reduce energy consumption. Please don't go and pay money to a consultant to tell us this.

2) Councillor Web Portals and Extranets

These two presentations showed some of the abilities of new technology to influence the way councils and ratepayers/partners can interact together and produce benefits for everyone.

The Extranets presentation showed how the Mosman Library is using new technology to be more relevant to their ratepayers.

ACTION: Council's IT to investigate new technologies such as Ning.com and how they can enhance our interaction with ratepayers.

3) IP Cameras and Surveillance

This was the most interesting presentation of the conference and showed a real world example of a project involving CCTV and services and how they achieved benefits to the community by reducing inappropriate and criminal acts at one of Coffs Harbour Council's car parks. This presentation was relevant and informative and the presenter provided cost benefit analysis that justified this project.

ACTION: Council's IT should visit Coffs Harbour IT and find out more about this project.

4) Local Government 2.0 – The only interesting sponsor presentation

Items covered in this presentation included information innovation, citizen participation and connected government. Interesting points included Web Oriented Architecture (WOA), Complying with various Acts such as the State Archive Act, and new technology for functions such as ePetitions and quicker production of meeting minutes.

DAY 1 - Wednesday 11th November

- Key issues of Green IT for Local Government - Graeme Philipson - Independent IT Consultant
- Councillor Web Portal - Russ Merry - CIO - Tweed Shire Council
- ANUGA - The Free Ocean Impact Model - Rudy Van Drie - Balance Research & Development
- When is an IT projectnot an IT project.? Andrew Sutherland Manager - Information Technology - Mid-Western Regional Council
- Gold Sponsor : Energy Efficiency begins with HP - Kok-Wah Boey Environmental Manager, HP South Pacific
- KEYNOTE: A life among the greats - Peter FitzSimons
- Gold Sponsor : Viruses and Encryption: Friends or Enemies? Paul Ducklin
- Digital Signatures for Local Government - Mike Eyal- TME Digital Signature
- Getting more from less. Reducing costs through vendor consolidation and virtualisation - Peter Croft - Managing Director - Clearswift
- LGMA IT SIG (User group of IT Managers)

Day 2 – Thursday 12th November

- "Extranets - A Thing of the Past?" Anita Hulm — Web Content Administrator
- Using Open Source software to automatically chart networked devices and to build an automated Organisational Chart- Paul
- Keynote: What the media doesn't tell you about the economy - Michael Pascoe - Sydney Morning Herald BusinessDay.com.au contributing editor

- Gold Sponsor: Local Government 2.0 – Vague but Exciting? David Schulz (Industry Solutions Manager) and David Eade
- Keynote: Switched On Performance - Andrew May- A leading expert in Human Performance and Productivity
- ESRI Australia - extending your locational intelligence capabilities
- What Every Government Department Needs to Know about Metadata - Alan Wheat - Senior Product Manager – Research & Development - DOCScorp Pty Ltd
- Change strategy requirement for B.C.P. AND D.R. - PCnation & OPS Centre
- Infusing Cognitive Science to Content Management - A Local Government Best Practice Guide to Web 2.0 - Michael Dillon – Seamless
- MANAGING ASSETS - SPATIALLY AND GRAPHICALLY Development of Web based and Spatial Roads & Pavements Asset Management processes at Hume City Council - Australia - Recep Alakus - Hume City Council
- Technology-driven Councils choose Digital Conference Solutions - Michael Pun (Audio Product Specialist, Bosch Communications Systems)
- How Microsoft is reducing IT costs with its latest product releases. - Speaker: TBA - Microsoft Australia
- UK Local Government Solutions to Citizen Interaction, Efficiency and Integration - Scott Burton - Zipporah Ltd

Day 3 – Friday 13th November

- IP cameras & Surveillance - Andrew Sales -Special Projects manager - Coffs Harbour City Council
- Case Study : Life on the Road as a Shared IT Resource - Stephen Eaton - Shires of Harvey, Dardanup and Donnybrook-Ballingup
- Effectively Managing and Motivating People - John Townsend - Townsend International

8.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02112544

AUTHOR: MR

SUMMARY

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

RECOMMENDATION

That Council deal with the following Information Reports by the exception method.

ATTACHMENTS

Nil.

8.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms

TRIM REFERENCE: F2004/11029 - D02106564

AUTHOR: ND

SUMMARY

Reporting on recommendations from the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC).

RECOMMENDATION

- 1 That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee;**
- 2 That Council note that there was no significant pollution event following the unprecedented dust storm.**

BACKGROUND

Council at its meeting held on 23 September 2009 resolved the following:

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

- 1 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.*
- 2 That Council request the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee to provide an information report reviewing the possible issues of high level of turbidity as a result of the recent unprecedented dust storm event."*

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

AGAINST: NIL

On the 3 December 2009, staff provided a report to the TLECFMC regarding the review of possible issues relating to Level of Turbidity as a result of the recent dust storms.

The Committee resolved as follows:

- "1 That the Committee receive the information report on the possible issue of high turbidity as a result of the recent unprecedented dust storm.*
- 2 That the Committee recognise that there was no significant pollution event following the unprecedented dust storm.*
- 3 That the Committee refer its recommendation to the next Council meeting."*

8.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms (contd)

On 23 September 2009 the Sydney Metropolitan Region including the Central Coast, Illawarra and Lower Hunter experienced a severe dust storm which originated in drought affected areas of western NSW and the eastern Lake Eyre basin.

Mr Chris Eiser, Manager of the Atmospheric Science Unit for the Department of Environment, Climate Change and Water (DECCW) stated that the air quality readings for the region on this day had the highest particulate matter ever recorded. He suggested that on a clear day, readings for dust measured as particulate matter or PM₁₀ (PM₁₀ is particulate matter 10 micrometers or less in diameter) are in the vicinity of 10 – 20 micrograms per cubic metre whilst heavy smoke caused by a bushfire will commonly produce readings of around 300 to 500 micrograms per cubic metre. During the dust storm, readings were around 15,500 micrograms per cubic metre, the highest level recorded since the DECCW monitoring program began in the 1970s.

Australian Museum Mineralogist, Ross Pogson analysed a sample of the dust with an X-ray Diffractometer; with the results showing the major mineral in the dust was Quartz (silica), together with minor amounts of the clay mineral Kaolinite (aluminium silicate-hydroxide) and a very fine-grained mica (potassium, aluminium silicate-hydroxide). The red-brown colour was from goethite (iron oxide-hydroxide), which is so intensely coloured that only a small amount was needed to give the dust its intense orange colour.

Scientists from DECCW's Dustwatch program have estimated that there would have been approximately 75,000 tonnes of dust coming off the coast every hour during the peak of the storm, however, the strong winds meant the majority of the dust was deposited out to sea. See Attachment 1 for a Satellite Image showing the dust storm extending off the coast of New South Wales.

Turbidity levels in Wyong Shire following the dust storm event

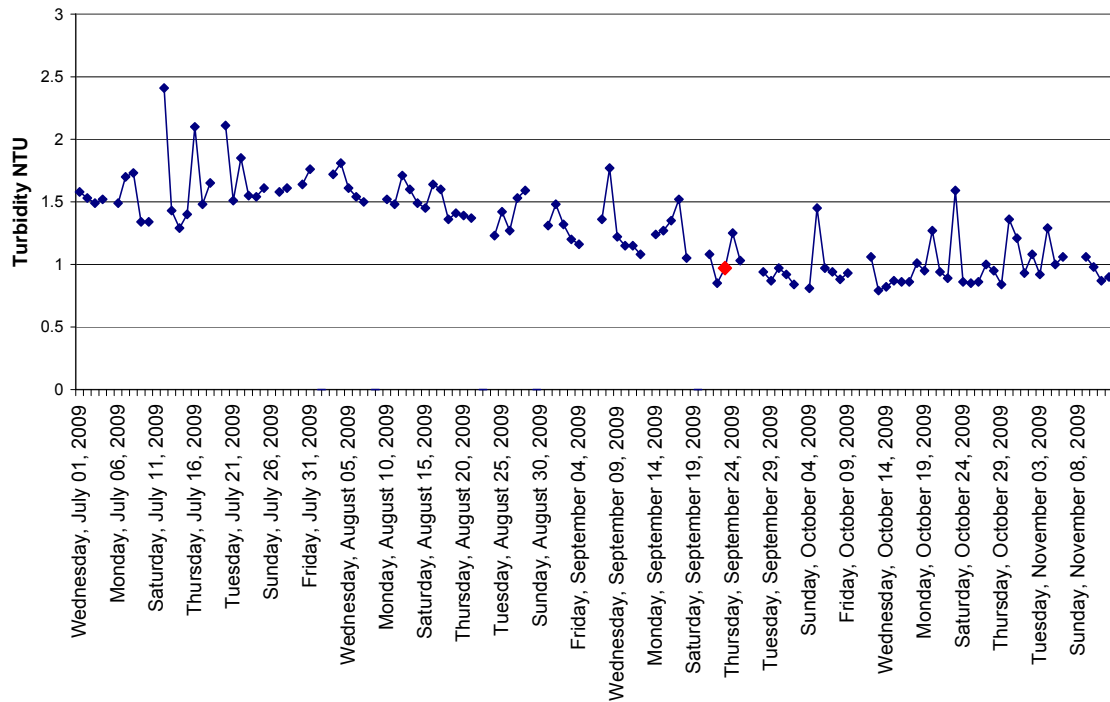
At the time of the dust storm, water quality loggers in Wyong River were in-situ to record water quality for the Mardi to Mangrove Pipeline project. Two of the four loggers were being serviced at the time of the storm due to malfunctions. The data from the remaining two loggers was analysed and unfortunately the turbidity readings from these two loggers has shown that the turbidity sensors were also malfunctioning at the time of the dust storm. As such there is no reliable turbidity data for the estuary system at the time of the dust storm. The impact on turbidity from the dust storm on the estuary can, however, be extrapolated from the data recorded at Mardi Dam under a separate monitoring program.

Council runs a long-term, continuous water quality monitoring program on Mardi Dam. The turbidity component of this program is performed in the laboratory at Mardi Water Treatment Plant with a HACH 2100n Turbidimeter. Sampling is conducted when the treatment plant is running which is largely dependent on water demand, however, in practice, the trend appears to be that sampling takes place at least on each working day as well as some weekends.

The turbidity results from 1 July to 12 November 2009 for the dam are represented in Figure 1 below. The turbidity recorded on 23 September 2009 when the dust storm occurred is highlighted by the red marker.

8.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms (contd)

1. Turbidity at Mardi Dam from 1 July 2009 to 12 November 2009



Note: *Turbidity is measured in nephelometric turbidity units (NTU). This reading is a measurement of the scattered light due to particles such as clay which are suspended in the water, as compared to the amount of light scattered by a standard sample. The more light that is deflected (by the suspended particles) the higher the turbidity of the sample.

From the graph it can be seen that the turbidity in the dam during this four and a half month period fluctuated between a high of 2.41 NTU on 12 July 2009 and a low of 0.79 NTU on 13 October 2009, with the turbidity on 23 September 2009 being recorded as 0.97 NTU. Turbidity readings following the dust storm continue to follow natural fluctuations and do not exceed the highest turbidity for the period, which was recorded prior to the dust storm. The general trend in turbidity following the dust storm appears to be declining rather than increasing.

Although no reliable turbidity data exists for the estuary at the time of the dust storm, visual quality was recorded during the Beachwatch program which sampled various lake and river locations in the months prior to and after the event. No visual turbidity increase has been noted during this monitoring. Similarly, staff involved in the maintenance of the Shire's constructed wetlands have not noticed a visual increase in turbidity following the dust storm. Constructed wetland maintenance staff also noted that there has not been an increase in algal blooms following the dust storm event; blooms would be expected if there was an influx of nutrients added to the system as a result of nutrients attached to the dust particles being deposited as a result of the dust storm event.

CONCLUSION

From the information gathered it appears likely that the majority of the dust was deposited out to sea rather than in the coastal areas of New South Wales and Queensland. Whilst the dust storm event did result in the deposition of some dust in Wyong Shire, from the turbidity measured in Mardi Dam and visual evidence provided by Council staff, the event does not appear to have had a significant impact on turbidity levels. Consultation with DECCW staff has confirmed that there have not been any reports of increased turbidity following the dust storm in other areas that experienced the event.

ATTACHMENTS

Nil.

8.3 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02122470

AUTHOR: JD

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the months of November and December 2009. A separate report will be submitted to Council in February 2010 summarising annual statistics for development, construction and subdivision applications for the calendar year 2009 and comparing those with previous years.

RECOMMENDATION

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

Development Applications Received and Determined – November 2009

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	22	34,089,780	19	879,000
Industrial	6	177,500	6	1,933,000
Residential	109	11,847,949	109	11,342,768
Other	17	13,116,812	13	3,877,906
Total	154	59,232,041	147	18,032,674

Note: The value of development applications received for "Commercial" included \$1.9 m for school alterations at St John Fisher, Tumbi, \$3m for a Multi Purpose Hall at Mary McKillop College, \$5m for a Managed Resort Facility at Summerland Point and \$3.5m for a commercial building in Wyong.

Subdivision Applications Received and Determined – November 2009

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	1	8
Industrial	-	-	-	-
Residential	4	5	1	2
Rural	1	-	-	-
Total	5	5	2	10

Development Applications Received and Determined – December 2009

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	20	24,109,100	17	39,209,500
Industrial	2	1,487,500	7	8,550,000
Residential	106	15,395,359	117	13,900,600
Other	10	328,000	12	189,500
Total	138	41,319,959	153	61,849,600

The value of development applications received for “Commercial” included a Hospital at Warnervale, alterations and additions to Doyalson RSL Club and a Nursing Education Building at the Ourimbah University.

The value of development applications determined for “Commercial” included offices, and a laboratory at Ourimbah University, and the Central Coast Mariners Football Club, Sporting and Community Centre at Tuggerah.

Subdivision Applications Received and Determined – December 2009

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	1	1
Industrial	-	-	-	-
Residential	2	6	3	2
Rural	-	-	-	-
Total	2	6	4	3

Net Median Turn-around Time

The net median turn-around time in working days for priority applications determined during the month of November was 14 days. The priority applications included an amendment to the Aldi Development at Toukley and a Warehouse at Tuggerah. There were no priority applications determined in December.

The net median turn-around time in working days for development applications determined during the month of November was 16 days and for December was 14 days.

Other Approvals and Certificates

Type:	Number Determined November 2009:	Number Determined December 2009:
Trees	22	31
Section 149 D Certificates	14	15
Building Certificates	11	13
Construction Certificates	74	89
Complying Development Certificates	25	17

State Environmental Planning Policy No 1

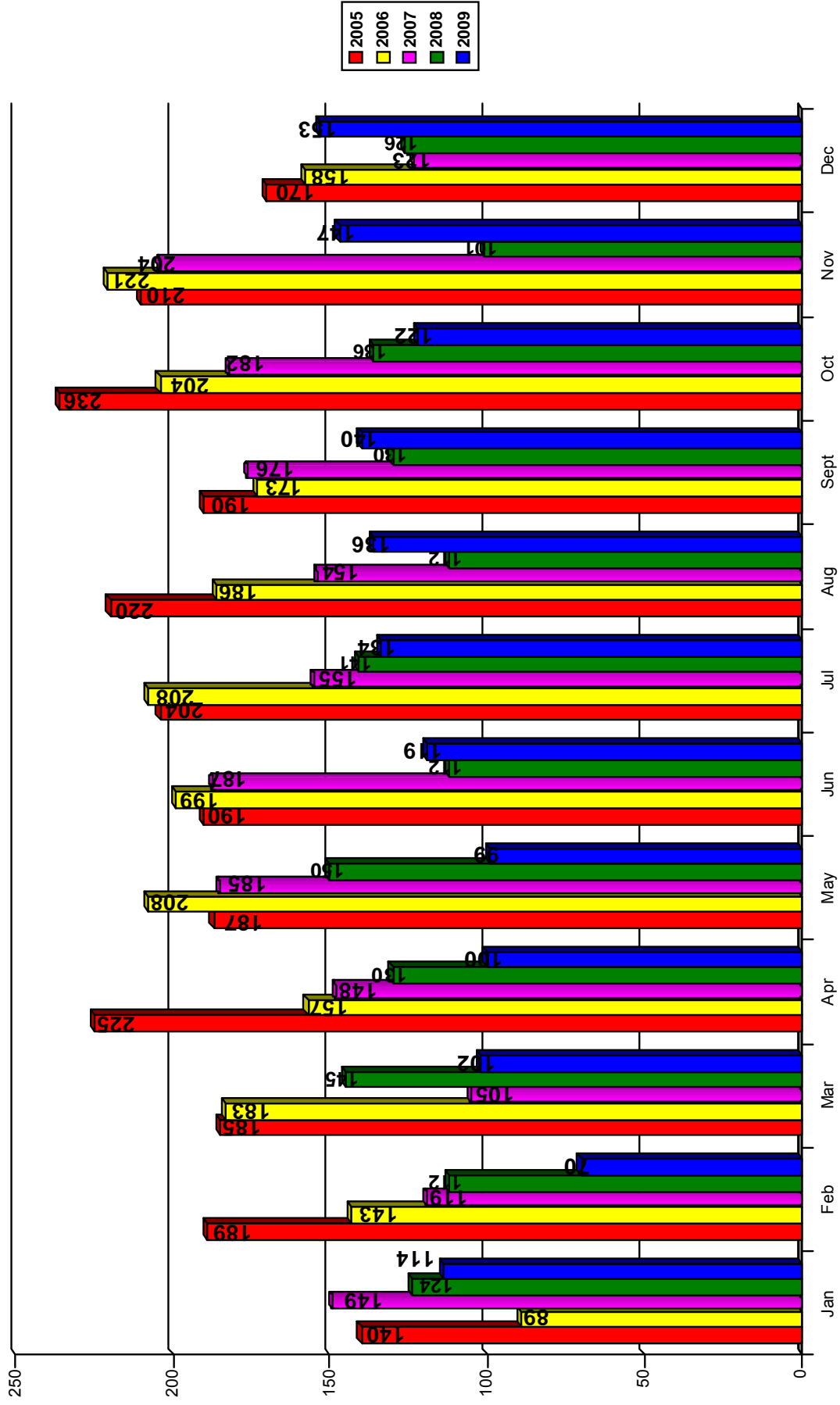
There were no applications that relied on SEPP 1 variations during the Month of November and December 2009.

ATTACHMENTS

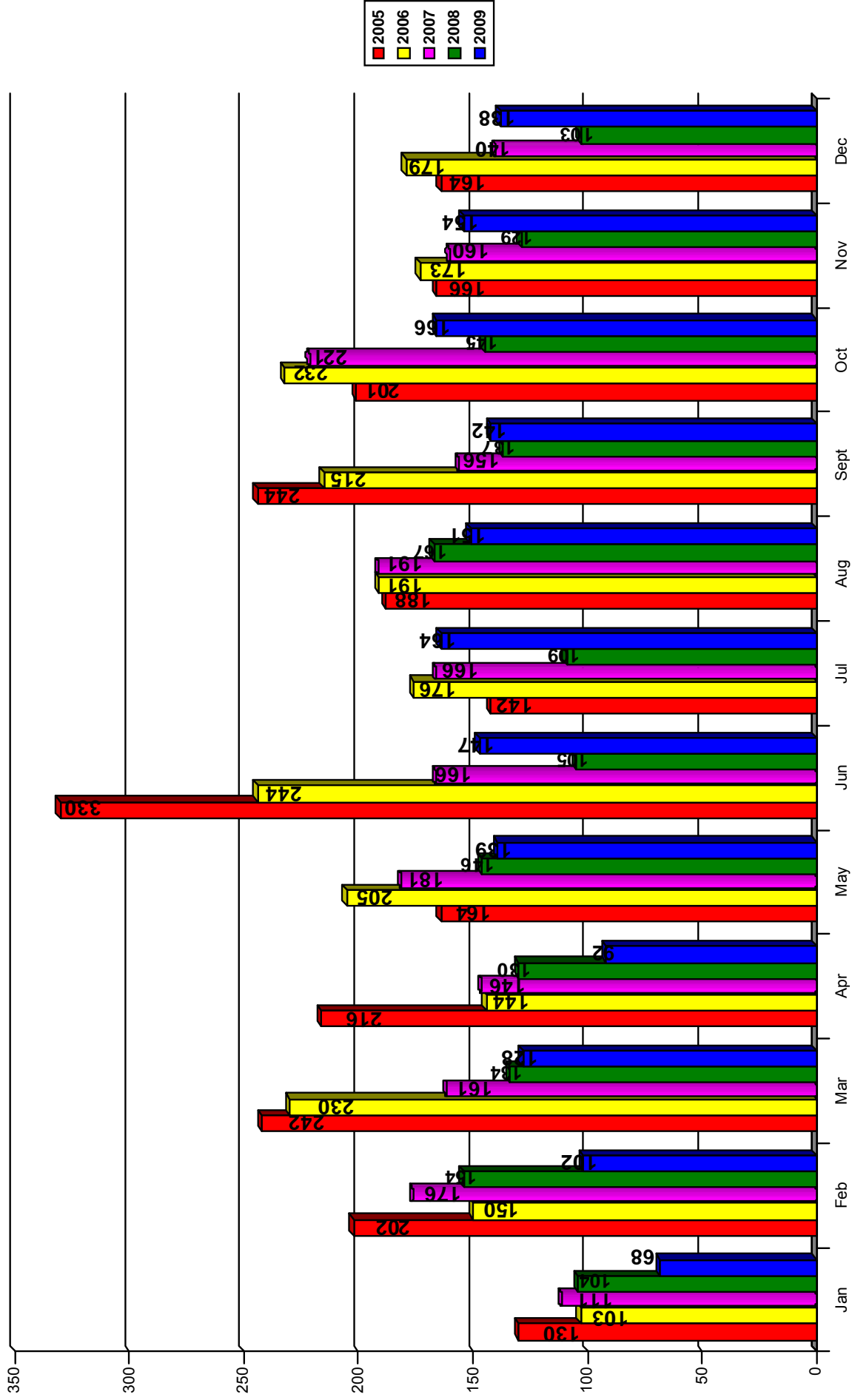
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined

D02122455

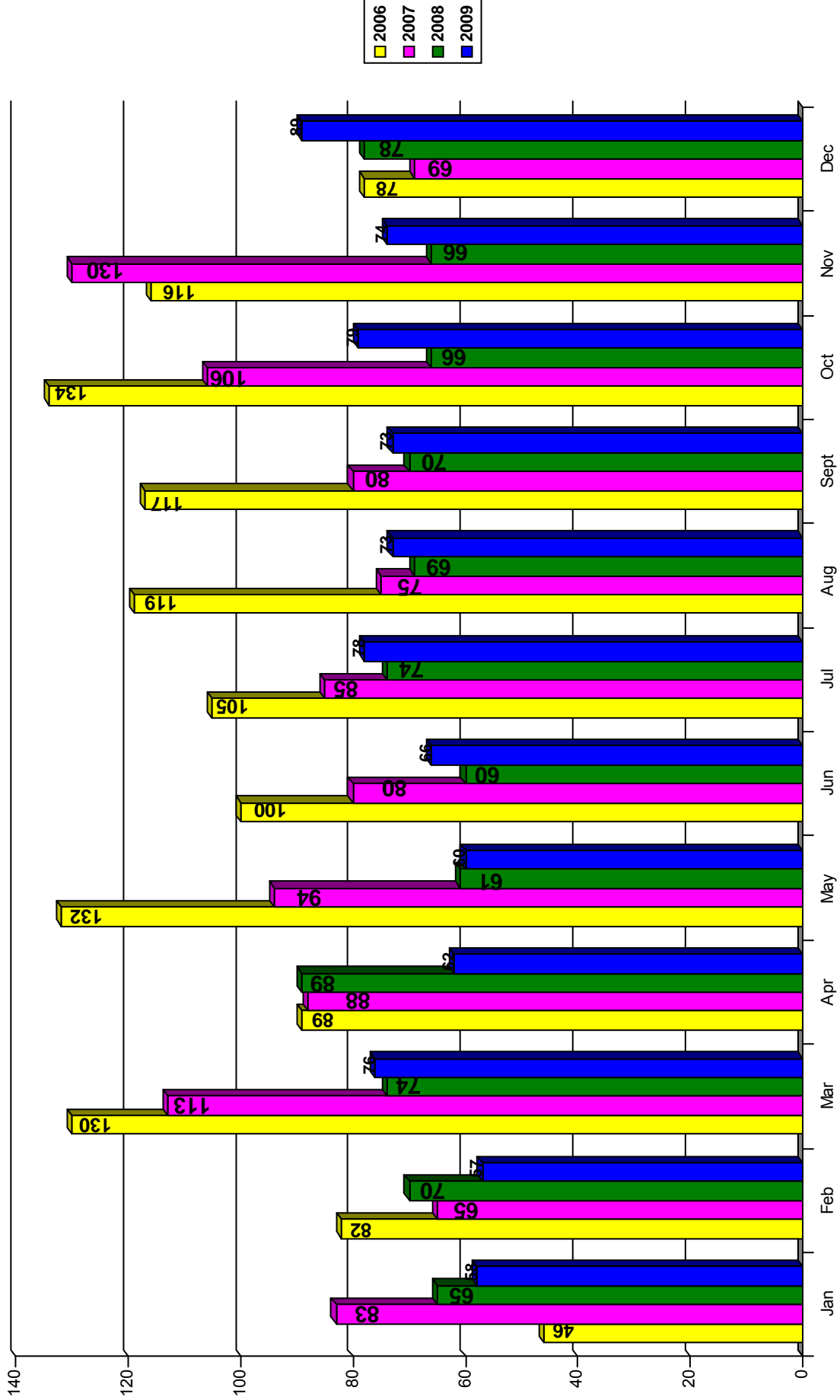
DAS DETERMINED



DAs LODGED



CCs DETERMINED



8.4 Results of Water Quality Testing for Beaches and Lake Locations

TRIM REFERENCE: F2004/06822 - D02122775

AUTHOR: JS

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire for the months of November and December 2009.

RECOMMENDATION

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

Primary Recreation Water Quality Monitoring Program

Wyong beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

Historically, Wyong Council had been in partnership with the Department of Environment Climate Change and Water (DECCW) in implementing the "Beachwatch" program during the bathing season of summer, October through to April. This involved the sampling of 26 monitoring locations, once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and nine coastal lake sites in the Tuggerah Lakes catchment.

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

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

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

During the winter season the Beachwatch program becomes inactive, however, sampling is conducted once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

8.4 Results of Water Quality Testing for Beaches and Lake Locations (contd)

Additionally, Council is still required to monitor the ocean outfalls five times a month, throughout the year. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", which require sampling to be carried out at ten sites around Norah Head and Wonga Point.

Summary of results for November and December 2009

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

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

The estuary beach sites also had good water quality for the months of November and December, with the Toukley site being the only site to have an instance of non-compliance with NHMRC 2008 guidelines. This site had a 2 star rating once during the two months with this result linked to high rainfall and an abundance of bird life at the time of sampling.

Failed Star Ratings for November and December

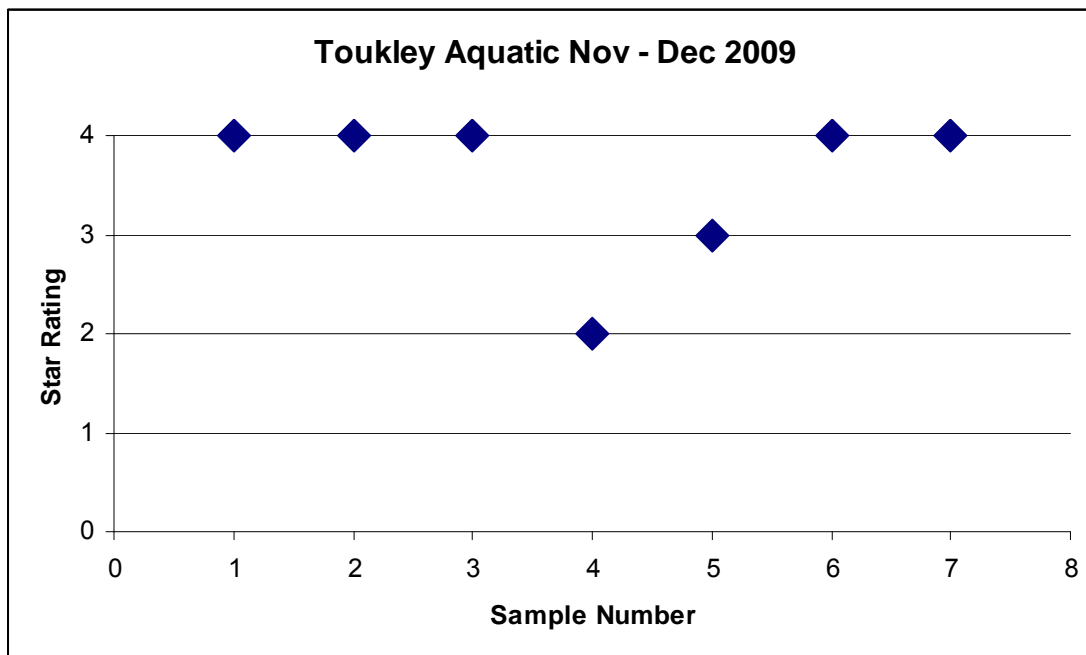
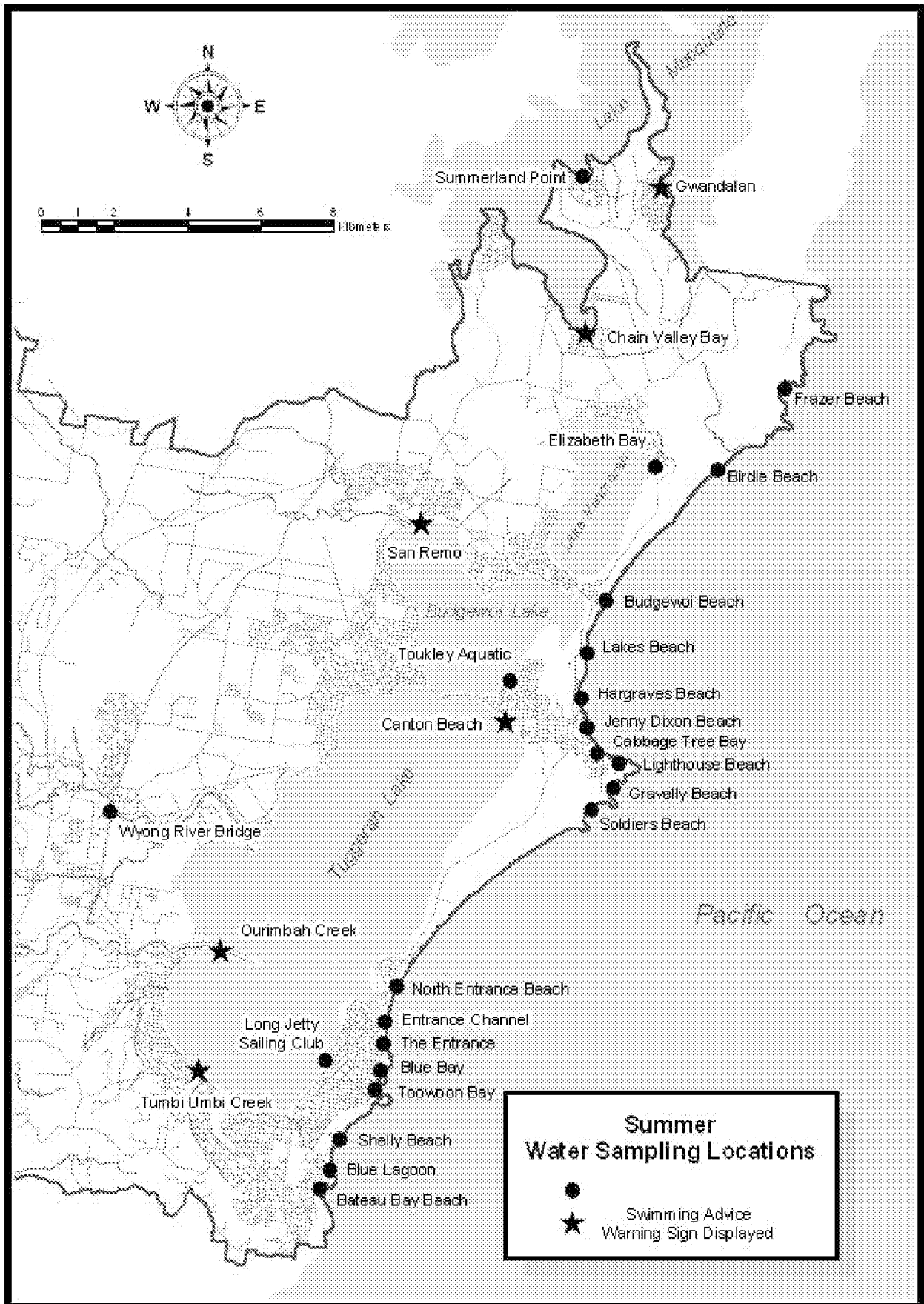


Table 1: NHMRC Star Rating Interpretation

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

ATTACHMENTS

- 1 Summer Water Sampling Locations D01539377



8.5 Investments for November 2009

TRIM REFERENCE: f2004/06604 - D02110550

AUTHOR: HS

SUMMARY

The following report details of Council's investments as at 30 November 2009.

RECOMMENDATION

That Council receive the report on Investments for November 2009.

BACKGROUND

Conservative management of the Wyong Shire Council's (WSC) investment portfolio throughout the last financial year provided a defence against the world financial crisis. WSC's investments in managed funds were impacted by the loss of market confidence and liquidity, and a hold-to-maturity strategy was adopted based on the underlying quality of investment assets.

The strategy has proven to be appropriate and recovery of capital value has occurred and is continuing.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

CURRENT STATUS

In November 2009, the total net return was \$0.39m consisting of interest earnings \$0.33m and capital gains \$0.06m. Council's total investments as at November 2009 are summarised in Table 1 and detailed in Attachment 1.

Table 1 Investment Portfolio by Risk Category

	November 2009	Year-to- Date Total Returns	Year-to- Date Returns Interest Only	Year-to- Date Returns Interest Only
	\$ '000	%	%	\$ '000
Cash at Call	20,099	3.86	3.86	379
Term Deposits	58,667	4.37	4.37	922
Cash Plus Funds	8,219	13.37	1.11	42
Cash Management Funds	24,795	14.01	7.04	714
Enhanced Income Funds	13,694	15.01	2.22	123
Total Investments	125,474	7.98	4.31	2,180

8.5 Investments for November 2009 (contd)

Favourable year-to-date returns of 7.98% (total) reflect WSC's capital recovery and compares at par with the year-to-date UBSA Bank Bill Index of 3.29%.

Investment transactions and earnings during November 2009 are shown in Table 2 Portfolio Performance.

WSC's investments have regained \$1.8m in value from the 2008-2009 year end position – the recovery being equivalent to 51% of the paper losses in the previous financial year. The month of November saw a levelling of the progress made up to October however a market recovery is such that this is seen as a normal and likely occurrence. WSC's continued hold-to-maturity strategy continues to be the preferred option in the recovering market environment.

Table 2 Portfolio Performance

	July - Sept 2009 \$m	October 2009 \$m	November 2009 \$m	Year to Date 2009/10 \$m
<i>Movement in Assets</i>				
Opening Balance	99.22	130.02	126.53	99.22
Capital Gain/Loss – (see below)	1.39	0.35	0.06	1.80
Net Cash/Investments(Withdrawals)	29.41	-3.84	-1.12	24.45
Closing Balance	130.02	126.53	125.47	125.47
<i>Trading Position</i>				
Capital Gain/(Loss) Realised	-	-	-	-
Capital Gain/(Loss) Unrealised	1.39	0.35	0.06	1.80
Interest Earnings	1.47	0.39	0.33	2.19
Total Return for Period	2.86	0.74	0.39	3.99

Interest Returns

Interest returns year-to-date continue above budget by \$0.26m with November returns in line with budget.

WSC's holdings in managed funds and the manner in which interest on these funds is distributed makes it extremely difficult to predict interest earnings in terms of timing and month. However, term deposits (other than the Workcover deposit) continue to yield above the Union of Switzerland Australia (UBSA) Bank Bill Index for November with investments ranging between 4.20% to 6.30% against the benchmark for the month of 3.76%.

Table 3 Interest Only Performance at 30 November 2009

Investment Source	YTD Budget \$ '000	YTD Actual \$ '000	Var. \$ '000
General Fund	1,021	1,161	140
Water (all)	188	214	26
Sewerage (all)	708	804	96
Total	1,917	2,179	262

Black Rock Care and Maintenance Fund

The return for the month of November was an overall loss of \$0.06m, gains on the domestic front in the month offset by under performance in the international sector. Total capital gains continue to be positive for the year to date being \$0.68m.

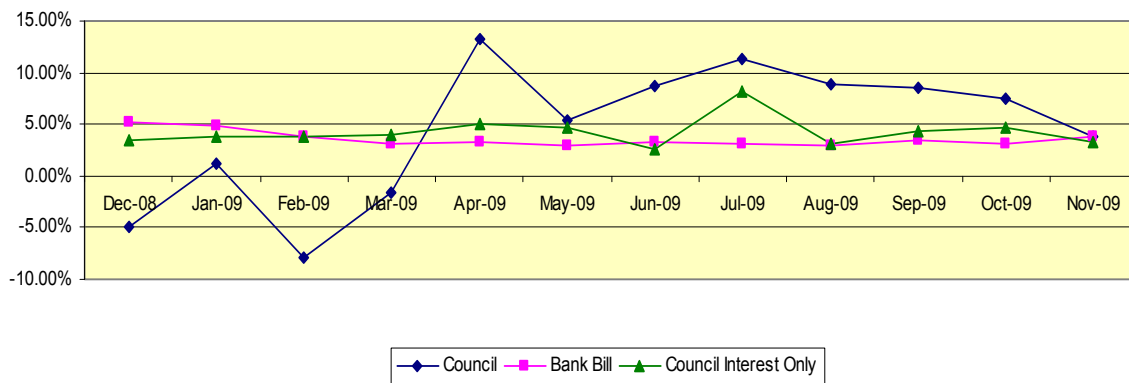
Regular close monitoring of the status of this investment continues and, over time, the “hold to maturity” strategy is seeing positive gains as markets have improved.

Benchmark - Monthly Returns (Annualised)

Council’s overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level.

A graph detailing the monthly return on a 12 monthly basis is as follows:

Table 4 Monthly Annualised Returns (Interest and Capital Movements) Portfolio Performance Comparison to UBSA Bank Bill Index



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Index
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 30 November 2009 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

CONCLUSION

The year end accounts for 2008/09 recognised all unrealised losses in full however as these assets improve in value they will re-appear in our accounts and be recognised as income in forthcoming periods. This does not translate to surplus income in real terms.

The levelling of returns in November

ATTACHMENTS

- 1 OM 27-01-10 Summary of Investments by Type as at 30 November 2009 D02111593

Wyong Shire Council
Summary of Investments - By Type
As at 30 November 2009

FUND MANAGER	MATURITY	PORTFOLIO BALANCE \$	INCOME FOR MONTH \$	YIELD % p.a.
CASH AT CALL:				
ANZ High Yield Cash Account (AA)	Daily	20,089,607	59,855	3.58
BT Institutional Managed Cash (AAA)	Daily	9,798	9,798	3.80
Total Cash At Call		20,099,405	69,653	
TERM DEPOSITS & BONDS				
ANZ Term Deposit	20/11/2009	-	11,507	4.20
Bank of Qld Term Deposit	13/11/2009	-	7,747	4.35
T-Corp (WorkCover NSW)	02/12/2009	9,460,000	24,104	3.10
CitiBank Term Deposit	29/12/2009	3,000,000	11,096	4.50
Allied Irish Term Deposit	29/12/2009	3,000,000	11,416	4.63
BankWest Term Deposit	04/01/2010	4,000,000	14,137	4.30
NAB Term Deposit	12/01/2010	10,000,000	35,342	4.30
ANZ Term Deposit	12/01/2010	5,000,000	17,466	4.25
SunCorp Term Deposit	18/01/2010	5,000,000	17,877	4.35
SunCorp Term Deposit	28/01/2010	5,000,000	20,342	4.95
CitiBank Term Deposit	25/02/2010	4,000,000	1,775	5.40
Allied Irish Term Deposit	25/02/2010	4,000,000	1,752	5.33
SunCorp Term Deposit	26/11/2010	2,000,000	1,036	6.30
Westpac Deposit Bond	24/09/2012	4,207,176	24,033	5.13
Total Term Deposit & Bonds:		58,667,176	199,630	
CASH PLUS:				
Aberdeen Cash Plus Fund (A)	To be liquidated - Schedule in place	6,868,987	40,421	7.34
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	35,846	61	2.50
LGFS 12-Month Cash Facility	Open Ended	1,314,166	4,297	4.07
Total Cash Plus		8,218,999	44,779	
CASH MANAGEMENT FUNDS:				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	9,689,512	(58,485)	(7.06)
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	15,104,993	51,661	4.26
Total Cash Management Funds		24,794,505	(6,824)	
ENHANCED INCOME:				
Macquarie Income Cash Plus (A)	Open Ended	13,693,741	86,010	7.97
Total Enhanced Income		13,693,741	86,010	
TOTAL		125,473,826	393,248	

8.6 Disclosure of Interest Returns - 1 October to 31 December 2009

TRIM REFERENCE: F2009/01526 - D02113203

AUTHOR: ED

SUMMARY

The Local Government Act, 1993 requires Disclosure of Interest (DOI) Returns for Councillors and Designated Persons to be lodged with the General Manager who, in turn is required to keep a register of the Disclosure of Interest Returns.

The Act further requires the DOI Returns lodged with the General Manager to be tabled at a meeting of Council.

RECOMMENDATION

That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2009.

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1). The returns for the period 1 October to 31 December 2009 are now tabled.

NB

Sections 449(1) and (5) of the Local Government Act, 1993 - Disclosure of Interest Returns for Councillors and Designated Persons to be lodged with GM.

Section 450A(1) – register required of the Disclosure of Interest Returns lodged.

Section 450A(2) - Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council.

ATTACHMENTS

- 1 Disclosure of Interest Returns - 1 October to 31 December 2009 D02035087

**Disclosures of Interest Returns
1 October 2009 to 31 December 2009**

Councillors

Staff

Clarke, I
Halcrow, A
Kerr, K
Pagett, C
Platt, R
Slater, C
Stewart, A

8.7 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2007/01120 - D02102539

AUTHOR: CC

SUMMARY

Report on status of Mardi to Mangrove Link Project.

RECOMMENDATION

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

PROJECT SCOPE

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

CURRENT STATUS

Expenditure to date

\$24.4m

Project Estimate

\$125m - \$170m

Construction Status

- John Holland Group lodged the Construction Environmental Management Plan to Council on 18 January 2010.
- John Holland Group's Construction Program will be received by the Project Team on 20 January 2010.

Key Dates

	Scheduled Completion	Actual Completion	Complete
Review of Environmental Factors (REF) submitted	30 June 2009	30 June 2009	☑
Call for Expressions of Interest (EOI)	9 July 2009	9 July 2009	☑
EOI closes	30 July 2009	30 July 2009	☑
Determination Approval	14 October 2009	23 September 2009	☑
Issue Request for Tenders (RFT)	16 October 2009	16 October 2009	☑
Tenders close	12 November 2009	12 November 2009	☑

8.7 Mardi to Mangrove Link Project Status (contd)

Council consider Award of Construction Contract	9 December 2009	9 December 2009	<input checked="" type="checkbox"/>
Expiry of PAN 90 day notification period	31 December 2009	31 December 2009	<input checked="" type="checkbox"/>
Minister/Governor determination of compulsory acquisition applications	27 January 2010		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- 55 privately owned properties require easements.
- 5 out of 6 agreements signed for additional land required for construction.
- Application notices for compulsory acquisition of easements issued to 22 landholders.
- Compulsory application notices will be lodged on 22 January.

	Properties	% Complete	Previous Report
Surveys completed	55	100%	100%
Valuations completed	55	100%	100%
Agreements signed	45	82%	71%

Council is considering preparing notices of entry in accordance with the statutory entry provision in the Water Management Act in order to ensure access is available to land where easement agreements may not be resolved by early 2010.

Stakeholder Liaison

Community

- Displays at Erina Fair Shopping Centre (long-term display), Wyong Civic Centre (November & December) and The Entrance Tourist Centre (January). Undertaking discussion with Westfield Tuggerah and Lakehaven Shopping Centres regarding free space for displays during 2010.
- Media release announcing construction contract award to John Holland Group. Media release forwarded to Industry Publications and website updated.

Landholder

- A draft Stakeholder Communications and Engagement Strategy was prepared for the construction phase – together with a Traffic Management Communications Strategy, Communications Protocols and Branding Pack. These documents were discussed with John Holland Group prior to being finalised.
- Bulk mail-out to over 400 landholders to notify contract award.
- Thirteen correspondence items have been received in January.

Government

- Mail-out to Local, State and Federal MPs to notify award contract.
- Liaising with Advisers to NSW Minister for Water and Office of Water regarding the easement acquisition process.
- Liaising with New South Wales Department of Environment, Climate Change and Water (DECCW) on outcome of water licences upgrade applications.

Incidents

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

Major Achievements / Issues

- The Construction Contract was awarded to John Holland Group on 21 December 2009.
 - The NSW Public Works have been awarded the management of the construction contract.
 - Representatives from Council, NSW Public Works and John Holland Group attended a successful two day "Start-up Workshop", held on 12-13 January 2010. Council's Development Assessment Unit and Police Local Area Command attended presentations within the workshop.
 - A review of key personnel for the Project Team has been undertaken including re-confirmation of period of engagement for the construction phase.
 - An agreement has been negotiated as a variation to the original contract with GHD for provision of professional services during the construction phase.
 - Phil Conacher of Conacher Environmental Group has been engaged to provide advice during the construction phase.
 - Dr Tom Grant has been engaged to provide advice to the Project on an as required basis.
 - A minor amendment to the REF, for changes to the pipeline alignment in Sector 6, is being considered by Council.
-

ATTACHMENTS

Nil.

8.8 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02118895

AUTHOR: ML; AP

SUMMARY

This report shows the current status of completed significant General Works and General Works in Progress for capital and maintenance expenditure, as at the end of December 2009. Water and Sewerage services are not included.

RECOMMENDATION

That Council receive the report on General Works in Progress.

ROADS AND DRAINAGE SECTION OVERVIEW

Capital Works In Progress

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Brush Road	1,335,464	5	April 2010	Widening of existing unsealed road, retaining wall, kerbing, pavement construction Tree removal commenced
Wendie Close, Tumbi Umbi Wetland	517,000	100	December 2009	Construction of artificial wetland and in-line Gross Pollutant Trap. These works form part of the implementation of the Tuggerah Lakes Estuary Management Plan with joint funding from Council's stormwater levy and drainage charge. Complete
Bush Street Stage 1 Drainage and Roadworks	639,664	25	March 2010	Drainage upgrade to pipelines in and between Bald St and Young St. Also includes pavement/road works, driveways, traffic facilities, footpath and kerb and gutter
Delia Avenue Stage 3 Drainage Upgrade.	706,000	90	January 2010	Drainage upgrade to pipelines in and between Delia Avenue and Manoa Road to alleviate flooding of houses. Also includes some pavement works, driveways and kerb and gutter. Drainage and kerb & gutter complete, driveways and pavement outstanding

8.8

General Works in Progress (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Norah Head Lighthouse Carpark Construction.	220,000	100	December 2009	Works include formalisation and sealing of carpark and include installation of kerb and gutter, linemarking and traffic facilities, footpath and bus parking. Complete.
George Evans Rd, Killarney Vale Drainage and Pavement Upgrade.	322,000	95	January 2010	Works to alleviate flooding of houses include upgraded drainage pipes, road reconstruction including changes to pavement levels and geometry, and kerb and gutter. Asphalt wearing course outstanding
Brooke Avenue, Killarney Vale Road Reconstruction and School Zone Improvements Works	395,000	100	November 2009	Road reconstruction incorporating kerb and gutter, pram ramps, traffic calming devices, linemarking and signs. Complete

General Maintenance Work

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

	North	South
Drainage Maintenance	Budgewoi Ravensdale San Remo	Killarney Vale Wyong Long Jetty The Entrance Tuggerah
Replacement of Damaged Foot paving	Tuggerawong Toukley	
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoona Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Yarramalong Dooralong	Nil
Heavy Patching	Yarramalong Jilliby Kiah	Nil
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Glenning Valley
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Carpark Maintenance	Toukley Budgewoi Norah Head Gorokan	Berkeley Vale
Fencing	Nil	Nil

	North	South
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	25%	April 2010	The design of the collection system has been completed and the contractor has lodged the DA for the installation of the extraction system and power plant. The Deed of Agreement for the power line easement has been executed. It is anticipated the extraction system and power plant will be operational by April 2010. The Deed of Agreement provides for 15% of any Royalties from the generation of electricity to be returned to Council.
CPA/94559 Design and Documentation of Woongarra Sports fields	\$350K	99%	November 2009	Claim to finalise earlier commission work resolved and paid. There will be minor ongoing work required as the construction contract continues.
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	80%	January 2010 for turf placement and all new sports fields	Construction works are proceeding under Council's direct management. The placement of growing medium to the new junior soccer fields has been completed and turf will be laid in January 2010. Placement of growing medium has commenced on the new AFL field and turf will be laid during January 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$670K	80%	February 2010	Contract awarded to Bonacci Group Pty Ltd January 2008. Detail design for Stage 1 is being reviewed. The date for the commencement of construction for Stage 1 which will service the southern section of the Warnervale Town Centre is being scheduled to meet the development demand and construction schedules of the relevant landowners. Design finalisation expected in February 2010. Estimated project construction cost \$9M, with this consultancy costing \$670K.
CPA/130591 Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone.	\$280K	85%	February 2010	Contract awarded to SMEC Australia Pty Ltd April 2008. Anticipate completion of design and tender documentation by end of February 2010. without pump station design. The date for the commencement of construction of the water mains is being scheduled to meet the development demand and construction schedules of the relevant landowners. Project construction cost \$3M, with this consultancy costing approximately \$280K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour Norah Head	\$296K	70%	June 2010	Contract awarded to Shirley Consulting Engineers. Notice of Determination under a Part 5 assessment has been obtained. A Licence Offer from the Department of Lands has been obtained and is being processed so that it can be accepted. A letter of support and approval from the Department of Environment, Climate Change and Water has been received. This consultancy \$296K including all variations to date. Project budget for construction reviewed based on final design with costs increasing from \$1.3M to \$2.9M. Report on costs considered by Council on 25 November 2009. Council resolved to reconsider project following briefing on liability issues scheduled for 27 January 2010.
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$360K	66%	May 2010	Contract awarded to Storm Consulting Pty Ltd to undertake design of the constructed wetland. Geotechnical and soil fertility investigations have been completed. Potential Acid Sulphate Soils on the site will impact the budget already allocated for construction. Groundwater assessment completed. The project is funded as follows: Pioneer Dairy Trust: \$160K. EMP: \$300K (exclusively for construction) Total \$460K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/136020 (complete) and CPA/162445 Gwandalan Landfill Remediation – Investigations Only	\$152K	65%	February 2010	The preliminary site investigation (CPA/136020) has been completed (cost \$42K). Detailed site investigation (CPA/162445) has commenced. Initial results necessitated further fieldwork for investigations. The draft investigation report is now expected January 2010 (cost of this consultancy is \$110K).
CPA/136021 (complete) and CPA/168802 Tumbi Landfill Remediation – Investigations only	\$73K	60%	February 2010	The preliminary site investigation (CPA/136021) has been completed (cost \$30K). Detailed site investigation (CPA/168802) has commenced and the draft investigation report is expected late January 2010 (cost of this consultancy is \$43K)
CPA/136486 Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	\$164K	99%	April 2010	Contract awarded to Maunsell Australia Pty Ltd April 2008. Construction has commenced and consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$80K	50%	February 2010	The preliminary investigation (CPA/142750) has been completed (cost \$30K). Tenders for the detailed site investigation (CPA/173290) have been invited. This tender is estimated at \$50K and is expected to be completed by April 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section). Construction of Buff Point Shared Pathway (includes the Kemp Close section which has attracted a Federal grant)	\$250K per year x 3 years (EMP funds – holiday parks)+ \$250 Federal grant = \$1m	75%	October 2010	Construction complete for Stage 1 from Edgewater Park to 900m past Matumba Road – approx. 1.9km of total approx.3km of pathway, incl. the steep section at Kemp Close. Federal funds (\$250K) received for Kemp Close section, with official opening taking place on 13 Nov. 2009. Part 5 OK for final eastern 1 km with CEMP to be submitted in January. Estimated overall cost of construction for all Buff Point pathways is \$935K. Construction for next portion of eastern 1km planned for March to June 2010. EMP funds of about \$100k remain available to 30 June 2010. Flood study completed for bridge at Sonoma Rd (easternmost end).
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$160K	95%	February 2010	Contract awarded to Cardno (QLD) Pty Ltd October 2008. Detail design has been reviewed. Final design documentation is being checked. Odour Control unit has been added to the scope. Estimated project cost \$11M, with this consultancy costing \$160K.
CPA/149519 Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	\$170K	30%	February 2010	In progress. Orders issued for new roof structure and associated miscellaneous civil work. Demolition (by in-house resources) planned for 8-11 Jan, with new roof erection planned for late Jan. SIRA (statistical inventory reconciliation analysis) commenced for Charm. & Long Jetty fuel dispensing. An ongoing requirement to meet new legislative requirements. Prices to be sought for specialist work to connect new fuel fill box to existing tanks.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/149979 CPA/151861 Warnervale Town Centre Stage 2 Environmental Site Assessment and Remediation Action Plan	\$229K (two contracts)	85%	March 2010	Consultancy and the Independent Auditor were awarded to WSP Environmental Pty Ltd and ENVIRON Australia Pty Ltd respectively. Additional investigation was provided to further delineate the potential of landfill gas migration. The results of the additional works was assessed and tabulated and signed off by the EPA Auditor. No amendment to the report was required. WSP has commenced the final stage (Remedial Action Plan – RAP). It is expected that the project will reach completion by March 2010.
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	Consultancy \$148K	65%	February 2010	Contract awarded to GHD Pty Ltd January 2009. Detail design has commenced on preferred option. Construction expected to commence May 2010 and be completed November 2010. Estimated project cost \$3M, with this consultancy costing \$148K.
CPA/152870 Implementation of Buttonderry Waste Management Facility Entry Master Plan	\$2.7M	98%	November 2009	Contract has been let to GWH Construction (NSW) Pty Ltd. Works commenced in March 2009. Construction generally complete. Notice of defects and omissions issued for rectifications works to be completed 21 Dec 09. Works complete four weeks ahead of contract completion date. Official opening on 26 November 09. An increase to the contract budget of \$280K has been sought to fund variations due to latent conditions and scope changes to address various design issues and to meet legislative requirements.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/153228 Construction of Woongarra Sports Facility	\$6.1M	80%	May2010	Contract awarded to Maincon Pty Ltd April 2009. Construction started 18 May 2009. Target is for playing fields to be ready for the winter 2010 season. Significant rain delays in May, June, July & October have lost almost eight weeks. Substantial extra costs for wet stockpile and wet areas and increased requirements for Hakone Rd upgrade work. All earthworks complete and 70% of turf laid as at 22 December. Growing well, requiring 100kl of water per day, primarily sourced from Charmhaven STP. Delays experienced with sand (growing medium) supply. Turfing completed. Cricket wicket soil placed. Building, walls & paths well advanced and completion target remains achievable. Works anticipated to be complete in April - May 2010.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	10%	August 2010	Contract awarded to Process Engineering Technologies Pty Ltd on 20 October 2009. Pre-commencement documents are being reviewed. Construction to commence in January 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$9.7M	2%	January 2010	Tenders for construction of the facility have been called and will close 4 February 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/155526 CPA/160213 Remediation of Mardi Landfill - Investigations only	\$37K	100%	November 2009	Asbestos removal works undertaken in 2009 (CPA/160213), delayed completion of the RAP. The RAP & Concept Design (CPA/155526) report now finalised (the cost approximately \$37K). The preliminary estimate of cost of the remediation of the landfill based on the concept design is \$7M – this will be progressively reviewed as the design process proceeds. Construction is expected to commence in 2011.
CPA/157278 Replacement of 600 metre length of 250mm water main – McDonagh Rd	\$380K	45%	January 2010	Contract awarded to Mudix Pty Ltd on 4 June 2009. Water main alignment modified to suit environmental concerns. Construction has commenced.
CPA/159872 Surf Clubs Upgrade Works Needs Analysis & Concept/DA Designs - Investigation	\$80K	95%	December 2009	Revised draft Needs Analysis finally received September 2009. Required scope has now been confirmed as 2 x new clubs and 4 x refurbishments to be actioned immediately with completion required by Dec 2009 to enable grant funding applications to be made. Estimated project construction cost is \$5.75M (WSC funding \$3.0M), with current consultancy \$80K. DA design for 2 new clubs complete and lodged for DA approval. Preliminary designs for 3 refurbished clubs now submitted. Federal grant application made before 15 January 2010 deadline for new clubs. State grant application made before 18 December 2009 for club refurbishments.
CPA/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	35%	June 2010	Contract awarded to Eire Contractors Pty Ltd on 28 July 2009. Expected completion May 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	15%	March 2010	Contract let to Trehy Ingold Neate Pty Ltd in March 2009. Initial surveying work and preparation of application to allow staging of the development is being undertaken. Estimated completion date for this contract is March 2010. Target date for land to be available for sale off the plan is March 2010. Consultancy value \$95K.
CPA/162841 Construction of the Northern Section of the Link Road.	Current estimated construction cost \$8.7M	8%	November 2010	Civil construction contract has been awarded to Robson Civil Projects Pty Ltd, and on site construction has commenced. Electrical design underway for street lighting. Relocation of gas main in progress with Jemena.
F2008/02700 CPA/164477 CPA/164479 Mannering Park Shared Pathway	\$259	100%	Sept 2009	Construction complete and official opening took place on 5 November. (Federal) funds (\$259K) have enabled about 900m (to 100m south of Campbell Pde) to be completed. Further extension will require additional funds and REF following ongoing investigations for endangered orchid species.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	25%	July 2010	Tender for construction awarded to Robson Civil Projects Pty Ltd on 20 October 2009. Contract progressing ahead of schedule. Earthworks due for completion end January. Completion of contract is due in May 2010.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/166102 CCGT Business Incubator Project – Design and Construct (D&C)	\$3M	1%	Dependent on Grant funding	Project is subject to Federal Government grant funding which is yet to be confirmed. Estimated project D&C cost is \$3M. Draft D&C RFT has been developed and is currently subject to peer review. A separate application by CCGT for \$2M funding has been made under Round 2 of the funding. Council can't apply for any funding under Round 2.
CPA/173286 Remediation of Mardi Landfill – Design only	\$300K	2%	December 2010	Expressions of Interest (EOI) being invited for selective invitation of tenders for design, closing in February 2010. Tenders for design will follow.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/152870	Buttonderry Waste Management Facility Entry Upgrade Works	Practical Completion - Three Portions of the Contract: Portion 1 – 17 September 2009 Portion 2 – 31 October 2009 Portion 3 – 12 November 2009	Portion 1–25% Portion 2-20% Portion 3- 10%
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	30%
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Practical completion 24 April 2009. Final claim now received.	75%
CPA/136398 to CPA/136401	Year 2 Upgrade Works to All Holiday Parks	Practical completion 28 April 2009 The Contractor (Jenbuild) has refused to rectify several defects.	66%

ATTACHMENTS

Nil.

8.9 Water and Sewerage - Works in Progress

TRIM REFERENCE: f2004/07830 - D02118899

AUTHOR: DM

SUMMARY

Water supply and sewerage works in progress and completed for December 2009.

RECOMMENDATION

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

WATER SUPPLY

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Cheryl St Warwick Ave Dunvegan St, Mannering Park	15,000	50	Jan 2010	Fitting and tapping band inspections are in progress and form part of the fitting replacement program. This work is being undertaken in conjunction with the Roads & Drainage concrete footpath programme. The work is being funded by Water and Sewerage Operations & Maintenance Program.
Mataram Rd Woongarra	8,000	95	Jan 2010	This work forms part of the water main realignment for the development of the new subdivision. The construction work includes water main connections and associated fitting and tapping band replacements on the 150mm PVC water main. This work is being funded by the Developer.
Intersection of Albert Warner Dve & Sparks Rd, Warnervale	10,000	50	Jan 2010	Asset condition inspections and confirmation of work as executed are being carried out on the 600mm Hunter to Kanwal water trunk main link and 375mm water main as part of the construction work for the Warnervale link road. This work is being funded by Contracts and Special Projects.

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Shakespeare Ave, Waratah St, Keats Ave & Marlowe Ave Bateau Bay	80,000	50	Jan 2010	Ongoing fittings and replacement works as part of the water fitting replacement and program. The work is being funded by Water and Sewerage Capital Works Program.
Bateau Bay Long Jetty The Entrance Killarney Vale Berkeley Vale Toukley	20,000	Ongoing	Jun 2010	Ongoing hydrant maintenance work being done in conjunction with NSW Rural Fire Brigade priorities. The work is being funded by Water and Sewerage Operations and Maintenance Program.

SEWERAGE

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

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Killarney Vale Berkeley Vale Bateau Bay Long Jetty Lake Munmorah	50,000	Ongoing	June 2010	Ongoing sewer main and manhole replacement and adjustment works. Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration. This work is funded by the Water and Sewerage Operations and Maintenance Program.

PROCESS

Water Treatment

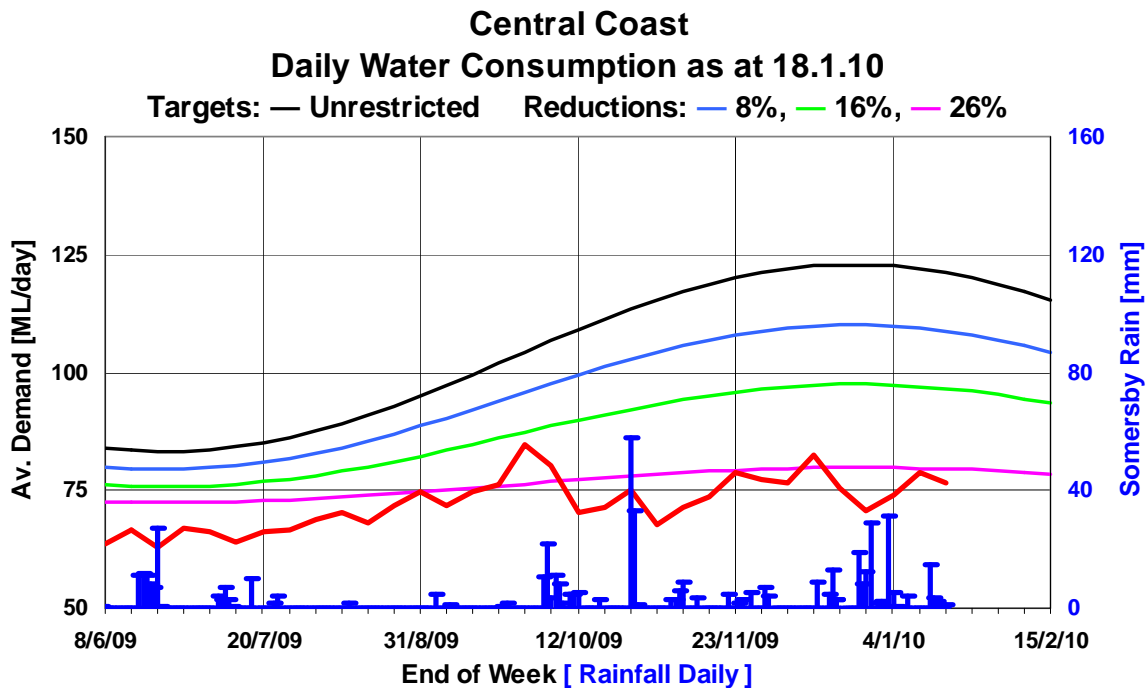
All water produced by the Water Treatment Plant, for the period 1 to 31 December 2009 has met National Health and Medical Research Council Guidelines.

Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 to 31 December 2009 has met Environmental Protection Authority Licence requirements.

WATER STORAGE

Monday, 18 January 2010				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	52,456	27.6	Down 18 ML
Mardi Dam	7400	2,467	33.3	Down 23 ML
Mooney Dam	4600	3,208	69.7	Down 183 ML
Total	202000	58,131	28.8	Down 224 ML
CURRENT WORKS:				
<ul style="list-style-type: none"> Upgrade works essential for the long term secure operation of Mardi Dam and Central Coast water supply system are being undertaken. The works include the construction of a new intake tower, two pump stations and new pipelines at Mardi Dam. These works have been timed to coincide with the seasonal drop in the Mardi Dam levels over summer months. Levels will return to normal once the work is complete. The work is on schedule for the new outlet tower. 				
STORAGE:				
<ul style="list-style-type: none"> Total stored water volume has fallen by 0.3% since last month due to a combination of conditions and the lowering of Mardi Dam for the construction of the new outlet. Recently Mardi Dam level has been raised to create 2-3 week reserve storage. It is planned to recommence lowering of Mardi Dam, by natural demand, from February 2010 to meet the outlet tower construction program. The lowering of the will be managed to optimise extraction from the run of the Wyong River. This day last year the total stored volume was 2.9% higher. 				
HUNTER TRANSFERS:				
<ul style="list-style-type: none"> Hunter Water Corporation supplied 55.8ML last week increasing this years supply to 290ML. Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this years supply to 0.0ML 				
GROUND WATER BORES:				
<ul style="list-style-type: none"> Groundwater Bores supplied 9.3ML last week increasing this years supply to 20.8ML (note that groundwater bores are run intermittently to maintain the pumps) 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	537	22	15	37
Previous week	551	4	1	4
Current week last year	549	19	3	11
This year to date	1,387	67	62	58
Same period last year	1,401	31	8	18
<p style="text-align: center;">Week to date consumption was 537 ML, 2.2% less than the same week last year and 2.5% less than the previous week.</p> <p style="text-align: center;">Consumption this year to date is 1,387 ML, 1.0% less than the same period last year.</p> <p style="text-align: center;">Level 3 Water Consumption Target for the week ending Monday, 25 January 2010 is 555 ML</p>				



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

ATTACHMENTS

Nil.

8.10 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2009/00008 - D02085112

AUTHOR: MR

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

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

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 <i>That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</i></p> <p>2 <i>That the Local Government Association via its annual conference be invited to support this initiative</i></p> <p>3 <i>That a further report be brought back to Council on information on predication on climate change impacts as a result of studies being undertaken by consultants in conjunction with the Coastal Hazard Study.</i></p>	Shire Planning	8 August 2007 Cr Eaton / Cr Best	<p>Letter sent to Local Government Association (LGA) applying for funding. Reply received advising Council was unsuccessful. Letter sent to the LGA requesting coastal erosion and risk management issues to be included in future funding. No response received.</p> <p>A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.</p>

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>298 – The Long Jetty Commercial Options Initiative</p> <p>1 <i>That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.</i></p> <p>2 <i>That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.</i></p>	Shire Planning	25 June 2008 Cr Best / Cr Eaton	Currently preparing the project Management documentation to initiate the commencement of the project for masterplanning the Long Jetty Village Centre. This project will consider the matters raised in Council's resolution. Staff are prepared to brief Council during the third quarter of this budget year. However, the briefing will be subject to availability of briefing times.

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>9.4 – Council’s Animal Care Facility Review</p> <p>1 <i>That Council acknowledge the strategic and operational review of the Animal Care Facility undertaken by the Regulation and Compliance Unit in late 2008.</i></p> <p>2 <i>That Council reiterate the earlier congratulations extended to the Manager of Regulation and Compliance and his team for “the complex review” undertaken which led to the Wyong Animal Care Facility “being nationally identified as a best case example of restructure and operation” as advised by Councillor Best in his Question Without Notice to the Ordinary Meeting held on 12 November 2008.</i></p> <p>3 <i>That staff report to Council on further options for the future management of the facility following the completion of the RSPCA’s strategic review of its operations which Council is advised will take approximately 12 months.</i></p> <p>4 <i>That in response to the success of the joint efforts of staff and animal rescue groups resulting in increased re-homing rates, Council acknowledge the need to provide additional kennels and cattery space and therefore give consideration to the provision of capital funds for the extension of the facility as part of its consideration of the 2009-10 Management Plan. However, should additional funds be voted, that the expenditure of such funds not occur until the outcome of the RSPCA strategic review.</i></p> <p>5 <i>That Council embark on a public awareness campaign focusing on responsible pet ownership.</i></p>	<p>Shire Planning</p>	<p>25 February 2009 Cr Best / Cr Matthews</p>	<p>The RSPCA Strategic Review is complete. Future options will be the subject of a Councillor Briefing in early 2010 with a report to follow.</p>

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

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

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>10.2 – Notice of Motion –Review of Fees for Home Buyers</p> <p>1 <i>That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.</i></p> <p>2 <i>That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.</i></p>	Shire Planning	12 August 2009 Cr McBride / Cr Matthews	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>10.3 – Notice of Motion – Aged Housing Strategic Planning</p> <p>1 <i>That Council recognise the domination of aged housing in its "Greenfield" urban release areas as reported in Question Without Notice No 038.</i></p> <p>2 <i>That Council acknowledge that this proliferation of aged housing dictates changes to Council's strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions etc.</i></p> <p>3 <i>That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.</i></p>	Shire Planning	12 August 2009 Cr Eaton / Cr Wynn	Workshop to be rescheduled for early 2010 due to the fact that available briefing times have been taken up with the 4 year delivery plan workshops.
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	A detailed audit of Foreshore Structures for all areas of Wyong Shire has been completed, as advised to Councillors via a business update dated 3 December 2009. A report on the outcomes of the audit will be presented to Council in March 2010.

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

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

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

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

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

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

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

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
Q58/09 – Pool at Mingara Recreation Club	11 November 2009	A response is included in this business paper.
Q59/09 – Wadalba Wildlife Corridor	11 November 2009	A response is included in this business paper.

8.10 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
9.4 - Notice of Motion - Dredging of Tumbi Creek	26 August 2009	Report included in this business paper.
10.1 - Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial	14 October 2009	Report included in this business paper.

ATTACHMENTS

Nil.

9.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06263 - D02079780 AUTHOR: JV

9.1 Q58/09 - Pool at Mingara Recreation Club

The following question was asked by Councillor Graham at the Ordinary Meeting on 11 November 2009:

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

The day-to-day operations and management of the aquatic facility, which forms part of the Mingara complex, are the Club’s responsibility. However, the way in which the aquatic facility is operated and managed, and the policies it adopts, is subject to the executed Deed of Management between Council and the Club.

At the time of the newspaper report of 11 November 2009 (attached), Mingara One, who manage the Aquatics Facility and the Health Club, had closed the 50 metre lap pool to the public between 4pm and 7pm every week day due to high numbers in its squad program. This policy was to be maintained throughout Spring and Summer, with a review in March 2010.

Under the Management deed the Aquatic Facility at Mingara was developed as a public amenity in partnership with the Mingara recreation Club. The aquatic facility includes the 50m pool, hydrotherapy pool, leisure pool and ancillary facilities. As part of the terms of this deed the club must permit members of the public, as well as members of the club to use the aquatic facility. As a result of this clause in the deed this facility must remain available to members of the public.

As a result of actions taken by Mingara at the time of this newspaper report, access to the all components of the aquatic facility for members of the public was significantly reduced. Whilst the leisure pool did remained open, public swimming space in the leisure pool was limited as swimming lessons were also scheduled at that time. The Council considers that the Club’s actions in not maintaining public swimming access to the aquatic facility between 4pm-7pm each weekday evening is in breach of this Deed of Management.

Despite the Deed of Management between Mingara and Council, the Club did not consult with Council before this action was taken.

Since the resolution of Council staff have met with Mingara management. As a result, the Club has reviewed its position and are now ensuring at least one lane is available for public swimming between 4pm and 7pm Monday to Friday.

9.1 Q58/09 - Pool at Mingara Recreation Club (contd)

Under the deed Mingara is required annually to provide Council assurance that: *the standards of operation of the Aquatic Facility is no less than the standards of operation and management employed in comparable public swimming pool facilities, if any, managed on or behalf of local government bodies.* Council staff are working with Mingara on a timeframe for provision of this assessment.

ATTACHMENTS

- 1 Newspaper Clippings - CC Express - Regular Swimmer Barred - Mingara Recreation Club - Richard Wells D02126436



Richard Wells is unhappy with not being able to use Mingara pool at his usual time.

Picture: MARK SCOTT

Regular swimmer barred

TERRY COLLINS

RICHARD Wells was in for a bit of a shock when he rocked up to Mingara Recreation Club last week after work for his weekly swim.

Mr Wells, of Berkeley Vale, was informed the public would not have access to the pool any weekday between 4pm and 7pm until the end of summer.

"It appears management has taken this decision without consulting or notifying the public in general," Mr Wells said.

"To close the pool be-

tween November and March every weekday is a ridiculous decision.

"This is the peak time when the public will want to use the facility.

"I thought this was supposed to be a public pool.

"Don't get me wrong, I think it is great that kids are taking up squad swimming in large numbers.

"Surely they can schedule these training sessions better.

But Mingara chief executive officer Paul Barnett said excluding the public during those times was a necessity with squads and

learn-to-swim classes at record levels.

"There are more children learning to swim than I can recall - we have more than 1500 on the books," Mr Barnett said.

"And squad members number more than 500.

"You simply can't squash them into a few lanes.

"We regret inconvenience but you can't please everyone. They are welcome to join a squad.

"I don't think there is anything more important than teaching our children to swim."

9.2 Answers to Question Without Notice

TRIM REFERENCE: F2004/00562 - D02110195 AUTHOR: SJD

9.2 Q59/09 - Wadalba Wildlife Corridor

The following question was asked by Councillor Wynn at the Ordinary Meeting on 11 November 2009 :

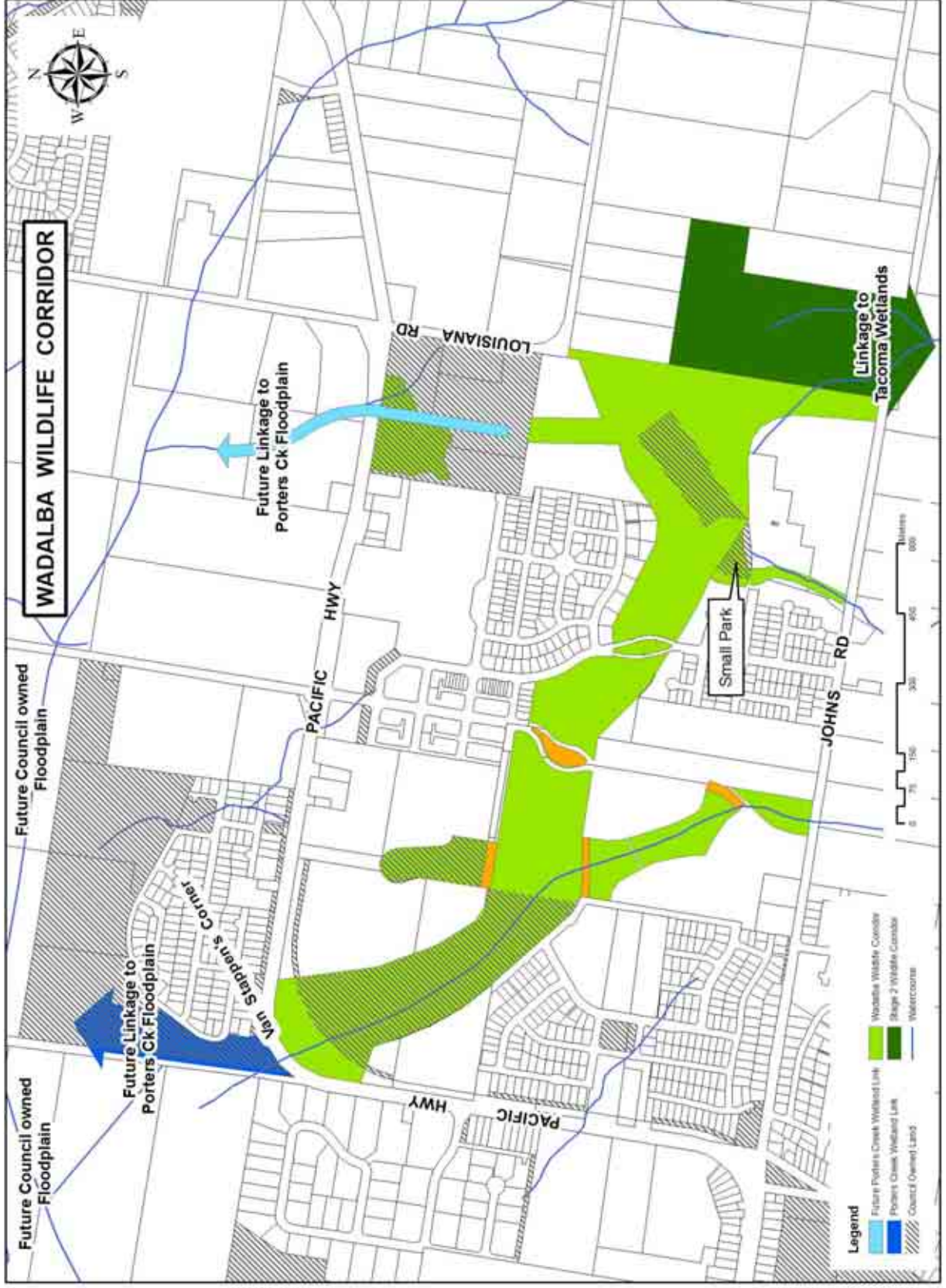
“Given Council’s Wadalba Wildlife Corridor Management (2007), what is the priority for providing safe crossings (ie. poles or culverts) of wildlife connecting the Wadalba Wildlife Corridor and Porter’s Creek Wetland across the Pacific Highway at Van Stappen’s Corner?”

The Wadalba Wildlife Corridor (see attachment 1) has been designed to protect significant areas of threatened species habitat and provide opportunities for fauna movement in the local area. Ultimately it is the intention of Council to link the Wadalba Wildlife Corridor to the Tacoma Wetlands (to the south) and the Porters Creek Wetland floodplain (to the north). This will then form part of a continuous area of habitat. The floodplain areas to the north of Van Stappen's Corner will require restoration as much of this area has been cleared in the past and is currently used as grazing land. Management options for the floodplain are being examined as part of the Precinct 7A - Warnervale and Hamlyn Terrace rezoning process. This area will need to be managed for a multiple range of uses namely environmental, passive recreational uses and stormwater management. It is expected that the timing of works to connect the Wadalba Corridor across the Pacific Highway at Van Stappen's Corner will be examined as part of this project.

The Pacific Highway is a major barrier to fauna movement in the locality. It is not currently a priority to connect the floodplain areas to the north of Van Stappen's Corner to the Wadalba Wildlife Corridor, although it is expected that this will occur when the restoration activities within the floodplain areas within the Precinct 7A rezoning area commence. This is not expected to happen until at least 2013-2014 when some short term measures will be required, namely the installation of glider dispersal poles/rope crossings to assist fauna movement across this landscape barrier. However these plans will need to be discussed with the NSW Roads and Traffic Authority (RTA). Ultimately there will be more scope to achieve a design solution that is more "fauna friendly" using split carriageways with vegetated islands and fauna friendly culvert designs when the Pacific Highway is upgraded. Short term and long term actions will be discussed with the RTA as part of the Precinct 7A rezoning project. However it is acknowledged that the timing of these works will need to coincide with the RTA's plans to upgrade this stretch of the Pacific Highway which is unlikely to occur before 2020. This section of the Highway has a very low priority with the RTA. Council will, however, raise it with the RTA in conjunction with the preparation of the design for the upgrading of the Highway between Wyong and Watanobbi and /or any rezonings in the vicinity of Van Stappen's Corner. The timing of the upgrading of the Highway by the RTA could be pushed out further if the Link Road is constructed.

ATTACHMENTS

- 1 Map of the Wadalba Wildlife Corridor D02111001



27 January 2010

To the Ordinary Meeting

Councillor

10.1 Notice of Rescission - Draft Climate Change Policy

TRIM REFERENCE: F2009/00067 - D02106017

AUTHOR: GB; DE; JM

Council, at the Ordinary Meeting held on 9 December 2009, gave consideration to a report regarding Draft Climate Change Policy.

At that meeting, Council resolved as follows:

- "1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.*
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.*
- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.*
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.*
- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.*
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition."*

A Rescission Motion has been received from Councillors Best, Eaton and McNamara to be moved at the Ordinary Meeting of Council to be held on 27 January 2010, as follows:

"That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 9 December 2009:

- 1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.*
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.*
- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.*
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.*

- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition.”

Should the above Rescission Motion be carried, further notice is given that Councillors Best, Eaton and McNamara will move the following motion:

“MOVE

- 1 That Council note the NSW Department of Environment, Climate Change and Water’s projected upper sea level rises for the year 2100 of up to .91m as the basis for Council staff and the community to proceed with risk assessment, policy development and community empowerment decisions.
- 2 That Council continue to monitor, review and manage the risks associated with climate change relating to local government functions.
- 3 That Council review the above figures if and when the NSW Government recommends a level under its planning policies, guidelines, or manuals, and/or in the light of new scientific evidence.
- 4 That Council continue to undertake community consultation and community empowerment activities in partnership with adjoining councils and other key stakeholder partners.
- 5 That Council defer consideration of a Climate Change Policy pending;
 - a Further legal advice on all methods to minimise all possible risks and on the legal necessity to adopt new flood levels.
 - b Data series on local sea levels and lake levels.
 - c Reports on physical barriers to protect property from sea level/lake level rise.
 - d Valuation reports on the risk to the community on property values in adoption of the proposed draft climate change policy.
- 6 That Council commission MHL to produce lake level data and adopt on a continuing basis with biannual reporting to Council and the community.
- 7 That Council staff cease using the proposed draft climate change policy in planning applications.”

27 January 2010

To the Ordinary Meeting

Councillor

10.2 Notice of Motion - Peabody Lake Coal

TRIM REFERENCE: F2006/00261 - D02117433

AUTHOR: SW

Councillors Wynn and Symington have given notice that at the Ordinary Meeting to be held on 27 January 2010 they will move the following Motion:

“That Wyong Shire Council:

- 1 *Nominate a Councillor delegate as Council’s representative on the Chain Valley Coal Project Stakeholder Reference Group.*
- 2 *Request Peabody Lake Coal undertake and provide a work as executed survey to establish the extent of past mining as mining in the past has exceeded the boundaries of the mining leases.*
- 3 *Request Peabody Lake Coal release the method of mining to be conducted in all areas of operation of the mine from Mannering Park to Gwandalan and the vertical height of the coal seam they will mine in the Fassifern seam as well as demonstrating that the mining will cause no surface subsidence or land slippage.*
- 4 *Request Peabody Lake Coal and Centennial Mannering Colliery survey all properties ‘as is’ in affected areas of the Average Height Dimension (AHD) against the nearest Department of Lands SCIM box to establish information for any future mine subsidence issues or claims.*
- 5 *Seek Department of Planning to provide the monitoring data for regular review, to establish that mining is in accordance with lease conditions. Cost to be borne by Peabody Lake Coal.*
- 6 *Inform the State Government’s Department of Planning of the Chain Valley Coal Project for inclusion in their planning for the North Wyong Settlement Strategy.*
- 7 *Conduct an audit and survey of Wyong Shire Council’s roads and infrastructure in the affected area in order to be able to assess the impact of both the Centennial Mannering Colliery and the Peabody Lake Coal Chain Valley Coal Project on them for adequate reparation, if required. The conditions of approval should include the appropriate dilapidation reporting and monitoring with this validation cost to be borne by Peabody Lake Coal and Centennial Coal.*
- 8 *Examine the affect of the increase in coal trucks along Rutleys Road to the Pacific Highway due to the increased mining activity at Chain Valley Colliery, and, if detrimental, request the NSW State Government take over the responsibility for the maintenance of the road.”*

COUNCILLOR’S NOTE

Chain Valley Bay suffered subsidence after the then state-owned company Elcom mined the Newvale Colliery illegally, causing a section of the Lake Macquarie shoreline to sink into the lake. About 300 homes were affected, some were completely destroyed while others continue to sink and crack. The subsidence is both lateral and vertical.

10.2 Notice of Motion - Peabody Lake Coal (contd)

Peabody Lake Coal is seeking mining approvals to mine for the next 21 years. It wants to increase coal production from 750,000 tonnes to 1.2 million tonnes a year in the Chain Valley Bay Colliery.

Peabody Lake Coal has ranked subsidence in a preliminary report as a medium risk.