



High School students across the Shire are participating in Council's Ngura program, designed to promote healthy living to Indigenous students. The nationally praised program was developed by Council's Aboriginal Youth Development Worker, Matthew Sonter..

# Business Paper

ORDINARY MEETING

**28 April 2010**



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# MEETING NOTICE

**The ORDINARY MEETING  
of Wyong Shire Council  
will be held in the Council Chamber,  
Wyong Civic Centre, Hely Street, Wyong on  
Wednesday 28 April 2010 at 5.00 pm,  
for the transaction of the business listed below:**

## **OPENING PRAYER**

## **ACKNOWLEDGEMENT OF COUNTRY**

## **RECEIPT OF APOLOGIES**

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**8 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

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TRIM REFERENCE: F2010/00009 - D02205339

AUTHOR: SW

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

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

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

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

### RECOMMENDATION

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

## 1.2 Proposed Inspections

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TRIM REFERENCE: F2010/00009 - D02206043

AUTHOR: SW

### SUMMARY

Inspections proposed to be held on 5 May 2010 are listed as follows:

<i>Date of Inspection</i>	<i>Location</i>	<i>Requested By</i>
5 May 2010	Ourimbah Fire Station Cambridge Circuit, Ourimbah	Director Shire Services
5 May 2010	DA 664/2009 – Dual Occupancy at 33 Lakeside Parade, The Entrance	Director Shire Planning
5 May 2010	Pioneer Diary, South Tacoma Road, Wyang	Director Shire Planning

### RECOMMENDATION

*That Council receive the report on Proposed Inspections.*

### **1.3 Address By Invited Speakers**

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TRIM REFERENCE: F2010/00009 - D02206010

AUTHOR: SW

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

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

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TRIM REFERENCE: F2010/00009 - D02206038

AUTHOR: SW

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting of Council held on 14 April 2010.

### **RECOMMENDATION**

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 April 2010.***

### **ATTACHMENTS**

1 Minutes - Ordinary Meeting - 14 April 2010      D02210913



**WYONG SHIRE COUNCIL**

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 14 April 2010  
COMMENCING AT 5:00:00 PM**

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**PRESENT**

Councillors R L Graham (Chairperson), G P Best (arrived at 6.48 pm), D J Eaton, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

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

Manager Contracts and Special Projects, Sustainability Manager, Manager Customer and Community Services, Senior Planner – Legal and Policy, Development Assessment Planner, Manager Governance and Administration, two Strategic Planners and two administration staff.

The Mayor commented as follows:

- \* An item on Tuggerah Lakes Estuary Management was printed in the Express Advocate recently and Council received positive feedback as a result.
- \* Council's annual Photographic Competition is currently on display in Council's function room and entries will be on display until Sunday 18 April 2010.
- \* On a recent trip to Lake Macquarie he met Mayor Greg Piper, the Mayor viewed shared pathways/cycleways which are similar to those constructed in Wyong Shire.

The Mayor, Councillor Graham, declared the meeting open at 5.05 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr Bob Allen read an acknowledgment of country statement and delivered the opening prayer.

**APOLOGIES**

An apology for the inability to attend the meeting was received on behalf of Councillor Lisa Matthews as she is currently representing Council at a conference in Victoria. An apology for late arrival was received on behalf of Councillor Greg Best who is attending an appointment in Sydney.

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

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

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

At the commencement of the ordinary meeting report nos. 3.1, 3.2 and 3.3 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

## **1.0 Disclosure of Interest**

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### **3.4 Rezoning requests – RZ/18/2009 – 1 London Drive, North Wyong, RZ/12/2009 – 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 – 1 Bryant Drive 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 which is involved with the property at 1 Bryant Drive, Tuggerah, left the chamber at 6.15 pm, took no part in discussion, did not vote and returned to the chamber at 6.16 pm.

### **3.4 Rezoning requests – RZ/18/2009 – 1 London Drive, North Wyong, RZ/12/2009 – 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 – 1 Bryant Drive Tuggerah**

Councillor Eaton declared a pecuniary interest in the matter for the reason that he is the applicant for RZ/18/2009, left the chamber at 6.15 pm, took no part in discussion, did not vote and returned to the chamber at 6.16 pm.

### **5.5 Proposed Councillors' Community Improvement Grants**

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that her husband occasionally teaches at Gorokan High school and the proponent is known to her and participated in consideration of this matter.

Councillor Wynn 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 dealt with the request on its merits only."*

### **8.4 Notice of Motion – public access to coast via Tuggerah Lakes Golf Course**

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a playing member of the golf club and participated in consideration of this matter.

The Director stated:

*"I choose to remain in the chamber and participate in discussion as the conflict has not influenced me in carrying out my public duty because no personal benefit accrues to me in any way, in fact my knowledge as a golfer and a resident serves to enhance my ability to perform my public duties."*

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

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

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

### **1.1 Proposed Inspections**

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

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

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

### **1.2 Address By Invited Speakers**

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

- 1 *That Council receive the report on Invited Speakers.***
- 2 *That Council agree meeting practice be varied to allow the report from Director of Shire Planning to be dealt with following an Invited Speaker's address.***

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

### **1.3 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Extraordinary Meeting of Council held on 18 March 2010 and the Ordinary Meeting of Council held on 24 March 2010.***

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

### **Business Arising**

There was no business arising.

**1.4 Mayoral Minute - Appointment of General Manager**

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**RESOLVED unanimously on the motion of Councillor GRAHAM:**

- 1 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the General Manager's contract of employment.**
- 2 That Council authorise the Mayor and the Deputy Mayor to execute all documents relating to the General Manager's contract of employment.**

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

AGAINST: NIL

**1.5 Mayoral Minute - F3 Freeway Traffic Management**

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**RESOLVED unanimously on the motion of Councillor GRAHAM:**

- 1 That Council express its dismay at the poor management by the NSW State Government of the recent accident.**
- 2 That Council make urgent representation in the strongest possible terms to local State Members of Parliament and the Minister for the Central Coast for them to ensure that this poor management does not occur again.**

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

AGAINST: NIL

**2.1 Cabbage Tree Harbour Update**

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Councillor McNamara left the chamber at 6.09 pm and returned to the chamber at 6.10 pm during consideration of this item.

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

- 1 That Council prepare final detailed designs, final cost estimates and obtain necessary approvals for the lower life-cycle cost option for a Toe-Drainage Structure at Cabbage Tree Harbour at an estimated total cost of \$1,954,000.**
- 2 That Council request the NSW Department of Environment, Climate Change and Water to provide additional grant funding of \$367,000, to cover the cost of the structure on a 50-50 basis.**
- 3 That subject to the final detailed design being costed at a maximum total of \$1,954,000 and upon receipt of approval of funding from NSW Department of Environment, Climate Change and Water, Council proceed to the construction phase.**
- 4 That Council, in considering its Management Plan for 2010/11, allocate additional funds of \$135,000 to the 2010-2011 financial year to match the Department of Environment, Climate Change and Water's grant augmentation.**

- 5 ***That due to the benefits of managing project risks, Council undertake construction of the Toe Drainage Structure by day labour with quality assurance provided by the designing engineers.***
- 6 ***That Council, in considering its Long Term Financial Strategy and financial model incorporate funds of \$500,000 for maintenance and removal of the structure over the design life of 15 years.***
- 7 ***That Council, taking into account the risk assessment undertaken by Shirley Consulting Engineers and State Wide Mutual in respect to the slope stability and site safety at Cabbage Tree Harbour, confirm that staff surveillance of the beach can now be discontinued.***

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

AGAINST: NIL

### **3.1 DA/1482/2009 - Two Storey Dwelling - 4 Manly Parade, The Entrance North**

Mr Dean Miller, accompanied by his wife Kim, owners, addressed the meeting at 5.10 pm, answered questions and retired at 5.16 pm.

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

- A That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, 1979, and other relevant issues, approve Development Application DA/1482/2009 subject to the following conditions:***

- 1 ***The development taking place in accordance with the approved development plans reference number 4101 Sheets 1 to 9 prepared by Westminster Homes dated 9 April 2010 except as modified by any conditions of this consent, and any amendments in red.***

***Certificates/Engineering Details***

- 2 ***A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.***

***Prior to Release of Construction Certificate:***

***Certificates/Engineering Details***

- 3 ***The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.***

**Erosion and Sediment Control – Building Sites**

- 4 **Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.**

**Flooding**

- 5 **The design of the development must comply with Council's Flood Prone Land Development Policy No. F5 and in particular:**
- **The provision to Council of a satisfactory Structural Certificate from a qualified Engineer as to all proposed structures and building stability in relation to all loadings associated with flooding up to and including 1% AEP flood level of 2.2 metres AHD**
  - **The minimum habitable floor level is 2.7 metres AHD.**
- 6 **All electrical outlets and fixtures will require protection of a "residual current device" (safety switch) to protect against flood waters. Storage of hazardous or toxic materials is to be 0.5 metres above the identified flood level of 2.2 metres AHD.**

**Rainwater Tanks**

- 7 **The rainwater tanks are to be relocated at least 450mm from the side boundary. An amended plan is to be submitted and approved by Council prior to issue of the Construction Certificate.**

**Prior to Commencement of Works:****Approved Plans**

- 8 **A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council. (103)**

**Acoustic**

- 9 **Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:**

**Monday to Saturday 7.00 am to 5.00 pm.**

**Work is not to be carried out on Sundays or Public Holidays.**

**Dilapidation**

- 10 **A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.**

**Erosion and Sediment Control**

- 11 **The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 12 **Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 13 **The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 14 **The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

**Flooding**

- 15 **Building materials used or located below 2.2 metres AHD are to be flood compatible.**
- 16 **No filling greater than 100mm is permitted without Council approval.**

**Home Building Act**

- 17 **In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there shall be such a contract in force in accordance with the requirements of the Home Building Act 1989.**
- 18 **Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:**

**In the case of work to be done by the holder of a contractor licence under that Act:**

- **the name and licence number of the contractor; and**
- **the name of the insurer by whom the work is insured under Part 6 of that Act.**

**In the case of work to be done by the holder of an owner-builder permit under that Act:**

- **the name and permit number of the owner-builder.**

***If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.***

## **Plumbing and Drainage**

- 19 Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.**

## **Site Requirements**

- 20 The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.**
- 21 The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Note: On the spot fines may be imposed by Council for pollution incidents.**
- 22 Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.**
- 23 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 24 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.**



- 25 **The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.**
- 26 **No works, vehicles or materials are permitted within the footpath, reserve or adjacent allotment areas highlighted on the approved site plan.**

#### **Water and Sewer Services/Infrastructure**

- 27 **The sewer manhole is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.**
- 28 **The interallotment drainage pit and other services and utilities located on the site are to be protected during construction.**

#### **Prior to Release of Occupation Certificate:**

##### **BASIX**

- 29 **Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.**
- 30 **The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplement flows from domestic mains do not take place until the tank is at least 80% empty. Overflow from the rainwater reuse tank is to be directed to Council's road drainage system.**

##### **Building Code of Australia**

- 31 **Compliance with the relevant provisions and requirements of the Building Code of Australia.**

##### **Dilapidation**

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

**Erosion and Sediment Control**

- 33 **The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

**Flooding**

- 34 **All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.**
- 35 **The prevention of any obstruction of surface drainage which could result in the disruption of the amenity, or drainage or deterioration to any other property.**
- 36 **A flood evacuation plan is to be provided that incorporates the requirements of the Wyong Shire Local Flood Plan and the State Emergency Service. Reference to the flood evacuation plan is to be included on the title for the property.**

**Plumbing and Drainage**

- 37 **The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2.**
- 38 **All toilet cisterns, showerheads and taps on bathroom and kitchen hand basins must achieve compliance with the Water Efficiency and Labelling and Standards Scheme (WELS).**
- 39 **The sewer surcharge gully is to be relocated clear of the proposed building to facilitate access.**

**Stormwater**

- 40 **Roof water from the building and the overflow from the water tank is to be disposed of into Council's street gutter drainage system and the existing outlet that has been provided through the kerb is to be utilised.**

**Vehicle Access and Parking**

- 41 **The design and construction of a non-slip finish driveway with a decorative finish in the location shown on the approved plans. All works are to be completed prior to release of the Occupation Certificate.**

**Water and Sewer Services/Infrastructure**

- 42 **The surcharge gully for the development must be a minimum of 150mm below floor level and 75mm above the finished ground level.**
- 43 **All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.**

## **Ongoing Operation:**

### **Time Limited Consent**

- 44 *In accordance with Section 80A(1) (d) and 80A(1) (e) of the Environmental Planning and Assessment Act, 1979, this consent will expire 40 years from the date of issue of the consent, ie on 19 April 2050.*

*At the expiry of this period the dwelling the subject of this consent shall be removed from the land and the land shall be regraded to approximately the levels existing as at the issue of this consent and turfed to prevent soil erosion.*

*Council may consider a modification to this condition of the consent, within a period not greater than 12 months prior to the expiry date, subject to the applicant lodging information to verify that the development complies with the then current Council and State Flood Policies.*

- B** *That Council note that the life of the consent means that the 500mm freeboard over and above the current 1% AEP level is sufficient to meet State Government Climate Change Sea Level Rise Policy.*

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

### **3.2 DA/1201/2009 - Proposed Single Storey Dwelling 34 Jane Ellen Crescent, Chittaway Bay**

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

- A** *That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, 1979, and other relevant issues, approve Development Application DA/1201/2009 subject to the following conditions:*

- 1 *The development taking place in accordance with the approved development plans reference number 201183 Sheets 1 to 9 prepared by McDonald Jones dated 27 October 2009 except as modified by any conditions of this consent, and any amendments in red.*

#### **Certificates/Engineering Details**

- 2 *A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.*

#### **Prior to Release of Construction Certificate:**

#### **Certificates/Engineering Details**

- 3 *The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.*

**Erosion and Sediment Control – Building Sites**

- 4 **Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.**

**Flooding**

- 5 **The design of the development must comply with Council's Flood Prone Land Development Policy No. F5 and in particular:**
- **The provision to Council of a satisfactory Structural Certificate from a qualified Engineer as to all proposed structures and building stability in relation to all loadings associated with flooding up to and including 1% AEP flood level of 2.2 metres AHD.**
  - **The minimum habitable floor level is 2.7 metres AHD.**
- 6 **All electrical outlets and fixtures will require protection of a "residual current device" (safety switch) to protect against flood waters. Storage of hazardous or toxic materials is to be 0.5 metres above the identified flood level of 2.2 metres AHD.**

**Prior to Commencement of Works:****Approved Plans**

- 7 **A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.**

**Acoustic**

- 8 **Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:**

**Monday to Saturday 7.00 am to 5.00 pm.**

**Work is not to be carried out on Sundays or Public Holidays.**

**Dilapidation**

- 9 **A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.**

**Erosion and Sediment Control**

- 10 **The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 11 **Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 12 **The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 13 **The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

**Flooding**

- 14 **Building materials used or located below 2.2 metres AHD are to be flood compatible.**
- 15 **No filling greater than 100mm is permitted without Council approval.**

**Home Building Act**

- 16 **In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there shall be such a contract in force in accordance with the requirements of the Home Building Act 1989.**
- 17 **Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:**

**In the case of work to be done by the holder of a contractor licence under that Act:**

- **the name and licence number of the contractor; and**
- **the name of the insurer by whom the work is insured under Part 6 of that Act.**

**In the case of work to be done by the holder of an owner-builder permit under that Act:**

- **the name and permit number of the owner-builder.**

***If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.***

### ***Plumbing and Drainage***

- 18** ***Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.***

### ***Site Requirements***

- 19** ***The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.***
- 20** ***The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Note: On the spot fines may be imposed by Council for pollution incidents.***
- 21** ***Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.***
- 22** ***All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. Note: On the spot fines may be imposed by Council for non-compliance with this condition.***
- 23** ***The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.***

- 24 **The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.**
- 25 **No works, vehicles or materials are permitted within the footpath, reserve or adjacent allotment areas highlighted on the approved site plan.**

#### **Water and Sewer Services/Infrastructure**

- 26 **The sewer manhole is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.**
- 27 **The interallotment drainage pit and other services and utilities located on the site are to be protected during construction.**

#### **Prior to Release of Occupation Certificate:**

##### **BASIX**

- 28 **Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.**
- 29 **The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplement flows from domestic mains do not take place until the tank is at least 80% empty. Overflow from the rainwater reuse tank is to be directed to Council's road drainage system.**

##### **Building Code of Australia**

- 30 **Compliance with the relevant provisions and requirements of the Building Code of Australia.**

##### **Dilapidation**

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

**Erosion and Sediment Control**

- 32 **The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

**Flooding**

- 33 **All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.**
- 34 **The prevention of any obstruction of surface drainage which could result in the disruption of the amenity, or drainage or deterioration to any other property.**
- 35 **A flood evacuation plan is to be provided that incorporates the requirements of the Wyong Shire Local Flood Plan and the State Emergency Service. Reference to the flood evacuation plan is to be included on the title for the property.**

**Plumbing and Drainage**

- 36 **The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2.**
- 37 **All toilet cisterns, showerheads and taps on bathroom and kitchen hand basins must achieve compliance with the Water Efficiency and Labelling and Standards Scheme (WELS).**
- 38 **The sewer surcharge gully is to be relocated clear of the proposed building to facilitate access.**

**Stormwater**

- 39 **Roof water from the building and the overflow from the water tank is to be disposed of into Council's street gutter drainage system and the existing outlet that has been provided through the kerb is to be utilised.**

**Vehicle Access and Parking**

- 40 **The design and construction of a non-slip finish driveway with a decorative finish in the location shown on the approved plans. All works are to be completed prior to release of the Occupation Certificate.**

**Water and Sewer Services/Infrastructure**

- 41 **The surcharge gully for the development must be a minimum of 150mm below floor level and 75mm above the finished ground level.**
- 42 **All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.**



## **Ongoing Operation:**

### **Time Limited Consent**

- 43 *In accordance with Section 80A(1) (d) and 80A(1) (e) of the Environmental Planning and Assessment Act, 1979, this consent will expire 40 years from the date of issue of the consent, ie on 19 April 2050.*

*At the expiry of this period the dwelling the subject of this consent shall be removed from the land and the land shall be regraded to approximately the levels existing as at the issue of this consent and turfed to prevent soil erosion.*

*Council may consider a modification to this condition of the consent, within a period not greater than 12 months prior to the expiry date, subject to the applicant lodging information to verify that the development complies with the then current Council and State Flood Policies.*

- B.** *That Council note that the life of the consent means that the 500mm freeboard over and above the current 1% AEP level is sufficient to meet State Government Climate Change Sea Level Rise Policy.*

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

### **3.3 DA/1153/2009/A - Modification to an approved Dwelling 2 Marina Street, Budgewoi**

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

- A** *That Council, having regard to the matters for consideration detailed under Section 96(1A) and Section 79C of the Environmental Planning and Assessment Act, 1979, modify Development Consent No. 1153/2009 issued on 26 November 2009 and issue an amended consent subject to the following conditions:*

- 1** *The development taking place in accordance with the approved development plans reference number NZ TC4AA Sheets 1 to 4 prepared by Beechwood Homes dated 24 June 2009 except as modified by any conditions of this consent, and any amendments in red.*

#### **Certificates/Engineering Details**

- 2** *A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.*

#### **Prior to Release of Construction Certificate:**

##### **Garage Setback**

- 3** *The submission to the Principal Certifying Authority of amended plans showing the garage setback 6.0 metres from the front property boundary.*

**Certificates/Engineering Details**

- 4 **The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.**

**Erosion and Sediment Control – Building Sites**

- 5 **Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book) The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.**

**Flooding**

- 6 **The design of the development must comply with Council's Flood Prone Land Development Policy No. F5 and in particular:**
- **The provision to Council of a satisfactory Structural Certificate from a qualified Engineer as to all proposed structures and building stability in relation to all loadings associated with flooding up to and including 1% AEP flood level of 2.2 metres AHD.**
  - **The minimum habitable floor level is 2.7 metres AHD.**
- 7 **All electrical outlets and fixtures will require protection of a "residual current device" (safety switch) to protect against flood waters. Storage of hazardous or toxic materials is to be 0.5 metres above the identified flood level of 2.2 metres AHD.**

**Prior to Commencement of Works:****Approved Plans**

- 8 **A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.**

**Acoustic**

- 9 **Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority's 'Environmental Noise Control Manual-Guidelines for Construction Noise' as identified below:**

**Monday to Saturday 7.00 am to 5.00 pm.**

**Work is not to be carried out on Sundays or Public Holidays.**

**Dilapidation**

- 10 **A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.**

**Erosion and Sediment Control**

- 11 **The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 12 **Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 13 **The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 14 **The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

**Flooding**

- 15 **Building materials used or located below 2.2 metres AHD are to be flood compatible**
- 16 **No filling greater than 100mm is permitted without Council approval.**

**Home Building Act**

- 17 **In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there shall be such a contract in force in accordance with the requirements of the Home Building Act 1989.)**
- 18 **Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:**

**In the case of work to be done by the holder of a contractor licence under that Act:**

- **the name and licence number of the contractor; and**
- **the name of the insurer by whom the work is insured under Part 6 of that Act.**

**In the case of work to be done by the holder of an owner-builder permit under that Act:**

- **the name and permit number of the owner-builder.**

***If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.***

### ***Plumbing and Drainage***

- 19** ***Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.***

### ***Site Requirements***

- 20** ***The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.***
- 21** ***The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Note: On the spot fines may be imposed by Council for pollution incidents.***
- 22** ***Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.***
- 23** ***All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. Note: On the spot fines may be imposed by Council for non-compliance with this condition.***
- 24** ***The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.***

- 25 **The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.**
- 26 **No works, vehicles or materials are permitted within the footpath, reserve or adjacent allotment areas highlighted on the approved site plan.**

#### **Water and Sewer Services/Infrastructure**

- 27 **The sewer manhole is to be located and then protected for the duration of construction, to ensure that access is available at all times. The approval of Council is required should the level of the manhole need to be raised or lowered.**
- 28 **The interallotment drainage pit and other services and utilities located on the site are to be protected during construction.**

#### **Prior to Release of Occupation Certificate:**

##### **BASIX**

- 29 **Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.**
- 30 **The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplement flows from domestic mains do not take place until the tank is at least 80% empty. Overflow from the rainwater reuse tank is to be directed to Council's road drainage system.**

##### **Building Code of Australia**

- 31 **Compliance with the relevant provisions and requirements of the Building Code of Australia.**

##### **Dilapidation**

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

**Erosion and Sediment Control**

- 33 **The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

**Flooding**

- 34 **All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.**
- 35 **The prevention of any obstruction of surface drainage which could result in the disruption of the amenity, or drainage or deterioration to any other property.**
- 36 **A flood evacuation plan is to be provided that incorporates the requirements of the Wyong Shire Local Flood Plan and the State Emergency Service. Reference to the flood evacuation plan is to be included on the title for the property.**

**Plumbing and Drainage**

- 37 **The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2. (313)**
- 38 **All toilet cisterns, showerheads and taps on bathroom and kitchen hand basins must achieve compliance with the Water Efficiency and Labelling and Standards Scheme (WELS).**
- 39 **The sewer surcharge gully is to be relocated clear of the proposed building to facilitate access.**

**Stormwater**

- 40 **Roof water from the building and the overflow from the water tank is to be disposed of into Council's street gutter drainage system and the existing outlet that has been provided through the kerb is to be utilised.**

**Vehicle Access and Parking (386)**

- 41 **The design and construction of a non-slip finish driveway with a decorative finish in the location shown on the approved plans. All works are to be completed prior to release of the Occupation Certificate.**

**Water and Sewer Services/Infrastructure**

- 42 **The surcharge gully for the development must be a minimum of 150mm below floor level and 75mm above the finished ground level.**
- 43 **All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.**

## **Ongoing Operation:**

### **Time Limited Consent**

- 44** *In accordance with Section 80A(1) (d) and 80A(1) (e) of the Environmental Planning and Assessment Act, 1979, this consent will expire 40 years from the date of issue of the consent, ie on 19 April 2050.*

*At the expiry of this period the dwelling the subject of this consent shall be removed from the land and the land shall be regraded to approximately the levels existing as at the issue of this consent and turfed to prevent soil erosion.*

*Council may consider a modification to this condition of the consent, within a period not greater than 12 months prior to the expiry date, subject to the applicant lodging information to verify that the development complies with the then current Council and State Flood Policies.*

- B** *That Council note that the life of the consent means that the 500mm freeboard over and above the current 1% AEP level is sufficient to meet State Government Climate Change Sea Level Rise Policy.*

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

### **ELECTION OF CHAIR**

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

*That in the absence of both the Mayor and Deputy Mayor, Councillor McNamara assume the chair during consideration of Item 3.4.*

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

### **3.4 Rezoning Requests - RZ/18/2009 - 1 London Drive, North Wyong, RZ/19/2009 - 13-15 Hereford Street, Berkeley Vale and RZ/20/2009 - 1 Bryant Drive, 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 which is involved with the property at 1 Bryant Drive, Tuggerah, left the chamber at 6.15 pm, took no part in discussion, did not vote and returned to the chamber at 6.16 pm.

Councillor Eaton declared a pecuniary interest in the matter for the reason that he is the applicant for RZ/18/2009, left the chamber at 6.15 pm, took no part in discussion, did not vote and returned to the chamber at 6.16 pm.

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

- 1 ***That Council prepare planning proposals to insert the following into Schedule 2 - Development for Certain Purposes of Wyong Local Environmental Plan 1991:***
  - a ***Lot 1 DP1100416, 1 London Drive, North Wyong as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 – 'Service Station'".***
  - b ***Lots 9 and 10 DP 255990 – Hereford Street, Berkeley Vale as shown edged heavy black on the map marked "Wyong Local Environmental Plan 1991 – 'Plant Hire Establishment'".***
  - c ***Use of up to 3,500m<sup>2</sup> for the purposes of commercial premises on Lot 21 DP 654119 and Lots 24–25 DP 25373 Bryant Drive, Tuggerah.***
- 2 ***That Council, subject to the determination of the Gateway process and Director General's approval, undertake community consultation regarding the planning proposals.***
- 3 ***That Council, subject to there being no objections received that cannot be resolved by minor amendments to the planning proposals, request the Department of Planning (DoP) to prepare the draft Local Environmental Plan Instruments and the Minister be requested to make the plans.***

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

AGAINST: NIL

The meeting ADJOURNED at 5.52 pm and RESUMED at 5.57 pm.

#### **4.1 Contract CPA/137900 - Provision of Security Services at Various Council Facilities**

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

- 1 ***That Council exercise its option to extend the contract for one year effective from 8 August 2010 at an estimated contract price of \$176,990.00 (excl. GST).***
- 2 ***That Council approve an annual contract budget of \$194,689.00 (excl GST and including CPI adjustment) that provides for an annual contingency amount of \$17,698.00 (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. Actual expenditure may vary slightly if the number of facilities to be secured changes during the course of the contract.***

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

AGAINST: NIL



#### 4.2 **Contract CPA/172612 - Construction of Hamlyn Terrace Community Centre & Sporting Facility**

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

- 1 **That Council accept the tender from Scape Constructions Pty Ltd in the adjusted lump sum amount of \$6,360,811.82 (excl GST) for Contract CPA/172612 - Construction of Hamlyn Terrace Community Centre & Sporting Facility.**
- 2 **That for Contract CPA/172612, Council approve a contract budget of \$7,310,811.82 (excl GST) that provides for a contingency amount of \$950,000.00 (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 EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### 5.1 **Deductible Gift Recipient status for Wyong Shire Library Service**

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

- 1 **That Council approve the establishment of a Trust, known as the Wyong Shire Library Service Trust, who will manage a gift fund for the purpose of seeking funding for Wyong Shire Library Service.**
- 2 **That Council approve the establishment of a Trust, known as the Wyong Shire Cultural Trust, who will manage a gift fund for the purpose of seeking funding for Wyong Shire Cultural Services.**
- 3 **That Council request the Trustee to seek Deductible Gift Recipient status for the funds.**
- 4 **That Council approve the General Manager as the Appointer of the Trusts.**
- 5 **That Council endorse the recommended management of the Trusts as detailed in the report.**

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

AGAINST: NIL

**5.2 Extension of Alcohol Free Zone - Wyong**

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

**That Council formally adopt the proposal to extend an Alcohol Free Zone in Wyong until 30 June 2013 at the following location:**

**Wyong: Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Courts, Peters Lane, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison Road to Anzac Avenue.**

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

AGAINST: NIL

**5.3 Conference attendance - 2010 National General Assembly of Local Government, Canberra.**

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

- 1 That Council note that no motions have been received from Councillors for submission to the 2010 National General Assembly of Local Government.**
- 2 That Council authorise interested Councillors to attend the 2010 National General Assembly of Local Government between 14 and 17 June 2010.**
- 3 That Council pay expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 4 That Council determine the voting delegate should the Mayor not attend.**

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

AGAINST: NIL

**5.4 Exhibition of Draft 2010-11 Management Plan**

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

**That Council adopt the Draft 2010-11 Management Plan for the purpose of public exhibition in accordance with Section 405 of the Local Government Act 1993.**

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

AGAINST: NIL

### **5.5 Proposed Councillors' Community Improvement Grants**

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that her husband occasionally teaches at Gorokan High school and the proponent is known to her and participated in consideration of this matter.

Councillor Wynn 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 dealt with the request on its merits only."*

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

**That Council allocate an amount of \$11,200.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL\

### **5.6 Establishment of an Environment Committee**

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

- 1 *That Council amend the Charter of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee to form a strategic level Environment Committee .*
- 2 *That Council determine the membership of this Environment Committee.*
- 3 *That the Environment Committee continue to meet on the same basis as the current Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.*
- 4 *That the purpose of the Environment Committee is to examine, develop, review and report to Council on broad shire wide strategic environmental issues and initiatives, whilst continuing to consider the existing matters currently contained within the charter of Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.*

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

- 1 *That Council establish a strategic Environment Committee.*
- 2 *That Council determine the membership of this Environment Committee.*
- 3 *That Council consider a report on the charter of this Environment Committee.*
- 4 *That Council note that the purpose of the Environment Committee is to examine, develop, review and report to Council on broad shire wide strategic environmental issues and initiatives.*

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

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

**The AMENDMENT became the MOTION**

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

- 1 That Council establish a strategic Environment Committee.**
- 2 That Council determine the membership of this Environment Committee.**
- 3 That Council consider a report on the charter of this Environment Committee.**
- 4 That Council note that the purpose of the Environment Committee is to examine, develop, review and report to Council on broad shire wide strategic environmental issues and initiatives.**

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

**5.7 Minutes of the Senior Citizens' Council Meeting - 19 March 2010**

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

**That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 19 March 2010 and adopt the recommendations contained therein.**

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

**6.1 Information Reports**

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Councillor Best joined the meeting at 6.48 pm during consideration of this item.

Councillor Symington left the chamber at 6.49 pm and returned to the chamber at 6.50 pm and as a result took no part in voting.

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

**That with the exception of report numbers 6.2, 6.3, 6.5, 6.6 and 6.7 Council receive the information reports and adopt the recommendations.**

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

**6.2 Investments for February 2010**

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Councillor Symington left the chamber at 6.49 pm and returned to the chamber at 6.50 pm during consideration of this item

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

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

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

AGAINST: NIL

**6.3 Bus Servicing Review**

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

- 1 That Council receive the report on Bus Servicing Review.**
- 2 That Council continue advocating strongly for the use of express services to provide fast and direct services to destinations and improve access and linkages for commuters.**
- 3 That Council support the investigation for "Park and Ride" opportunities and commuter carparks at strategic locations.**

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

AGAINST: NIL

**6.4 Disclosures of Interest - 1 January to 31 March 2010**

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

***That Council receive the report on Disclosures of Interest - 1 January to 31 March 2010.***

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

AGAINST: NIL

**6.5 Mardi to Mangrove Link Project Status**

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

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

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

AGAINST: NIL

**6.6 Emergency Access from Freeway to Hue Hue Road**

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

- 1 That Council note the report on the feasibility of converting the new emergency access from Hue Hue Road, Alison to the Freeway to permanent left in left out access.**
- 2 That Council's engineers submit a further report on possible construction methods and costs involved in converting this access to permanent left-in/left-out.**

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

AGAINST: NIL

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

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

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

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

AGAINST: NIL

**8.1 Notice of Motion - Bike Racks on buses**

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

**That Council investigate and report on the possibility of local bus services providing passengers with transport racks for push bikes as is common in Europe and the USA.**

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

AGAINST: NIL

**8.2 Notice of Motion - Access to Council Information - Anywhere, Anyhow, Anytime**

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

- 1 That Council actively continue its rollout of community access to Council information and related services.**
- 2 That Council promote these new services to the community and highlight the availability of information from mobiles, PDA's, Internet and phone.**

**3 That staff report on how new technologies can improve internal efficiency and productivity.**

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

AGAINST: NIL

**8.3 Notice of Motion - Deferment of Determination of Development Applications affected by Sea Level Rise**

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Councillor Vincent left the chamber at 7.37 pm and returned to the chamber at 7.38 pm during consideration of this item.

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

*In accordance with resolution on Item 5.2 – Notice of Motion – Elected Council Independent Legal Advisor adopted on 10 February 2010 to seek legal advice from a separate independent firm of solicitors in relation to the determination by Councillors of development applications affected by Sea level Rise*

*That Council defer determination of any development applications so affected, until such time as this advice has been received and considered.*

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

*That Council urgently seek further independent legal advice on this issue.*

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

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

***The AMENDMENT became the MOTION***

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

***That Council urgently seek further independent legal advice on this issue.***

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

**8.4 Notice of Motion - Public Access to Coast via Tuggerah Lakes Golf Course**

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a playing member of the golf club and participated in consideration of this matter.

The Director stated:

*"I choose to remain in the chamber and participate in discussion as the conflict has not influenced me in carrying out my public duty because no personal benefit accrues to me in any way, in fact my knowledge as a golfer and a resident serves to enhance my ability to perform my public duties."*

Councillor Webster left the chamber at 8.01 pm and returned to the chamber at 8.02 pm during consideration of this item.

Councillor Best left the chamber at 8.26 pm and returned to the chamber at 8.32 pm during consideration of this item.

Mr Allan Arkins, Vice President of Tuggerah Lakes Golf Club, addressed the meeting at 8.01 pm, answered questions and retired at 8.12 pm.

Ms Meegan Harrison, resident, addressed the meeting at 8.12 pm, answered questions and retired at 8.20 pm.

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

- 1 ***That Council note the closure of the long-established public access to the coast through the golf course at the northern end of the course resulting from the locking, by the Club, of the gate at this location.***
- 2 ***That Council request the General Manager to provide a detailed report on the arrangement between the Tuggerah Lakes Golf Club and the Shelly Beach Recreation and Flora (R73287) Reserve Trust***
- 3 ***That Council seek legal advice, through a report from staff, on the issues affecting the public's right of access to the Tuggerah Lakes Golf Course including, but not exclusively so:-***
  - a ***What rights, are accorded to the general public.***
  - b ***Council's ability, or otherwise, to enforce the public's right of access.***
  - c ***Establishing what is a reasonable and lawful interpretation of "proper purpose".***
  - d ***Council's liabilities in terms of the safety issues and in terms of protecting the assets.***
  - e ***Council's obligations to ensure the Club protects the public appropriately from the risks of access.***
  - f ***What rights, if any, are accorded to the adjacent neighbours***
  - g ***The relevance and quality of the existing lease as an appropriate commercial arrangement.***
- 4 ***That Council formally advise the Tuggerah Lakes Golf Club that it does not support the recent closure of the gate at the northern end of the course and request the Club to reopen the gate.***

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

AGAINST: NIL



**9.1 Rescission Motion - Sale of Land - Moala Parade, Charmhaven**

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

**That Council rescind the following resolutions carried at the Ordinary Meetings of Council held on 22 July 2009 and 24 March 2010:**

**22 July 2009**

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

**24 March 2010**

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

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

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

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

- 1 That Council receive the report and note the information.**
- 2 That Council recognise the need to provide a community accessway over Lot 94 Moala Parade and Lot 83 Charmhaven Avenue through forming a standard accessway/public space over the above lots.**
- 3 That Council appropriately dispose of the residual land for an amount not less than market value for each parcel as determined by an independent registered valuer and the funds returned to Council’s General Revenue.**
- 4 That Council as with other shared pathways seek joint funding.**
- 5 That Council in partnership with the local community and precinct committee gauge the level of support for the establishment of a community native gardens on various Council owned lands within close proximity to the proposed walkway.**
- 6 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal the documents for the Sale and Transfer of the land.**

- 7 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

#### **QUESTIONS WITHOUT NOTICE**

**Q75/10 Request to Change Zoning for Proposed GP Super Clinic at Warnervale  
Councillor Doug Eaton  
DA/1396/2009**

*“Could Council confirm or deny that Council staff requested the Department of Planning or other State Government Authorities to change zoning instruments to make the proposed GP Super Clinic a permissible use?”*

**Q76/10 Timeframes for North Wyong Structure Plan and Central Coast  
Conservation Plan  
Councillor Doug Eaton  
F2006/00777**

*“Could staff advise on progress/timeframe for the North Wyong Structure Plan and Central Coast Conservation Plan?”*

**THE MEETING** closed at 9.06 pm.

## 2.1 Review of Policy B1 - Bonding of Development Works

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TRIM REFERENCE: f2009/00055 - D02193603

AUTHOR: RM

### SUMMARY

This report details the results of the public 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.

### RECOMMENDATION

- 1 ***That Council adopt the amended policy and that appropriate public notice being given.***
- 2 ***That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.***
- 3 ***That the adopted policy come into effect following public notice being given.***

### BACKGROUND

Council at its meeting held on 27 January 2010:

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

- 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, the results of the exhibition be reported to Council.*

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

AGAINST: NIL”

In accordance with the resolution of Council the Draft Policy was placed on public exhibition from 24 February to 24 March 2010. This exhibition included notification in the Express Advocate, at Council's Office, Libraries and Website. In addition, written notification was forwarded to sixteen companies representative of the local development industry who are either past users or considered to be likely users of the Policy. A copy of this list is attached for Council's information. No submissions were received during the notification period.

## 2.1 Review of Policy B1 - Bonding of Development Works (contd)

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Neighbouring Councils were contacted to provide a comparison on how the bonding of works is dealt with in the region. Neither Lake Macquarie nor Gosford Council has a formal bonding policy. When bonding works, both these Councils take a similar approach to the other which generally involves taking three quotes for the work and adding 25 to 30% to the highest quote, to form the total amount of the bond.

Council's draft Policy B1 gives greater assurance to developers by providing a fixed figure of 130 % of the agreed costs.

The practice of requiring a bond above the agreed costs is used to encourage the works to actually be undertaken by the applicant, rather than the applicant relying on Council to carry out the works at a later time. In addition, should Council be forced to carry out the works, the 30% added to the cost of the works assists in meeting cost increases that inevitably occur over time, but have historically had to be met by Council.

It is noted that no concerns were raised in regard to the proposed policy or to the amount (percentage) of bond to be required by any of the 16 development companies who received individual notice of the exhibition.

The original report to Council of 27 January 2010 and the Draft Policy are provided as attachments.

### CONCLUSION

In accordance with the resolution of Council, the Draft Policy was placed on Public Exhibition for a period of 28 days with no submissions being received. It is therefore recommended that the Draft Policy now be adopted.

### ATTACHMENTS

- |   |  |           |           |
|---|--|-----------|-----------|
| 1 | B1 - Bonding Of Development Works - Draft Policy                         |           | D02117013 |
| 2 | B1 - Bonding Of Development Works - Report to Council of 27 January 2010 | Enclosure | D02117011 |
| 3 | List of 16 companies representative of the local development industry    |           | D02206181 |

## **B1 BONDING OF DEVELOPMENT WORKS**

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

### **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

ORGANISATION	MAILING ADDRESS
ADW Johnson	Unit 7 / 335 Hillsborough Road
ADW Johnson	PO Box 3717
Allam Residential	DX 8030
Andrews Neil	PO Box 1476
A V Jennings	PO Box 7
Bannister & Hunter Pty Ltd	DX 7212
Clarendon Homes	PO Box 7106
Everitt & Everitt Consulting Surveyors	PO Box 198
GWH Group	PO Box 81
Masterton Homes Pty Ltd	2 Reliance Drive
Mirvac	Level 26, 60 Margaret Street
Proust and Gardner	PO Box 132
Yeramba Estates	GPO Box 3491
Westminster	PO Box 6784
Silver Spirit Partners	Level 29 Chiffly Tower 2 Chiffly Square
Stevens Group	PO Box 3171

### **3.1 Contract CPA/174323 - Sludge Dewatering at Gwandalan and Charmhaven Sewage Treatment Plants**

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TRIM REFERENCE: CPA/174323 - D02196115

AUTHOR: SM

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/174323 – Sludge Dewatering of No 1 and No 2 Sludge Lagoons at Gwandalan Sewage Treatment Plant and No 1 Sludge Lagoon at Charmhaven Sewage Treatment Plant.

#### **RECOMMENDATION**

- 1 That Council accept tender No 6 from Waste Processing Solutions for Contract CPA/174323 for the Sludge Dewatering of No 1 and No 2 Sludge Lagoons at Gwandalan STP and No 1 Sludge Lagoon at Charmhaven STP in the estimated total amount of \$179,110 excl GST.**
- 2 That Council approve a contingency amount of \$18,000 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 for Contract CPA/174323.**

#### **BACKGROUND**

Wyong Shire Council has five sewerage treatment plants with sludge lagoons, with Wyong South Treatment Plant having a permanent onsite sludge dewatering plant and a mobile sludge dewatering plant servicing Charmhaven, Mannering Park and Gwandalan Sewage Treatment Plants.

Due to the continually increasing load on the plants, the rate of sludge production from the treatment processes reached a point where it exceeded the capacity of Councils sludge dewatering facilities. As a result, the sludge lagoons at Charmhaven, Mannering Park and Gwandalan STP's require sludge dewatering on a needs basis.

In 2002, a number of options were considered to empty the sludge lagoons. These options included relocating Council's second mobile sludge dewatering plant from its current location at the Toukley STP, transporting the sludge from Charmhaven, Mannering Park and Gwandalan STP to Wyong South STP for dewatering at its sludge dewatering facility or the engagement of a specialist dewatering contractor to dewater the lagoons. Regardless of the method of dewatering, all dewatered sludge cake would be transported to the Buttonderry Waste Disposal Depot for composting under existing contract arrangements with Australian Native Landscapes.

Analysis of the various options indicated that the most cost effective means of emptying the sludge lagoons was to engage a specialist dewatering contractor. At the time, this method of dewatering was somewhat new to the industry and in order to confirm the viability of this technology, an initial contract for emptying only one lagoon was let in February 2002.



### **3.1 Contract CPA/174323 - Sludge Dewatering at Gwandalan and Charmhaven Sewage Treatment Plants (contd)**

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Subject to the satisfactory performance of that contract, a future contract would then be considered for the emptying of further lagoons.

The result of this analysis was discussed with all Council treatment plant staff including those currently operating the sludge dewatering equipment as part of their employment. All staff agreed with the proposal to engage sludge dewatering contractors where the use of specialised equipment offered a significant financial advantage over Council's current operational methods. The use of such contractors does not significantly impact the employment of any existing staff.

Following the Expressions of Interest and Tendering procedures for the appropriate sludge dewatering contractors, sludge lagoon No1 at Charmhaven STP was desludged in February 2002. The successful contractor on this occasion was Waste Processing Solutions Pty Ltd, who performed the work in a safe and efficient manner, meeting contract performance parameters, price and program.

Due to the success of the initial contract, subsequent tenders were let in July 2003, March 2006, April 2008 and September 2009, with Waste Processing Solutions Pty Ltd being the successful tenderer.

#### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Central Coast Express Advocate on 10 February 2010 and The Sydney Morning Herald on 9 February 2010. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 4 March 2010.

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

No addenda were issued to prospective tenderers.

Tenders closed at Council Chambers at 2pm on 4 March 2010.

#### **EVALUATION OF TENDERS**

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

##### Threshold Criteria

- \* Conformance with the specification and requirements of the tender document.
- \* Ability to complete the work.
- \* Ability to manage, environmental, operational and safety risk.

##### Weighted Criteria

- \* Price
- \* Experience

### 3.1 Contract CPA/174323 - Sludge Dewatering at Gwandalan and Charmhaven Sewage Treatment Plants (contd)

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- \* Proposed Methodology
- \* OH & S Issues
- \* Proposed Program

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

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

The evaluation was conducted according to the following process.

- 1 Assessment of receipt of tenders.
- 2 Assessment of conformance of tenders.
- 3 Due diligence checks on preferred tenderer

#### Assessment of Receipt

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

No	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Arkwood Pty Ltd	\$263,040	Submitted on Time
2	A-Tek Specialised Industrial Cleaning Services Pty Ltd	\$483,300	Submitted on Time
3	Conhur Pty Ltd	\$286,391	Submitted Late ( Eliminated )
4	Mark Cunningham	\$185,741	Submitted Late ( Eliminated )
5	Transpacific Industries Pty Ltd	\$371,669	Submitted on Time
6	Waste Processing Solutions Pty Ltd	\$179,110	Submitted on Time

\* See Assessment of Conformance below.

Tender No 3 (from Conhur Pty Ltd) and Tender No 4 (from Mark Cunningham) was not loaded onto Council's eTender 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 Arkwood Pty Ltd), Tender No 5 (from Transpacific Industries Pty Ltd) and Tender No 6 (from Waste Processing Solutions Pty Ltd) conformed to all requirements and were progressed to the next stage of evaluation.

### 3.1 Contract CPA/174323 - Sludge Dewatering at Gwandalan and Charmhaven Sewage Treatment Plants (contd)

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Tender No 2 (from A-Tek Specialised Industrial Cleaning Services Pty Ltd) submitted an alternative option to carry out the work by using geotech bag technology. Given the tender does not fully conform to all requirements of the tender documents and specification and their high tendered price, the panel agreed to eliminate the tender 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.

No	Tender	Lump Sum (Ex. GST)	Weighted Evaluation Score
6	Waste Processing Solutions Pty Ltd	\$179,110	98
1	Arkwood Pty Ltd	\$263,040	86
5	Transpacific Industries Pty Ltd	\$371,669	68

On balance, the tender submitted by Waste Processing Solutions Pty Ltd was considered by the evaluation panel members to represent the best value for money for Council. Arkwood Pty Ltd and Transpacific Industries Pty Ltd have all demonstrated they have the experience and methodology to complete the contract, however they are significantly more expensive than Waste Processing Solutions Pty Ltd.

Tender No1 (Waste Processing Solutions Pty Ltd) being the highest scoring tender, was progressed to the due diligence stage of the evaluation.

#### Due Diligence

Waste Processing Solutions Pty Ltd have completed similar dewatering contracts with Wyong Shire Council in the past, and have always completed the work in accordance with the tender documents and the specification. They have in place a documented OH&S system. Referees nominated within the proposal were contacted and the overall response was that Waste Processing Solutions completed their contract obligations in a safe and efficient manner.

#### 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:

- 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:

- 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.

#### **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 \$18,000 (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 \$179,110 (excl GST), which incorporates the contingency allowance, will not be exceeded.

**BUDGET**

Funding for these works has been budgeted for in the Capital Program under Sludge Lagoon Refurbishment.

**TIME-FRAME**

It is anticipated the contract will take approximately 12 weeks to complete, from the date of acceptance.

**APPROVALS**

No approvals are required.

**LOCAL CONTENT**

There were no local companies who tendered for this work. Given the specialised nature of the works, there will be no opportunities for local employment.

The recommended tenderer 'Waste Processing Solutions' will supply two staff only to perform the work for this contract. Both staff are trained and experienced in the operation of sludge dewatering equipment.

**CONCLUSION**

Tender No 6 from Waste Processing Solutions 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.*

### 3.2 Contract Variations and Finalisation - March 2010

TRIM REFERENCE: D02202741

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 March 2010 plus any completed contracts for which the final contract value is now available for reporting.

#### RECOMMENDATION

- 1 ***That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation March 2010 report.***
- 2 ***That Council approve expenditure above contract estimates but within approved program budgets for the following contract:***

<b>2a</b>	<b><i>Warnervale Water Supply &amp; Sewerage - Review of Environmental Factors</i></b>	<b><i>CPA/122995</i></b>	<b><i>\$20,000.00</i></b>
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- 3 ***That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – March 2010 report.***

#### BACKGROUND

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

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

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

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

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

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

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

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

### **THE PROPOSAL**

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

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

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

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

For the five contracts with variations for the reporting period, funds previously approved by Council for four of the 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**

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

	<b>Contract</b>	<b>Source of Funds</b>	<b>09/10 Management Plan Budget Impact</b>	<b>Impact \$</b>
2a	Warnervale Water & Sewerage – Review of Environmental Factors. (CPA/122995)	Developer Serving Plan	Neutral – There are sufficient funds remaining in the original Management Plan Program Budget to cater for the increased contract Budget costs.	-

### CONCLUSION

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

### ATTACHMENTS

- |   |   |           |
|---|---|-----------|
| 1 | OM 28-04-10 Attachment 1 Contract Variations March 2010       | D02202737 |
| 2 | OM 28-04-10 Attachment 2 - Finalised Contracts for March 2010 | D02202739 |



## Attachment 1 – Contract Variations for March 2010

## Warnervale Water Supply &amp; Sewerage - Review of Environmental Factors (REF)

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 Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	
122995	13-04-2007 Approved under staff delegation	GHD Pty Ltd	131,483.00 (as initially reported)	171,483.00	37,783.55	6,100.00	43,883.55	175,366.55	Developer Servicing Contribution Plan	
<b>Individual Variations For Reporting Period</b>										
<b>Description</b>					<b>Value \$</b>		<b>Description</b>			<b>Value \$</b>
Variation 18 – Scope change – Update three REFs required for the WEZ and WTC water and sewer projects to address issues raised during approval assessment in relation to fauna surveys. Necessary to complete the Part 5 approval for the projects.					6,100.00					

Work under the contract is estimated at 90% complete.

The timing of the current variation was such that it was impractical to delay Contractor while formal approval was sought and was therefore approved under staff delegation with subsequent reporting to Council.

Further variations are anticipated to cater for design changes as a result of predicted flood levels from revised flood modelling - specifically the relocation of pump station sites and adjustment to sewer lines requiring further revision to the REF.

An increase to the contract budget of \$20,000.00 is sought to enable completion of anticipated necessary work under the contract.

**Replacement 600 metres of 250mm water main - McDonagh Rd**

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	
157278	13-05-2009	Mudix Pty Ltd	\$ 302,148.00	\$ 332,362.80	Nil	\$ 21,489.50	\$ 21,489.50	\$ 323,637.50	60% - Developer Servicing Contribution Plan 40% - Loans	
Individual Variations For Reporting Period										
Description							Value	Description		
Variation 4 – Scope change - Water main re-alignment was required to avoid an endangered ecological community (EEC) resulted in increased length and additional works. EEC was a seasonal species not identified during initial assessment. Work was done at scheduled rates.							21,489.50			
Description							Value	Value		
							\$	\$		

Work under the contract is estimated at 100% complete.

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

### Construction of Rural Fire Station Building - Ourimbah

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
158539	9-12-2009	GWH Construction (NSW) Pty Ltd	\$ 378,000.00	\$ 416,000.00	Nil	1,863.20	1,863.20	379,863.20	Grant Funding – Rural Fire Service
Individual Variations For Reporting Period									
Description					Value	Description			
Variation 1 – Scope change - An additional door was provided to comply with approval condition to satisfy legislative requirements. Construction Certificate was issued after close of tenders and door was not identified in the tendered scope of works.					1,863.20				
						Value \$			

Work under the contract is estimated at 60% complete.

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

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

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(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	
164633	14-10-2009	Robson Civil Projects Pty Ltd	\$ 4,198,468.64	\$ 5,000,000.00	\$ 5,102.00	\$ (-197,197.70)	\$ (-192,095.70)	\$ 4,006,372.94	Tip Rehabilitation Funds	
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
<p>Variation 2 - Latent condition - Localised groundwater spring encountered at 18m depth in base of cell excavation (not predicted by pre-design geotechnical investigations).</p> <p>This required installation of drainage collection blanket and outlet drain to dispose of groundwater clear of cell floor.</p> <p>Work necessary to prevent groundwater pressure under cell liner system compromising liner integrity under waste. Required to ensure DECCW approval on completion of cell construction.</p>					12,284.30	<p>Variation 3 - Credit Variation -Variation relates to use of an alternative material for one of the layers of the cell liner and an alternative drainage gravel for the leachate drainage system within the new cell.</p> <p>The materials have been tested, reviewed and verified as suitable alternatives to those originally accepted under the contract. The alternative materials will fulfil the design requirements with no adverse impact on the performance or life of the cell liner system or leachate drainage system.</p> <p>The variation presents an opportunity to benefit from a significant saving under the contract through the use of readily available and conveniently sourced alternative materials that are consistent with current practice in landfill cell construction.</p>				(-209,482.00)

Work under the contract is estimated at 60% complete.

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

### Construction of Mardi Dam Transfer & Highlift System

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(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	
127662	13-05-2009	Boulderstone Pty Ltd	\$ 41,464,576.36	\$ 45,664,576.36	\$ (-162,661.57)	\$ 259,510.75	\$ 96,849.18	\$ 41,561,425.54	50/50 Gosford & Wyong Councils	
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 72 - Scope change - additional flow meter and fittings for reused water line.  Initial scope of works only required connection of reuse water main to existing system. To provide improved and more efficient operation of the system it was identified that a new flowmeter and pit, new fittings and valves should be installed by the Contractor as part of the works. Necessary ancillary works will also be undertaken by Council to complete the project. Costs represent value for money for Council.					59,510.75	Variation 117  Further excavation directed adjacent to new inlet tower to allow water to be extracted from as low as RL26. Work always intended to be undertaken as integral part of project subject to conditions at the site and timing of the works being suitable. Will maximise water accessible to new tower and provide larger water storage for commissioning works. Most opportune time to undertake excavation while dam storage is at lowest level, and least expensive as Contractor already established on site. The works are in progress and excavation will be charged at scheduled rates after being surveyed as detailed within the tender.				200,000

Work under the contract is estimated at 40% complete.

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

## Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – MARCH 2010						
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
152870	11-02-2009	Upgrade Works - Buttoderry Waste Management Facility	Lump Sum	3,204,778.00	3,105,992.09	The contract has reached practical completion. Work was completed within the revised contract budget. Surplus funds were retained in the respective operational budget.
158140	22-07-2009	Construction of Picnic Point Boat Ramp, Seawall and Pontoon	Lump Sum	308,306.36	300,482.36	The contract has reached practical completion. Work was completed within the original contract budget. Surplus funds were retained in the respective operational budget.

#### **4.1 Proposed Councillors' Community Improvement Grants**

TRIM REFERENCE: C2010/01723 - D02205839

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 \$3,450.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.***

##### **BACKGROUND**

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

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

##### **THE PROPOSAL**

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

##### **OPTIONS**

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

##### **STRATEGIC LINKS**

###### **Management Plan**

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

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

### Contribution of Proposal to the Principal Activity

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

### Link to Key Focus Areas

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

### Financial Implications

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

### CONSULTATION

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

### GOVERNANCE

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

### CONCLUSION

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

### Councillors' Community Improvement Grants 2009-10

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Mathews	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 14/04/2010	8,647	7,950	7,548	7,399	7,941	6,600	4,434	8,925	11,570	13,725	84,739
Available allocation as at 14/04/2010	6,353	7,050	7,452	7,601	7,059	8,400	10,566	6,075	3,430	1,275	65,262
Proposed Allocations for April 2010	28										
Brackets & Jam Central Coast Inc (\$3,750)									1,000		1,000
Camp Breakaway Inc (\$5,000) (\$1,000 already allocated)				150							150
Central Coast Chinese Association (\$2,500)									500		500



## 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 14/04/2010	8,647	7,950	7,548	7,399	7,941	6,600	4,434	8,925	11,570	13,725	84,739
Available allocation as at 14/04/2010	6,353	7,050	7,452	7,601	7,059	8,400	10,566	6,075	3,430	1,275	65,262
Proposed Allocations for 28 April 2010											
Central Coast Community Congress (\$2,085) (\$300 already allocated)			300								300
Central Coast Multiple Sclerosis Branch (\$4,500)			500						1,000		1,500
Total Proposed Allocations for 28/04/2010	0	0	800	150	0	0	0	0	2,500	0	3,450
Total Accumulated Allocations as at 28/04/2010	8,647	7,950	8,348	7,549	7,941	6,600	4,434	8,925	14,070	13,725	88,189
Balance Uncommitted as at 28/04/2010	6,353	7,050	6,652	7,451	7,059	8,400	10,566	6,075	930	1,275	61,812

## ATTACHMENTS

Nil

## 4.2 Establishment of Alcohol Free Zone - San Remo

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TRIM REFERENCE: F2004/06077 - D02205057

AUTHOR: SW

### SUMMARY

The Tuggerah Lakes Local Area Command of the NSW Police has indicated its support for the establishment of an additional Alcohol Free Zone (AFZ) at San Remo.

### RECOMMENDATION

- 1 ***That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2013:***  
  
***San Remo: The Alcohol Free Zone would include the whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway.***
- 2 ***That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.***
- 3 ***That Council determine the establishment of an Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.***

### BACKGROUND

Alcohol Free Zones were introduced to Wyong Shire many years ago as a means of controlling anti-social behaviour resulting from the consumption of alcohol. Established by Regulation the zones may be set for a maximum period of four years.

### THE PROPOSAL

The proposal was received from the Wallarah North Community Precinct Committee, requesting the establishment of an AFZ. The Precinct Committee hopes it will assist in lessening anti-social behaviour.

### OPTIONS

- 1 Approve the proposal of the AFZ. The evidence of social behaviour improvement since the introduction of AFZs is clear and has received favourable support from Police. Continuation of the AFZs is desirable if continued improvement in behaviour is to be achieved.
- 2 Refuse the proposal of the AFZ. This action would certainly result in an increase in complaints regarding anti-social behaviour in the area concerned and may be an unpopular decision with the Police.

## 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	To contribute to a safe community	1.6

Work in partnership with government, nongovernment agencies and community groups to address crime and safety issues.

Ongoing efforts to reduce the incidence of vandalism across the Shire.

### Principles of Sustainability

AFZs act as a deterrent for anti-social behaviour to improve and maintain safety, wellbeing and sense of community.

## CONSULTATION

The Tuggerah Lakes Local Area Command of the NSW Police has advised it supports the proposal of the AFZ at San Remo.

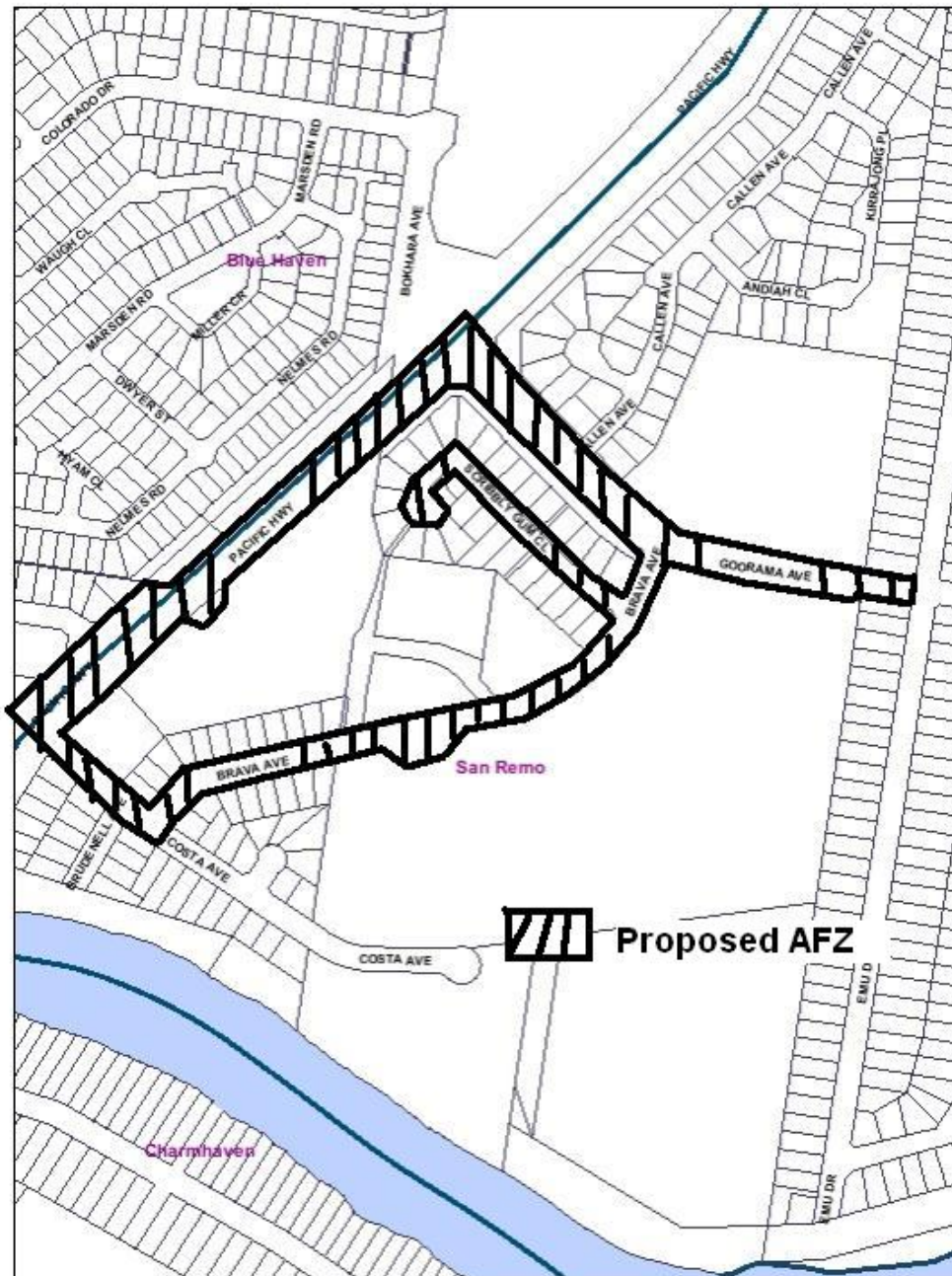
The local police Command considers these zones will continue to aid Police in controlling anti-social behaviour, minimise the disturbances that can be caused by drinking of alcohol in public places and create a better environment for the residents of the areas.

## GOVERNANCE

The proposal is in accordance with section 632 of the Local Government Act. The procedures outlined in the Ministerial Guidelines are addressed.

It should also be noted that Council owned land such reserves and cycleways are not classified as a public road or car-park and therefore cannot be included within an Alcohol Free Zone. However, under section 632 of the Local Government Act ordinance signs are located on these properties which prohibit amongst other things, the consumption of alcohol.

Locality Plan



### CONCLUSION

There is obvious benefit to the community in supporting Alcohol Free Zones. There is a consultation process to be conducted and final approval of the proposal cannot be achieved by Council resolution until that process is completed.

### ATTACHMENTS

*Nil.*

## **5.1 Information Reports**

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TRIM REFERENCE: F2010/00009 - D02206069

AUTHOR: SW

### **SUMMARY**

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

### **RECOMMENDATION**

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

### **ATTACHMENTS**

*Nil.*

## 5.2 Warnervale Airport and Associated Lands

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TRIM REFERENCE: F2004/07714-03 - D02199442

AUTHOR: PB

### SUMMARY

Reporting on the history and legal status of the Warnervale Airport including the impact of the Warnervale Airport (Restrictions) Act 1996.

### RECOMMENDATION

***That Council receive the report on Warnervale Airport and Associated Lands.***

### BACKGROUND

At its meeting held on 10 February 2010, Council considered a Notice of Motion on the Warnervale Airport and resolved as follows:

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

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

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

*AGAINST: NIL”*

### HISTORY

The airport facility at Warnervale has operated as an airfield since 1972. During the 1970's, Council purchased the land that currently contains the airport from the Central Coast Aero Club. In association with this purchase, Council entered into a legal agreement with the Club for them to carry out day to day operation of the airport and for them to retain an option to purchase the airport. In 1977, the State Government's Structure Plan for the Gosford-Wyong area designated the facility as a regional airport for general aviation, commuter operations and airport related industry.

The current airport contains a 970 metre runway of variable width between 7 and 9 metres. The runway is heavily constrained by the strength of its pavement and the presence of higher ground to the north which imposes clearance restrictions. The site also contains hangars, club rooms and carparking. Due to the presence of power lines and trees on Sparks Road, the current operational runway length is significantly less than the full 970m runway.

In 1979, the runway alignments and lengths for the facility were agreed to by the Federal and State Governments and Section 149 Certificate notations were placed on all properties within a 4km radius of the airport. Following the completion of a full environmental study on the airport operations in 1985, the radius for Section 149 Certificate notations was extended to 6.5kms.

In 1987, the land was rezoned by the State Government to 5(a) Special Uses – Aerodrome and height controls and a noise effect area were established as part of the accompanying planning controls. In 1989, Council adopted a masterplan for the development of the airport. This masterplan was revised in 1993 and a full Environmental Impact Statement (EIS) was prepared together with a Fauna Impact Statement (FIS). Both documents were publicly exhibited and public meetings were held. Comments were received from various State Government agencies.

Council issued a development consent for the main runway in 1994. Expressions of interest were called for the development of the airport and associated lands. In 1995, Council accepted a proposal from *Traders Finance* to upgrade and operate the airport and tenders were called for the construction of the main runway, taxiway and apron areas.

In 1996, Council successfully defended claims made in the Land and Environment Court (LEC) that Council's development assessment process had been flawed and that Council had failed to properly consider the effects on flora and fauna. The court rejected all claims.

In 1996, a Special Act of State Parliament called the *Warnervale Airport (Restrictions) Act 1996* was enacted which required additional approvals by the State Minister for Planning. The key provisions of the Act were:

- No runway at Warnervale can ever exceed 1,800 metres. This ensures that the airport will never be able to accommodate large aircraft and will never be an international airport. As far as Council is aware, no other location in Australia has this degree of control.
- The Minister is the consent authority for any proposal for the location for a 1,200 metre runway which would be restricted to 88 aircraft movements (a movement being a take off or a landing) each and every day and a curfew on flying between 10.00pm and 6.30am. Eighty-eight movements a day was a figure in the 1993 EIS but it was an average figure. Due to the fact that much of the current flying at Warnervale is recreational, most activity occurs on weekends when there are between 200 and 300 movements daily. In addition, night flying training using light aircraft had been conducted at Warnervale for many years with little, if any complaints. A 1,200 metre runway with these restrictions would not be economically viable and would severely curtail even current operations.
- The Minister is the consent authority in respect of the length and location of any runway between 1,200 metres and 1,800 metres. In considering any such proposal, the Minister is required to appoint an independent expert to review Council's EIS and other studies, to seek community input and to have another expert prepare a new noise study and survey the local community. In approving a length longer than 1,200 metres the Minister has the power to vary the restrictions on movements and the curfew period. It is noted that Council's environmental assessments had already been thoroughly examined by the LEC and Council had previously had two noise studies carried out by independent experts.

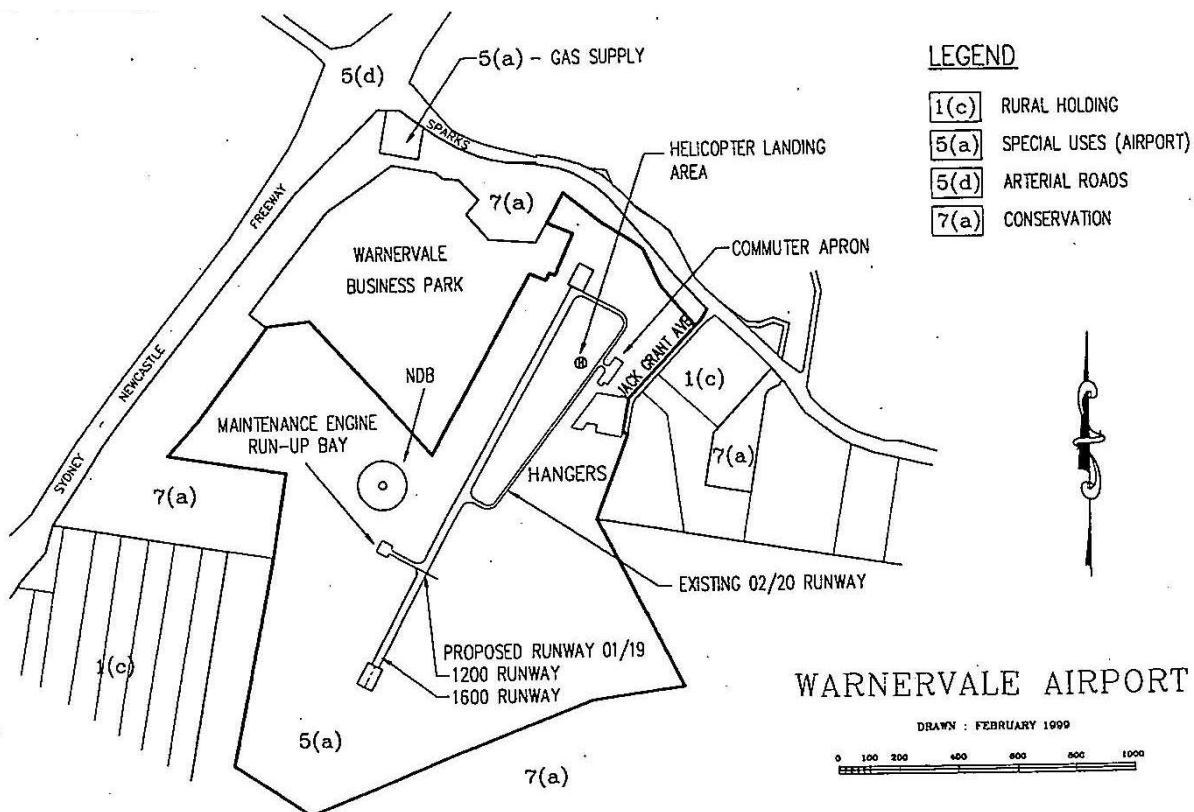
## 5.2 Warnervale Airport and Associated Lands (contd)

In accordance with the *Warnervale Airport (Restrictions) Act 1996*, Council made an application to the State Government in 1998 for the location of a 1,200 metre runway. The then Minister for Urban Affairs and Planning wrote to Council advising that he would prefer to consider an application for a 1,200 metre runway at the same time as considering an application for a larger 1,600 metre runway. As a result, a further application was also made for a 1,600 metre runway.

At that time, Council's proposal was for a 1,600 metre runway 30 metres wide located immediately west of the existing runway with the existing runway (970 metres) being reconstructed as a taxiway.

Approximately 50 hectares of land was identified within the airport boundary for other facilities such as hangers, terminals and for airport related industry requiring runway access.

The largest aircraft that the proposed runway would have catered for was a BAe 146 (90 seater) which at that time, was renowned as one of the quietest jet aircraft in the world. *Traders Finance* secured "commencement" of the development consent with the construction of a sealed aircraft parking area which did not require the consent of the Minister. This consent remains in place. A plan of the proposed development is shown below.



In May 2001, the Minister approved the site of the 1,200 metre runway but rejected the application for an increase to 1,600 metres. The decision on the 1,600 metre runway was made by the Minister without reference to the procedures required in the Act. These procedures required a new noise study, an assessment by an independent expert and consultation with the community.



In July 2001, *Traders Finance Australia* sought to end the contract for construction and operation of the new runway on the basis of the Minister's rejection. Council sought advice from a QC concerning the validity of the Minister's decision and on its responsibilities under the contract. The QC's advice was that it was very likely that the Minister's decision in respect of the 1,600 metre runway was invalid as the Minister did not comply with the Government's own Act. He also advised that, notwithstanding the invalidity or otherwise of the Minister's decision, Council and *Traders Finance* could terminate the contract by mutual agreement, however, if this was done, there should be an agreement executed to provide a comprehensive release of any claim for damages by either party. Council resolved to proceed to terminate the contract by mutual agreement but to continue to obtain legal advice to clarify its position to upgrade the existing runway and to preserve any rights it may have in respect of the decision of the Minister. In September 2001, an appropriate agreement ending the contract and providing the release of claim was executed by both parties.

On termination of the contract with *Traders Finance*, Council was required to enter into a new agreement with the Central Coast Aero Club, generally along the lines of the original 1987 agreement. The negotiations with the Aero Club were considerably protracted and the general form of the new agreement was eventually approved by Council in July 2002. Following further negotiations with the Aero Club this agreement was finally executed in January 2003.

This new (current) agreement provides for the Aero Club to carry out day to day management of the existing airport and gives it rights in regard to using the airport for club activities, flying training, fuelling, hire of aircraft etc. The Club will collect landing and tie down fees (on Council land) and these are to be held in trust and only spent on works on Council land. As in the original 1987 agreement, this agreement (which is in place until 2021) provides that, in the event of Council wishing to abandon or sell the airport defined as the "trigger event", the Club has an option to purchase the airport site at market value. If the Club does buy the site, Council must ensure that obstacle limitation surfaces, noise controls and all such other controls as are necessary for the Club to continue to operate the airport remain in place.

## CURRENT STATUS

The Minister's approval of a 1,200 metre runway is, of course, a "claytons approval". The Act places such restrictions on any 1,200 metre runway that it effectively ensures a new 1,200 metre runway will never be economically viable and hence will never be built. For example, the Act restricts the number of movements to a maximum of 88 each day. The current operation from the existing 970 metre runway regularly exceeds this and can be up to 200-300 movements per day on weekends. The peak day movements in fact far exceeded 88 before the legislation was even passed.

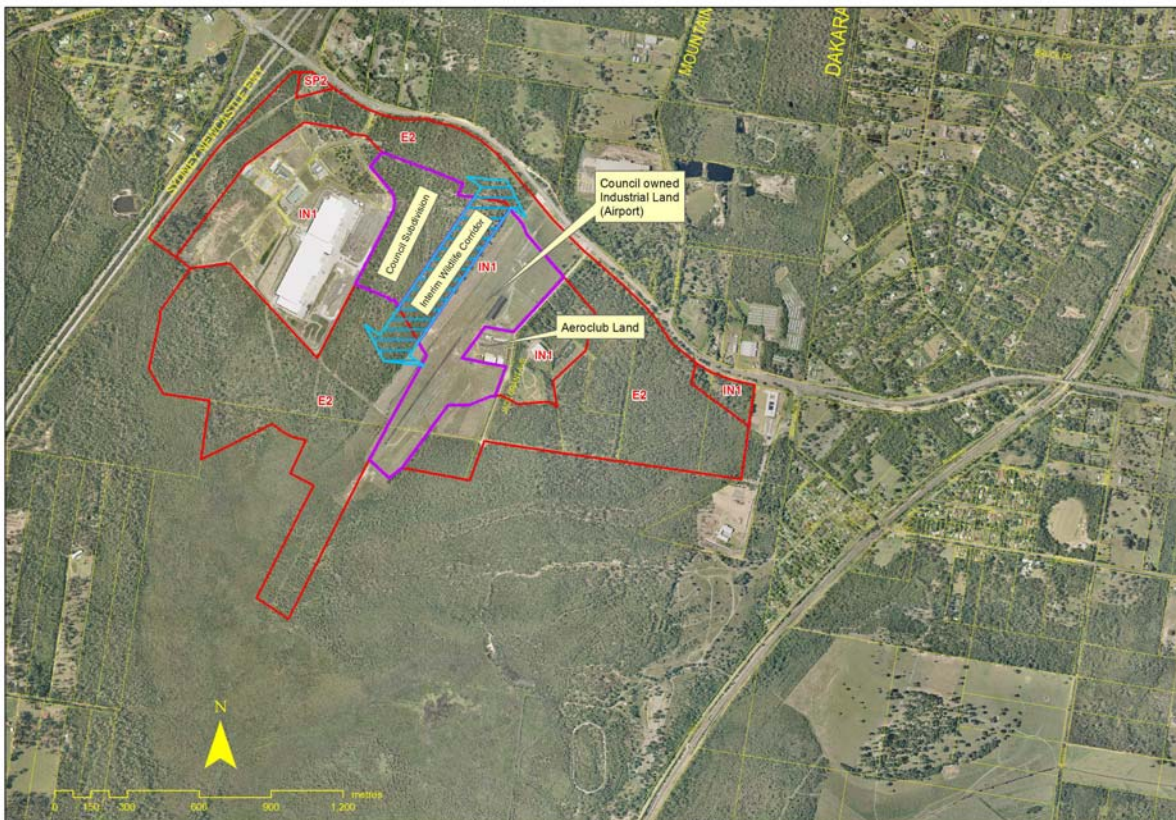
Warnervale has been identified as the site of a regional airport since the 1970's. Despite the claims by opponents of the airport, it was never intended to be an international airport or designed to handle aircraft of a Boeing 737 size. A regional airport was seen to be important not merely from a transport point of view but, more importantly, as a key component of the economic growth of the region. The main economic boost was not so much from the flying operations themselves but from the airport related and non-airport related industry that would be attracted to the area.

## 5.2 Warnervale Airport and Associated Lands (contd)

As it was clear that the State Government was opposed to any new runway at Warnervale Airport and it was extremely unlikely that any future government would reverse that stance, there was little point in tying up such a strategic landholding for something that would never happen. Therefore in February 2003, Council resolved to proceed with the necessary investigations to rezone and develop the surplus airport land on the western side of the existing runway for industrial purposes.

The land to the west of the runway was included in the rezoning of the Wyong Employment Zone (WEZ) in 2008. A plan showing the extent of the current zone boundaries is attached.

The map below highlights the location of the airport including land ownership and existing zones.



### CONCLUSION

This report aims to provide a general history of the Warnervale Airport and surrounding land. The site has had a difficult history with approvals and specific State legislation restricting its development. However, recent rezonings of the site together with a proposal to rezone adjoining lands to the east in 2012 will result in the development of a major employment precinct which will provide up to 6,000 jobs for the Shire into the future.

### ATTACHMENTS

*Nil.*

### 5.3 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02205840

AUTHOR: JD

#### SUMMARY

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

#### RECOMMENDATION

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

#### Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	25	4,587,500	23	12,198,080
Industrial	1	200,000	5	1,860,500
Residential	111	11,441,273	123	12,982,889-
Other	2	200,000	-	-
<b>Total</b>	<b>139</b>	<b>16,428,773</b>	<b>151</b>	<b>27,041,469</b>

**Note:** *Included in the number of development applications determined in the "Commercial" category were approvals for the redevelopment of Shelly Beach and Soldiers Beach Surf Life Saving Clubs as well as a multi-purpose hall at Mackillop Catholic College valued at \$3M.*

#### Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	1	10
Residential	3	112	1	10
Rural	-	-	-	-
Other	1	2	-	-
<b>Total</b>	<b>4</b>	<b>116</b>	<b>2</b>	<b>20</b>

**Net Median Turn-around Time**

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

**Other Approvals and Certificates**

<b>Type:</b>	<b>Number Determined:</b>
Trees	44
Section 149 D Certificates ( <i>Building Certificates</i> )	14
Construction Certificates	85
Complying Development Certificates	10

**State Environmental Planning Policy No 1**

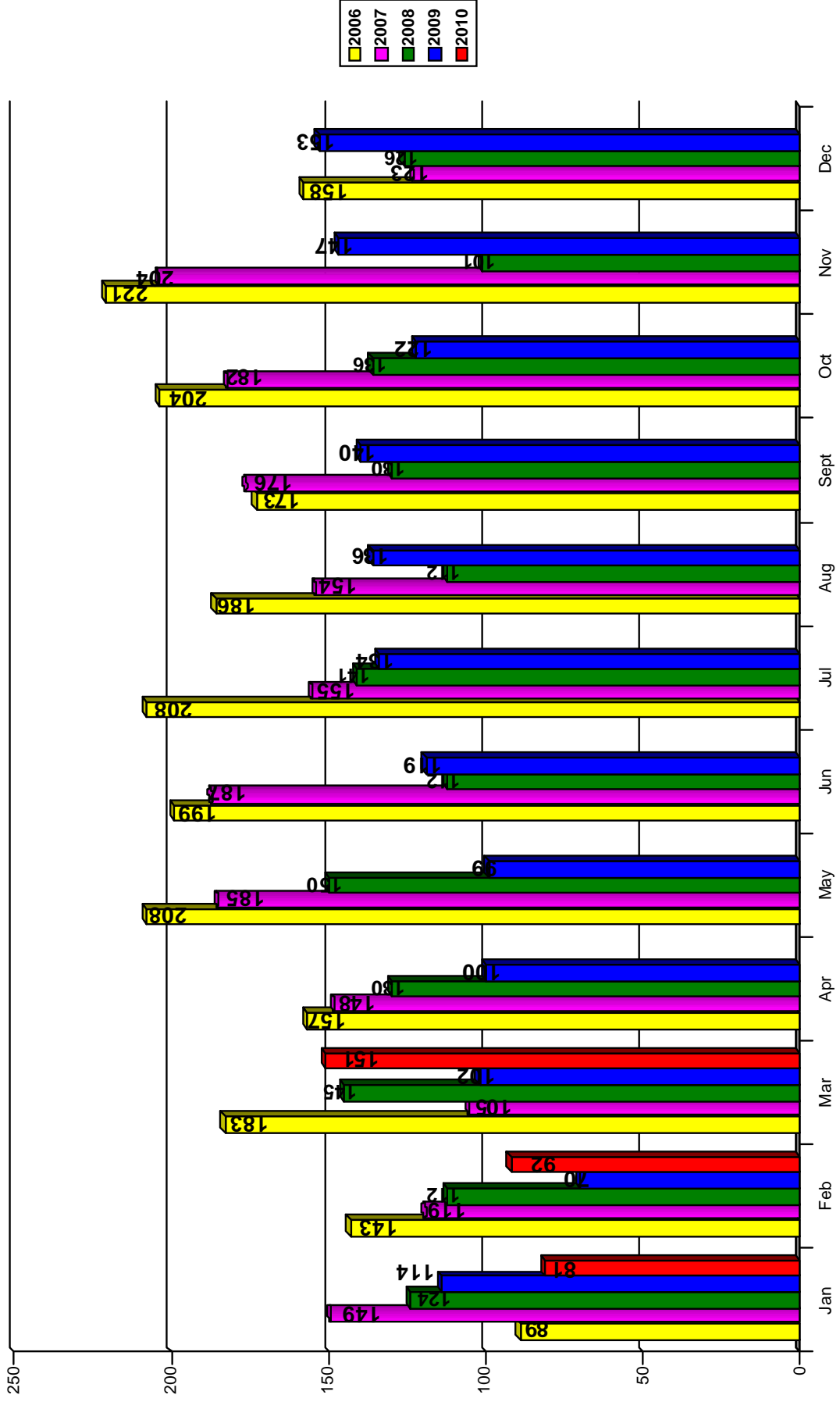
There were no applications that relied on SEPP 1 variations during the month.

**ATTACHMENTS**

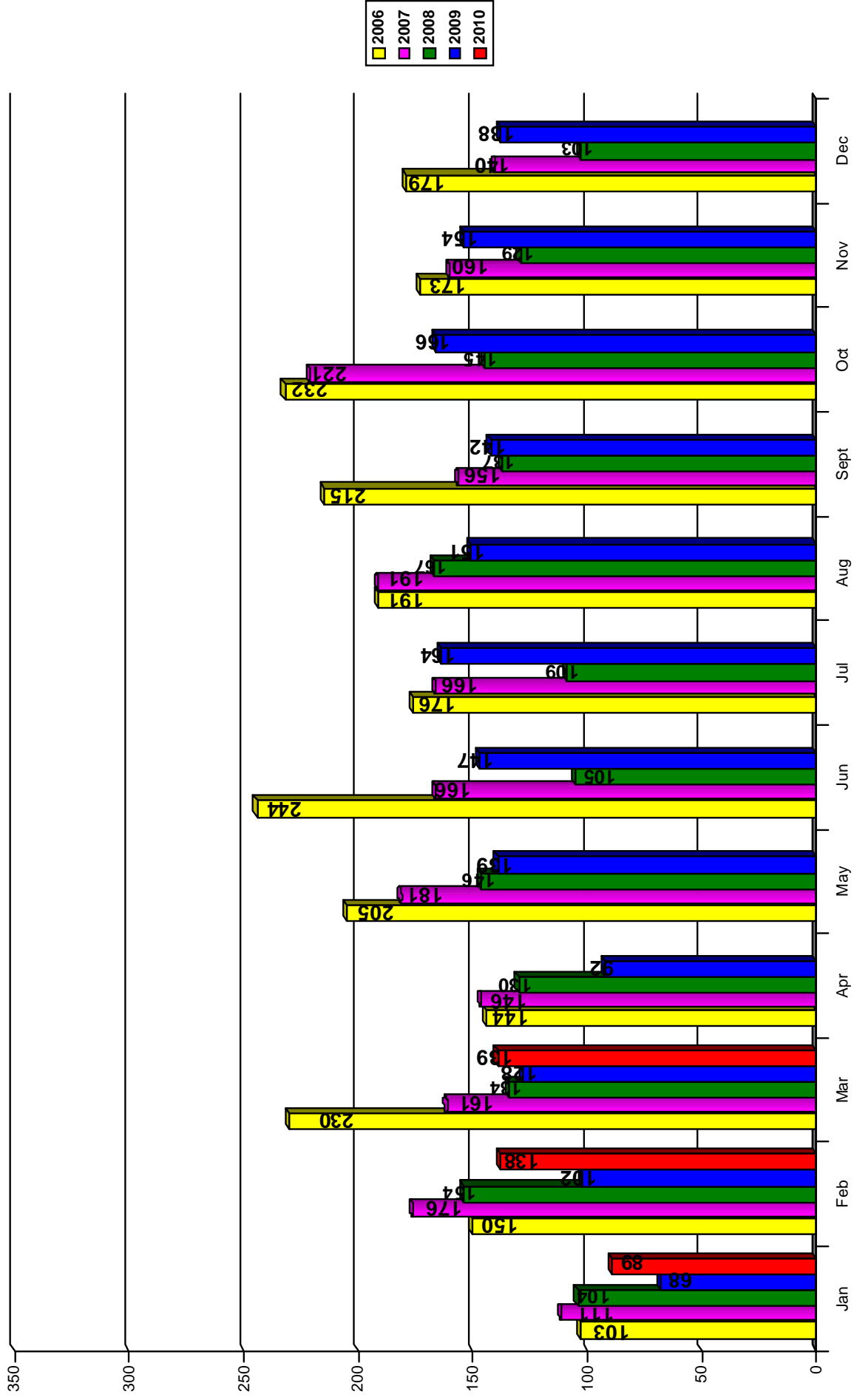
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined

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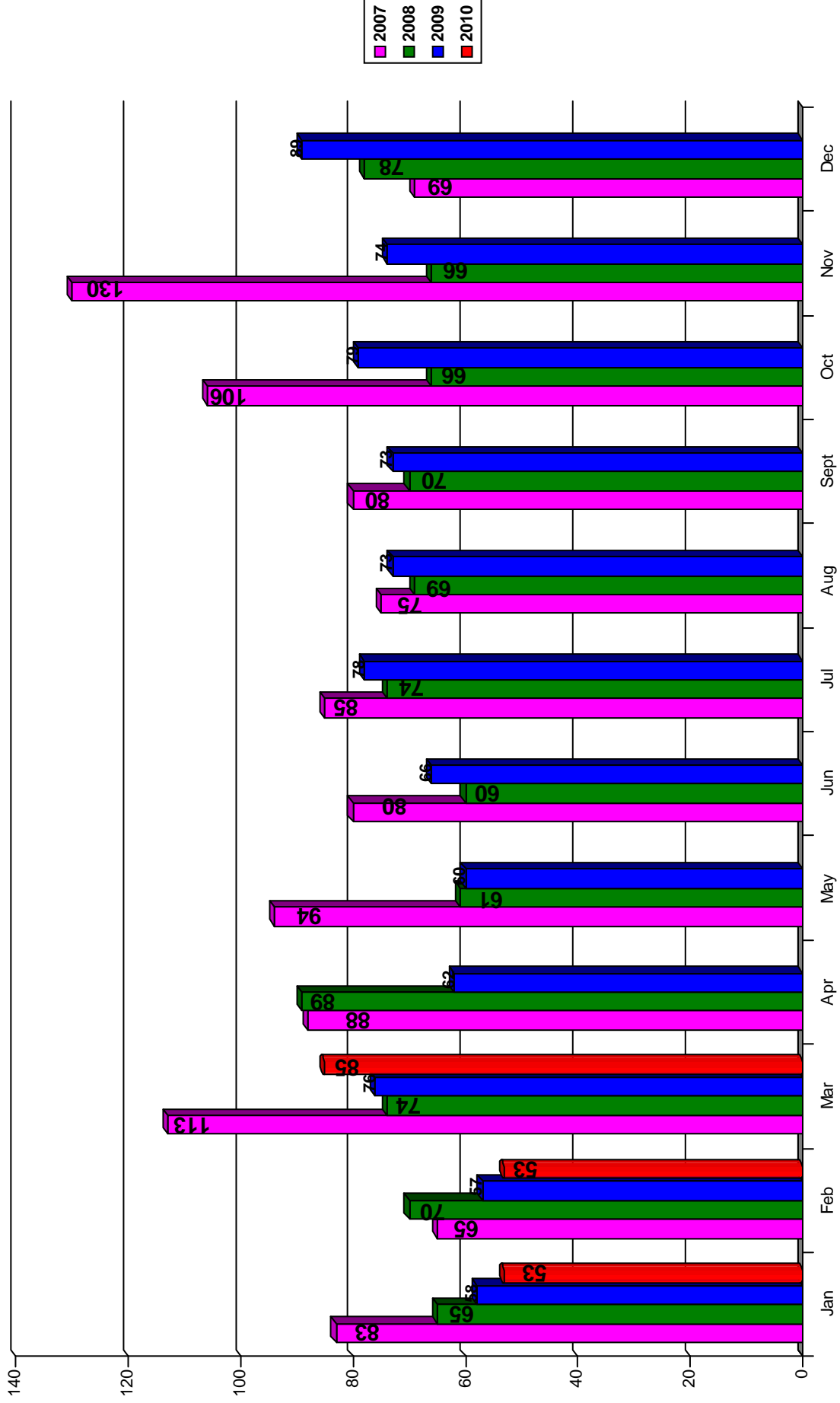
**DAs DETERMINED**



**DAs LODGED**



**CCs DETERMINED**



## 5.4 Investments for March 2010

TRIM REFERENCE: f2004/06604 - D02206429

AUTHOR: HS

### SUMMARY

The following report details Council's investments as at 31 March 2010.

### RECOMMENDATION

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

### BACKGROUND

Conservative management of 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. That said, investments in the ING and Aberdeen funds have been largely redeemed due to fund closures.

WSC still has a significant holding in the Blackrock care and maintenance fund.

In 2009/10 recovery of capital value has occurred and is expected to continue for those managed fund assets still in Council's portfolio.

N.B. WSC'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 March 2010, the total net return was \$0.67m consisting of interest earnings \$0.46m and capital gains \$0.21m. Council's total investments as at March 2010 are summarised in Table 1 and detailed in Attachment 1.

**Table 1 Investment Portfolio by Risk Category**

	March 2010 \$ '000	Year-to-Date Returns		
		Total %	Interest Only \$ '000	Interest Only %
Cash at Call	4,745	4.70	695	4.70
Term Deposits	51,078	4.86	1,855	4.86
Cash Plus Funds	1,667	11.85	45	0.83
Cash Management Funds	20,760	12.34	897	5.15
Enhanced Income Funds	14,057	12.01	484	4.77
<b>Total Investments</b>	<b>92,307</b>	<b>7.61</b>	<b>3,976</b>	<b>4.61</b>



## 5.4 Investments for March 2010 (contd)

Favourable year-to-date returns of 7.61% (total) reflect WSC's capital recovery and compares well with the year-to-date UBSA Bank Bill Index of 3.66%.

Under advice from Council's investment advisors, CPG, this financial year Council has redeemed a significant holding in the Aberdeen managed fund. Council retains a nominal holding of \$1.64m, which is subject to a termination process.

WSC's investments have regained \$2.55m in value from the 2008-09 year end position – the recovery being equivalent to 64% of the paper losses in the previous financial year. Further substantial recovery is forecast based on the nature of assets retained in the managed funds portfolio.

It is expected the recovery of capital value will continue through the 2009-2010 year to the point where the original losses will be overtaken by market gains in 2010-1011.

Investment transactions and earnings during March 2010 are shown in Table 2 - Portfolio Performance.

**Table 2 Portfolio Performance**

	July - Sept 2009 \$m	Oct - Dec 2009 \$m	Jan - Feb 2010 \$m	March 2010 \$m	Year to Date 2009-10 \$m
<i>Movement in Assets</i>					
<b>Opening Balance</b>	<b>99.22</b>	<b>130.02</b>	<b>118.03</b>	<b>101.55</b>	<b>99.22</b>
Capital Gain/Loss – (see below)	1.39	0.47	0.48	0.21	2.55
Net Cash/Investments( Withdrawals)	29.41	-12.46	-16.96	-9.45	-9.46
<b>Closing Balance</b>	<b>130.02</b>	<b>118.03</b>	<b>101.55</b>	<b>92.31</b>	<b>92.31</b>
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.39	0.47	0.48	0.21	2.55
Interest Earnings	1.47	1.29	0.75	0.46	3.97
<b>Total Return for Period</b>	<b>2.86</b>	<b>1.76</b>	<b>1.23</b>	<b>0.67</b>	<b>6.52</b>

### Interest Returns

Interest returns year-to-date continue above budget by \$0.52m reflecting the general recovery of the financial markets Application of these funds to new projects, however, is not recommended, since much of the benefit accrues to restricted funds such as section 94 developer contributions. As well, Council should apply any favourability against realised capital losses.

Also, Council's holdings in managed funds and the manner in which interest on these funds is distributed makes it difficult to make precise predictions of future interest earnings.

Workcover have mandated that Council deposit \$9.89m with TCorp and this only returned 4.05% in March. The interest rates on deposits in the month range from 5.50% to 6.50% and these rates all exceed the Union of Switzerland Australia (UBSA) Bank Bill Index for March which was 3.92%.

## 5.4 Investments for March 2010 (contd)

Banks operating in the domestic markets have suffered funding shortages over the past period, and this resulted in the issuance of term deposits at high premium rates. This situation will not continue indefinitely and it is anticipated that in the months to come term deposit rates will move closer to the benchmark.

**Table 3 Interest Only Performance at 31 March 2010**

Investment Source	YTD Budget \$ '000	YTD Actual \$ '000	Var. \$ '000
General Fund	1,839	2,585	746
Water (all)	339	596	257
Sewerage (all)	1274	795	-479
<b>Total</b>	<b>3,452</b>	<b>3,976</b>	<b>524</b>

The allocation of investment interest between General and other funds was realigned in February to reflect a true return on investments and cash. While no budget variation is required for 2009/10, individual adjustments between funds will be included in the March quarterly review.

### **Black Rock Care and Maintenance Fund**

The estimated return for the month of March was an overall gain of \$0.24m. Total capital gains continue to be positive for the year to date being \$1.24m.

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.

### **Aberdeen Cash Plus Fund**

At 1 July 2009 WSC's holding was \$10.66m and \$0.58m has been the amount of capital gains since then. There have been no significant income distributions. On 8 January 2009, Aberdeen declared the fund closed, and stated that it would be selling off the fund assets in an orderly fashion.

Under advice from CPG, WSC has redeemed value of \$9.60m. This redemption reflects the sale by Aberdeen of the fund's more liquid assets. Council has a nominal value of \$1.64m remaining on its books which represents some of the less liquid assets held in the fund.

The best estimate at present is that the remaining assets will be sold at a 3% discount, which would mean a future irrecoverable capital loss of about \$40K.

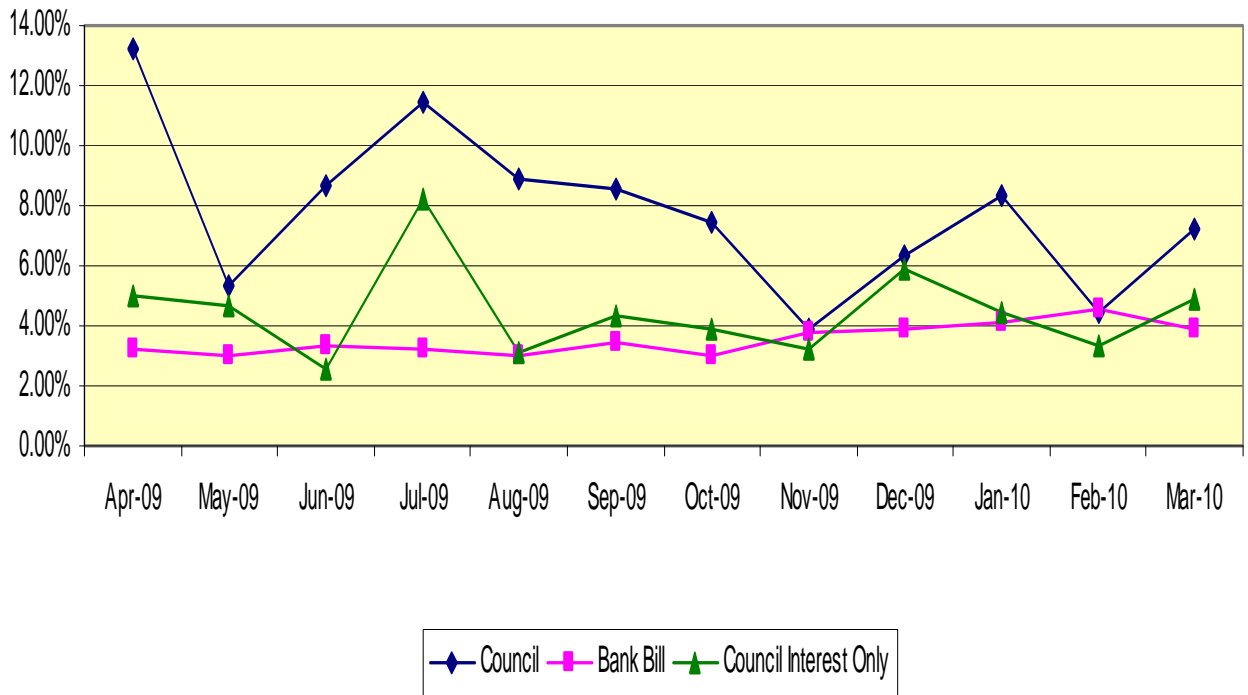
### **Benchmark - Monthly Returns (Annualised)**

Council's overall investment return is compared to the UBSA Bank Bill Index. This is a common benchmark used in Local Government and establishes a minimum performance level.

## 5.4 Investments for March 2010 (contd)

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 31 March 2010 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

### CONCLUSION

Council has significantly reduced its holdings in managed funds and more reductions have been recommended by the advisor. The challenge now is to add value in a portfolio where there are significant legislative constraints on new acquisitions.

### ATTACHMENTS

- 1 Summary of Investments by Type as at 31 March 2010 D02206448

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 March 2010**

FUND MANAGER	MATURITY	ESTIMATED PORTFOLIO BALANCE \$	ESTIMATED INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>				
ANZ High Yield Cash Account (AA)	Daily	4,744,574	45,000	
<b>Total Cash At Call</b>		<b>4,744,574</b>	<b>45,000</b>	
<b>TERM DEPOSITS &amp; BONDS</b>				
T-Corp (WorkCover NSW)	02/06/2010	9,896,000	33,865	4.05
BankWest Term Deposit	13/04/2010	5,000,000	23,356	5.50
Bank of Cyprus Term Deposito	26/05/2010	5,000,000	24,842	5.85
NAB Term Deposit	05/07/2010	5,000,000	25,479	6.00
Bank of Qld Term Deposit	12/07/2010	5,000,000	26,753	6.30
Allied Irish Term Deposit	12/07/2010	5,000,000	25,904	6.10
SunCorp Term Deposit	19/07/2010	5,000,000	27,603	6.50
CitiBank Term Deposit	24/08/2010	5,000,000	26,668	6.28
SunCorp Term Deposit	26/11/2010	2,000,000	10,701	6.30
Westpac Deposit Bond	24/09/2012	4,182,349	24,808	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>51,078,349</b>	<b>249,979</b>	
<b>CASH PLUS:</b>				
Aberdeen Cash Plus Fund (A)	To be liquidated - Fund Termination in Process	1,646,383	8,400	
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	20,424	230	
<b>Total Cash Plus</b>		<b>1,666,807</b>	<b>8,630</b>	
<b>CASH MANAGEMENT FUNDS:</b>				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	8,671,532	242,000	
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	12,088,198	44,286	
<b>Total Cash Management Funds</b>		<b>20,759,730</b>	<b>286,286</b>	
<b>ENHANCED INCOME:</b>				
Macquarie Income Cash Plus (A)	Open Ended	14,057,171	84,000	
<b>Total Enhanced Income</b>		<b>14,057,171</b>	<b>84,000</b>	
<b>TOTAL</b>		<b>92,306,631</b>	<b>673,895</b>	

## 5.5 Water and Sewerage - Works in Progress

TRIM REFERENCE: F2004/07830 - D02187115

AUTHOR: VT

### SUMMARY

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

### RECOMMENDATION

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

### WATER SUPPLY

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

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Kanwal Reservoir, Johns Rd Wadalba	8,000	50	Apr 2010	Maintenance works have commenced at Kanwal Reservoir and includes ground maintenance, removing minor rust marks from the exterior reservoir walls and denso wrapping pipe.  The work is being funded by Water and Sewerage Operations & Maintenance Program.
Shakespeare Ave, Waratah St, Keats Ave & Marlowe Ave Bateau Bay	80,000	70	May 2010	Ongoing fittings and replacement works as part of the water fitting replacement and program.  The work is being funded by Water and Sewerage Capital Works Program.
Toowoon Bay Rd, Nirvana St & Archbold Rd Long Jetty	200,000	30	May 2010	Work is under way to relocate a 100mm and 375mm water trunk main as part of the intersection upgrade for Roads and Drainage.  The work also includes fitting and replacement works and upgrades to existing water services.  The work is being funded by Water and Sewerage Capital Works Program (fitting replacements) and Roads and Drainage Capital Works Program.

## 5.5 Water and Sewerage - Works in Progress (contd)

Item Description	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Winbin Cres, Gwandalan	60,000	90	Mar 2010	<p>Work has commenced to relocate approximately 30m of 250mm diameter water main as part of drainage upgrade works for Roads and Drainage.</p> <p>The work is being funded by Roads and Drainage Capital Works Program.</p>
Perouse Ave & Eyre Cres, San Remo	100,000	15	May 2010	<p>Work has commenced to relocate a 100mm diameter water main and lower water services in aid of road and drainage upgrade works for Roads and Drainage.</p> <p>The work is being jointly funded by Water &amp; Sewerage and Roads &amp; Drainage Capital Works Program.</p>
Bateau Bay Long Jetty The Entrance Killarney Vale Berkeley Vale Toukley	20,000	Ongoing	Jun 2010	<p>Ongoing hydrant maintenance work being done in conjunction with NSW Rural Fire Brigade priorities.</p> <p>The work is being funded by Water and Sewerage Operations and Maintenance Program.</p>

### SEWERAGE

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

Location	Estimated Cost \$	% Completed	Estimated Completion Date	Comments
Kelsey Rd Noraville	150,000	30	May 2010	<p>Work has commenced on the construction of approximately 300m of 300mm diameter OPVC sewer pipe in Kelsey Rd.</p> <p>The existing 300mm asbestos cement rising main is approximately 36 years old and is being replaced due to delamination on the pipe line. The pipe is also half way through its design life.</p> <p>The work is being carried out by the Water and Sewerage day labour staff and is being funded from Water and Sewerage Capital Works Program.</p>

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 30 April 2010 has met National Health and Medical Research Council Guidelines.

### Sewage Treatment

All effluent discharged from the sewage treatment plants, for the period 1 to 30 April 2010 has met Environmental Protection Authority Licence requirements.

## WATER STORAGE

Monday, 19 April 2010

## STORAGES

Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	53,335	28.1	Down 56 ML
Mardi Dam	7400	2,463	33.3	Down 152 ML
Mooney Dam	4600	2,709	58.9	Down 63 ML
Total	202000	58,507	29.0	Down 271 ML

**CURRENT WORKS:**

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

**STORAGE:**

- Total stored water volume has fallen by 0.4% since last month. Mardi Dam storage level has been lowered for the construction of the new outlet tower. Recently Mardi Dam level has been raised to create at least 2-3 week reserve storage buffer. It is planned to recommence lowering of Mardi Dam, by natural demand, from Mid April 2010 to meet the outlet tower construction program. The lowering of the dam will be managed to optimise extraction from the run of the Wyong River.
- This day last year the volume stored as a percentage of total capacity was 3.4% higher.

**HUNTER TRANSFERS:**

- Hunter Water Corporation supplied 12.7 ML last week increasing this years supply to 903 ML.
- Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this year's supply to 0.0ML.

**GROUND WATER BORES:**

- Groundwater Bores supplied 1.9ML last week increasing this years supply to 91.3ML.

**WATER USAGE & RAINFALL**

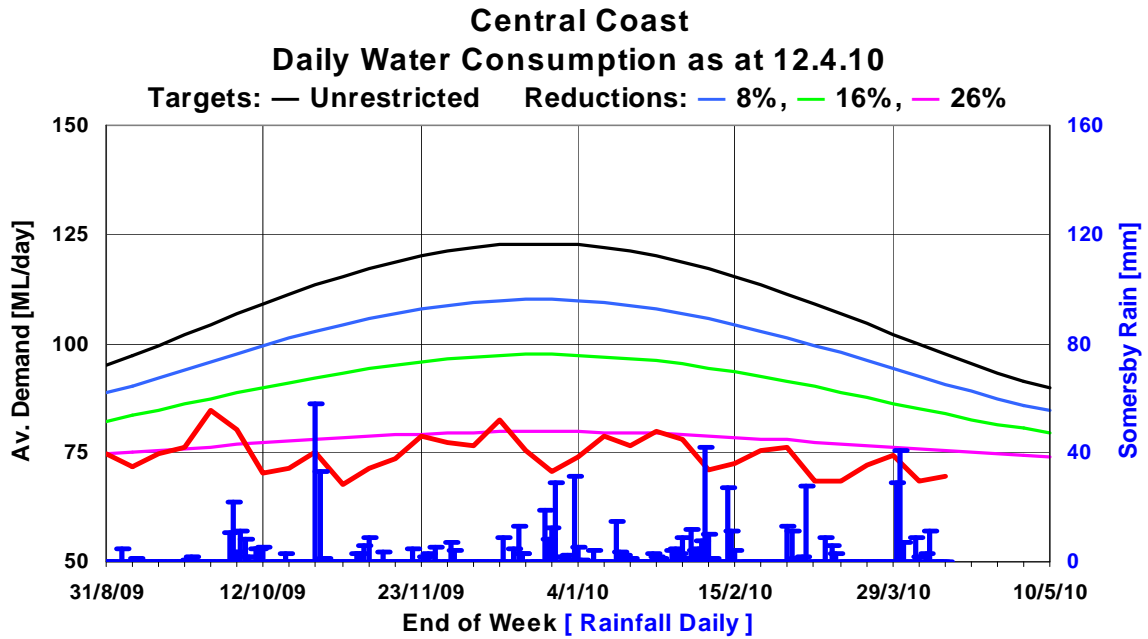
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	496	8	34	6
Previous week	482	14	16	14
Current week last year	453	28	32	19
This year to date	8,000	400	41	40
Same period last year	7,819	534	4	1
			31	33
			4	9

Week to date consumption was 496 ML, 9.5% more than the same week last year and 2.9% more than the previous week.

Consumption this year to date is 8,000 ML, 2.3% more than the same period last year.

Level 3 Water Consumption Target for the week ending Monday, 26 April 2010 is 523 ML





Black Line	Central Coast's normal demand when no restrictions are in place
Blue Line	Level 1 restrictions (8% reduction (based on 'black line') over the entire year
Green Line	Level 2 restrictions (16% reduction (based on the 'black line') over the entire year)
Pink Line	Amended level 3 Restrictions (current target 26% reduction (based on the 'black line') over the entire year)
Red Line	Recorded Water usage for Central Coast
Blue Bars	Recorded Daily Rainfall at Somersby (mm)

**ATTACHMENTS**

*Nil.*

## 5.6 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02192140

AUTHOR: SK; MC

### SUMMARY

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

### RECOMMENDATION

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

### ROADS AND DRAINAGE SECTION OVERVIEW

#### Capital Works In Progress

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

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
Quinalup Street, Gwandalan Stage 1A	\$690K	80	April 2010	<p>Drainage system upgrade involving new pipes and pits, a Gross Pollutant Trap, minor road reconstruction, and kerb and gutter in from the east side of Winbin Cres to the outlet on the corner of Koowong Rd and Noamunga Cres.</p> <p>The proposed works form part of a major project divided into three stages to enable funding to be spread over several years designed to alleviate flooding of properties.</p> <p>Gross pollutant trap, culverts installed road works commenced</p>
Brush Road Ourimbah	\$1.3M	75	April 2010	<p>Widening and re-alignment of existing 1 km unsealed road and sealed pavement construction. Excavation, stabilisation, concrete dish and base course have been completed on 70% of total length section.</p>

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
Bush Street Norah Head Stage 1 Drainage and Roadworks	\$639K	100	March 2010	Drainage upgrade to pipelines in and between Bald St and Young St. Also includes pavement/road works, driveways, traffic facilities, footpath and kerb and gutter  Drainage and Roadworks works complete.
Toowoan Bay Rd and Nirvana St Drainage Long Jetty	\$1.5M	5	June 2010	Major stormwater drainage system upgrade to alleviate localised flooding and road reconstruction and a mini roundabout at the intersection of Toowoan Bay Rd and Nirvana St.
Main Rd, Noraville	\$29K	100	March 2010	Footpath construction approximately 120 lineal meters on South side

### General Maintenance Work

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

	North	South
<b>Drainage Maintenance</b>	San Remo Noraville Wyong	Killarney Vale Long Jetty The Entrance Tuggerah Berkeley Vale Bateau Bay
<b>Replacement of Damaged Foot paving</b>	Kanwal Toukley	Nil
<b>Sign Maintenance</b>	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jiliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway

	North	South
<b>Shoulder Restoration</b>	Nil	Nil
<b>Heavy Patching</b>	Dooralong Mandalong	Nil
<b>Table Drain Maintenance</b>	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi
<b>Rural Road Grading</b>	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
<b>Carpark Maintenance</b>	Toukley Budgewoi Norah Head Gorokan	Nil
<b>Fencing</b>	Nil	Nil
<b>Vegetation control</b>	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty

**CONTRACTS AND SPECIAL PROJECTS SECTION**

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

<b>Item Description</b>	<b>Estimated Cost</b>	<b>% Completed</b>	<b>Estimated Completion Date</b>	<b>Comments</b>
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	25	April 2010	Approval for the methane gas extraction system and power plant has been issued. It is anticipated the power plant will be operational by June 2010. The Deed of Agreement provides for 15% of any Royalties from the generation of electricity to be returned to Council.
CPA/94559 Design and Documentation of Woongarra Sports fields	\$350K	99	June 2010	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	90	April 2010 for turf placement at all new sportsfields. Use of fields towards end 2010	Construction works are proceeding under Council's direct management. Delays in delivery of gravel and growing medium under turf mean playing fields unlikely to be available for use until end of 2010. Turf expected to be completed for all fields by mid-April 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	\$720K	85	June 2010	Contract awarded to Bonacci Group Pty Ltd January 2008. Design finalisation expected in June 2010. Increased maximum forecast flood heights from Climate Change policy (Jan 2010) have generated changes to the location of a pump station and sewer main alignments. Estimated project construction cost \$9M, with this consultancy costing \$720K.
CPA/130591 Consultancy for Investigation and Design of Trunk Water Mains to Warnervale Town Centre and Wyong Employment Zone	\$370K	90	April 2010	Contract awarded to SMEC Australia Pty Ltd April 2008. Completion of design and tender documentation expected by end of May 2010. Project construction cost \$3M, with this consultancy costing approximately \$370K.
CPA/135454 Investigation, Design and Construction Supervision for Toe Drainage Structure at Cabbage Tree Harbour Norah Head	\$296K	70	Under review	Contract awarded to Shirley Consulting Engineers. Approvals and licences obtained. This consultancy \$296K including all variations to date. Project budget for construction was reviewed based on final design with costs increasing from \$1.3M to \$2.9M. Additional funding requested from DECCW. Further report to be submitted to Council for reduced cost option.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$370K	50	May 2010	Contract awarded to Storm Consulting Pty Ltd for design of constructed wetland. Approvals obtained. Works will commence in April 2010. The works must be completed by end of May 2010 to satisfy Federal Grant conditions.
CPA/136020 (complete) and CPA/162445 Gwandalan Landfill Remediation – Investigations Only	\$152K	65	May 2010	Preliminary site investigation (CPA/136020) completed (cost \$42K). Detailed site investigation (CPA/162445) field work and analysis completed. Draft investigation report received and forwarded to Site Auditor for review. Cost of this consultancy \$110K.
CPA/136021 (complete) and CPA/168802 Tumbi Landfill Remediation – Investigations only	\$73K	65	May 2010	Preliminary site investigation (CPA/136021) completed (cost \$30K). Detailed site investigation (CPA/168802) field work completed. Draft investigation report received and forwarded to Site Auditor for review (cost of this consultancy is \$43K).

## 5.6

## General Works in Progress (contd)

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/136486 Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	\$164K	99	April 2010	Contract awarded to Maunsell Australia Pty Ltd April 2008. Construction has commenced. This consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$85K	60	June 2010	Preliminary investigation (CPA/142750) completed (cost \$30K). Contract for detailed site investigation (CPA/173290) awarded to SMEC Australia Pty Ltd and is expected to be completed by June 2010. The cost of this consultancy is \$55K.
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section).  Construction of Buff Point Shared Pathway  (includes Kemp Close section which has attracted a Federal grant)	\$250K per year x 3 years (EMP funds – holiday parks)+ \$250K Federal grant = \$1m + future \$300K for completion to Sonoma Road.	80	June 2010 (current funds)	Construction complete from Edgewater Park to opposite Nacooma Road – approx. 1.9km of total 3km of pathway. Estimated overall cost of construction for all Buff Point pathways is \$1.3M. Construction for next (100m) portion at eastern end planned for May to June 2010, with approvals anticipated by April. EMP to fund with \$25K Greenspace Grant.



Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	98	May 2010	Contract awarded to Cardno (QLD) Pty Ltd October 2008. Final design documentation is under review. Odour control unit has been added to scope. Estimated project cost \$11M, with this consultancy costing \$190K.
CPA/149519 Design and Construct Upgrade of Fuel Dispensing Area at Charmhaven Depot	\$170K	90	May 2010	In progress. New roof & civil works complete. Pipelines to be completed in April.
CPA/164637 (awarded) Toukley Landfill (Sewage Treatment Plant and Transfer site) Remediation – Investigations only	\$250K (two contracts)	40	May 2010 (Preliminary works)  October 2010 (Detailed site investigations)	Draft report on preliminary investigations due May 2010. Tenders for detailed site investigation to be called in June 2010.
CPA/149979 CPA/151861 Warnervale Town Centre Stage 2 Environmental Site Assessment and Remediation Action Plan	\$229K (two contracts)	100	March 2010	The Remedial Action Plan (RAP) has been signed off by the Auditor (ENVIRON Aust) and audit report is completed. Works completed in March 2010.
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	\$148K	95	May 2010	Contract awarded to GHD Pty Ltd January 2009. Detail design nearing completion. Construction expected to commence September 2010 and be completed December 2010. Estimated project cost \$3M, with this consultancy costing \$148K.

## 5.6

## General Works in Progress (contd)

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/153228 Construction of Woongarra Sports Facility	\$6.1M	95	May 2010	Contract awarded to Maincon Pty Ltd April 2009. Turf completed. Civil and building works progressing. All works expected to be completed by end of May 2010. Use of fields will be dependent on how well turf has established.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	30	August 2010	Contract awarded to Process Engineering Technologies Pty Ltd on 20 October 2009. Pre-commencement documents accepted. Construction commenced February 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$9.7M	2	April 2011	Tenders closed and report to Council in April 2010. Anticipate construction to commence May 2010 with completion by April/May 2011.
CPA/159872 CPA/172606 CPA/172609 Surf Clubs Upgrade Works Needs Analysis & Concept/DA Designs - Investigation	\$150K	99	January 2010	Estimated project construction cost is \$8.0M (WSC funding \$3.0M), with current consultancies \$150K. Contract let for documentation for proposed new clubs at Shelly Beach and Soldiers Beach. Federal Government grant sought. State Government grant applications made for club refurbishments. Development approvals received.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	75	June 2010	Contract awarded to Eire Contractors Pty Ltd on 28 July 2009. Progressing well. Expected completion June 2010.
CPA/160330 Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	\$432K	5	June 2010	Contract awarded to Smada Electrical Services Pty Ltd on 9 February 2010. Field work commenced ahead of pole delivery and installation.
CPA/160331 Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	\$737K	5	June 2010	Contract awarded to Master Electrical Contractors Pty Ltd on 9 February 2010. Cable installation to commence in April 2010. The works program has been extended due to shipment delays from China for lighting equipment. The EDSACC South field has highest priority and is now expected to be operational by 28 May 2010.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	50	April 2010	Contract let to Trehly Ingold Neate Pty Ltd in March 2009. Stage 1 involving fencing installation nearing completion, expected to finish in March 2010. Vegetation clearing will start after Easter. Target date for land to be available for sale off the plan is end of April 2010. Consultancy value \$95K.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/160794 Construction of the Northern Section of the Link Road	Construction cost \$8.7M	35	November 2010	Earthworks by Robson Civil Projects Pty Ltd nearing completion and construction of pavement due to commence. Electrical design for street lighting nearing completion.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	70	July 2010	Tender for construction awarded to Robson Civil Projects Pty Ltd on 20 October 2009. Contract progressing on schedule. Some extensions due to weather. Earthworks completed. Installation of cell lining system in progress. Early completion possible in May 2010.
CPA/166102 CCGT Business Incubator Project – Design and Construct (D&C)	\$3M	1	Dependent on Grant funding	Project is subject to Federal Government grant funding (yet to be confirmed). Estimated project D&C cost is \$3M. Draft documentation developed and currently subject to peer review. A separate application by CCGT for \$2M funding has been made under Round 2 of the funding.

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
CPA/171026 Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields	\$287K	5	November 2010	This contract was awarded to Green Horticultural Group Pty Ltd on 9 February 2010. Commencement of field works has been deferred at no extra cost to coincide with the end of the winter sports season 2010 and minimise impact on sporting groups.
CPA/173286 Remediation of Mardi Landfill – Design only	\$300K	5	December 2010	Expressions of Interest selectively invited for design, closed in February 2010 and are being evaluated. Tenders for design will follow.
CPA/176668 to CPA/176676 Year 4 Upgrade Works to all Holiday Parks	\$826K	6	September 2010	Contract let for Toowoon Bay Resort Pool. Works to start on site late April 2010. Other improvements also underway.
F2009/02444 Tunkuwallin (Oval to Primary School) Shared Pathway. (investigation, designs, approvals and construction)	\$170K	20	Target June 2010	Survey and design complete and approvals sought. Construction of pathway by end of June may be possible depending upon receipt of approvals.
F2008/02335 Colongra Bay Shared Pathway	\$200K	30	Target June 2010	Survey and design complete. No acid sulphate soils. Consultant engaged for environmental assessment. Programme is very tight and 30 June target very unlikely to be met.

## 5.6

## General Works in Progress (contd)

Item Description	Estimated Cost	% Completed	Estimated Completion Date	Comments
F2009/01909 Mannering Park Footpath – Cheryl St & Warwick Ave Shared Pathway – reserve	\$105K	75	Target June 2010	Construction of 1.2m wide path in Warwick Ave (160m) and 80m in Cheryl St complete. Approval for remaining section in reserve to be submitted in April. Funds very tight and more may be required to achieve full length of pathway.
F2009/02299 Investigations for Osborne Pk shared pathway, Toukley.	\$50k	20	Approvals only required by June 2010	Surveys complete. Environmental assessment underway. Approvals only sought by June 2010. REF due mid April. On track.
F2009/02359 F2008/01716 Killarney East shared pathway.	\$51k (RTA)	30	June 2010	Part 5 approval received. Construction approval sought. Funds likely to cover 3 short bridges only.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/152870	Buttonderry Waste Management Facility Entry Upgrade Works	Practical Completion - Three Portions of the Contract: Portion 1 – 17 September 2009 Portion 2 – 31 October 2009 Portion 3 – 12 November 2009	Portion 1–50 Portion 2-40 Portion 3- 30
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	60
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Practical completion 24 April 2009. SOP determination now received and paid. Defects liability period expires 24 April 2010.	100
CPA/136398 to CPA/136401	Year 2 Upgrade Works to All Holiday Parks	Practical completion 28 April 2009	90

<b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b>			
<b>Contract No</b>	<b>Contract Description</b>	<b>Contract Status</b>	<b>% Completed</b>
CPA/157278	Replacement of 600 metre length of 250mm water main – McDonagh Rd	Practical completion 22 January 2010	20
CPA/153765 to CPA/153784	Year 3 Upgrade Works to all Holiday Parks	Practical Completion 30 September 2009	54

**ATTACHMENTS**

*Nil.*

## 5.7 Mardi to Mangrove Link Project Status

TRIM REFERENCE: F2004/07718 - D02204537

AUTHOR: CC

### SUMMARY

Report on status of Mardi to Mangrove Link Project.

### RECOMMENDATION

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

### PROJECT SCOPE

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

### CURRENT STATUS

<b>Expenditure to date</b>	\$36.4m
<b>Project Estimate</b>	\$120.6m

### Construction Status

	<b>Scheduled Start</b>	<b>Scheduled Completion</b>	<b>% Complete</b>
Pre-construction – Management Plans & Approvals	4 January 2010	2 June 2010	98%
Work Package 1 – Wyong River Off-take	7 April 2010	14 January 2011	5%
Work Package 2 – Wyong River Pump Station	19 February 2010	16 January 2011	5%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010	3 August 2010	2%
Work Package 4 – Wyong Mardi Inlet	6 May 2010	2 December 2010	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010	14 January 2011	
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010	12 January 2011	3%
Work Package 18 – Wyong Weir, Fishway & Gauging	4 August 2010	25 November 2010	
Commissioning	17 January 2011	19 April 2011	



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

### Key Dates

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

### Land Matters

- The compulsory acquisition application for the remaining privately owned property requiring an easement was approved by the Minister and Governor on 14 April and gazetted on 16 April.
- Land access is now available for the whole pipeline route.
- Individual Property Management Plans are currently being prepared for each property and will include all items agreed between each landowner and Council.

### Stakeholder Liaison

#### Community

- Local media coverage has been positive and has extended to several industry publications including *Trenchless Australasia*, *Pipeliners* and *Construction Hire*.
- Long-term displays at Erina Fair Shopping Centre and Kariong Tourist Centre. Arrangements have been made to set up a display at Westfield Tuggerah Shopping Centre from late April, and discussions continue with Lakehaven Shopping Centre regarding free space for displays during 2010.
- The Mardi to Mangrove Link Project pages of the GWCWA website continues to be updated in relation to construction progress and timeframes, media releases and traffic information.
- Traffic updates continue to be given to local emergency services, schools and bus services every 1-2 weeks.
- The Complaints Register and Project Enquiries phone number has had 9 entries in April. Of the total entries, 1 could be classified as a complaint (relating to work within the road near his home), with the remainder being general enquiries and enquiries about work opportunities.

**Landholder**

- A traffic email was sent to landholders who sought direct traffic updates. Other landholders have been invited to join this email list.
- One correspondence item has been received in April.

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**Government**

- An advertisement was placed in the NSW Government Gazette in relation to the compulsory acquisition of one property which will have a surge tank on it.

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**Incidents**

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

**Major Achievements / Issues**

- With the last compulsory acquisition application being approved by the Minister and Governor and gazetted on 16 April, land access is now available for the whole pipeline route.
- Construction of the coffer dam for Wyong River Off-take Structure has commenced following river bank clearing and removal of debris from Wyong River.



Photo: Sheet piling for coffer dam at Wyong River Off-Take Structure. 16 April 2010.

**ATTACHMENTS**

*Nil.*

## 5.8 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02206071

AUTHOR: SW

### SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

### RECOMMENDATION

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

Question Asked / Councillor	Department	Meeting Asked	Status
Q067/10 – Residential Parking Margaret Street, Wyong  <i>“Could staff please advise on the feasibility of providing resident only street parking in front of residential housing in Margaret Street, Wyong near the Council Chambers?”</i>	Shire Services	24 March 2010 Cr Vincent	A response will be submitted to Council's meeting of 12 May 2010.
Q71/10 – NSW Fees and Charges Collected by Wyong Shire Council  <i>“Please provide the details of the annual total fees and charges collected by Wyong Shire Council on behalf of the NSW State Government?”</i>	Corporate Services	24 March 2010 Cr McNamara	A response will be submitted to Council's meeting of 12 May 2010.
Q72/10 – Cost to Wyong Shire Council for Providing NSW State Government Services  <i>“Please provide the total cost to ratepayers of shifting of services from NSW State Government to Wyong Shire Council?”</i>	Corporate Services	24 March 2010 Cr McNamara	A response will be submitted to Council's meeting of 12 May 2010.
Q73/10 – Viability of Providing Solar Panels to Council Buildings  <i>“Could Council staff advise on process and viability of installing solar panels for electricity generation on Council buildings including Surf Clubs and Senior Citizens Centres?”</i>	Shire Planning	24 March 2010 Cr Eaton	A response will be submitted to Council's meeting of 12 May 2010.

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

Question Asked / Councillor	Department	Meeting Asked	Status
<p>Q74/10 – Provision of Additional Parking at Lake Munmorah Senior Citizens</p> <p><i>“Could Council investigate creating additional parking at Lake Munmorah Senior Citizen Centre by utilising the space occupied by the former demolished Northern Lakes Family Centre?”</i></p>	Shire Services	24 March 2010	A response will be submitted to Council's meeting of 12 May 2010.
<p>Q75/10 – Request to Change Zoning for Proposed GP Super Clinic at Warnervale</p> <p><i>“Could Council confirm or deny that Council staff requested the Department of Planning or other State Government Authorities to change zoning instruments to make the proposed GP Super Clinic a permissible use?”</i></p>	Shire Planning	14 April 2010	A response will be submitted to Council's meeting of 26 May 2010.
<p>Q76/10 – Timeframes for North Wyong Structure Plan and Central Coast Conservation Plan</p> <p><i>“Could staff advise on progress/timeframe for the North Wyong Structure Plan and Central Coast Conservation Plan?”</i></p>	Shire Planning	14 April 2010	A response will be submitted to Council's meeting of 26 May 2010.

Notice of Motion	Department	Meeting Resolved	Status
<p>326 - National Natural Disaster Funding</p> <p>1 That Council, via the Federal Local Members, request National Natural Disaster Funding include coastal erosion events and Council expenditure on preventative and remedial action.</p> <p>2 That the Local Government Association via its annual conference be invited to support this initiative</p> <p>3 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.</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>

## 5.8 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.

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

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

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.3 - Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage.</p> <p><i>That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.</i></p>	Shire Planning	26 August 2009 Cr Symington / Cr Graham	<p>The report has been broadened to incorporate a review of all boat ramps within the Shire.</p> <p>A report will be submitted for 12 May 2010 Council Meeting.</p>
<p>8.1 - Notice of Motion – Energy Reduction Targets</p> <p><i>That the Shire Planning Department, in consultation with Shire Services Department, provide a report to Council that outlines the implications (social, economic and environmental) of applying a minimum 30% reduction by 2030 or earlier in greenhouse emissions based on 1999-2000 performance levels to:</i></p> <ul style="list-style-type: none"> <li>• <i>the top 10 sites for energy consumption as identified in Council's Energy Saving Action Plan (as these sites consume two-thirds of all electricity consumed by Council);</i></li> <li>• <i>vehicle and small plant fleet; and</i></li> <li>• <i>Buttonderry landfill site.</i></li> </ul> <p><i>Further, that the report include the implications (social, economic and environmental) of achieving carbon neutrality for these sites and activities by 2050 based on 1999-2000 performance levels.</i></p> <p><i>The report is to take into account but not be limited to, the effects of population growth, drought mitigation actions and staff retention and attraction issues.</i></p>	Shire Planning	9 September 2009 Cr Wynn / Cr Best	<p>This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced.</p> <p>A draft report has been prepared, however taking into account the board range of issues that effect energy usage and energy reduction, the report is being rewritten to canvass a broader range of options than requested in Council's resolution. A report likely to be presented in June.</p>
<p>8.1 - Notice of Motion – Shire Civic Garden</p> <p>1 <i>That Council consider the creation of a civic garden within the Shire that consists predominantly of native plantings</i></p> <p>2 <i>That Council staff provide a report by March 2010 on the implementation cost, maintenance, including planting and/or maintenance, by local garden clubs and/or land care groups/schools/communities.</i></p>	Shire Planning	11 November 2009 Cr Vincent / Cr Matthews	A report to be submitted to Council's meeting on 26 May 2010.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <p>1 <i>That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</i></p> <p>2 <i>That the draft policy be written to apply to major residential, commercial and industrial development.</i></p> <p>3 <i>That the provisions of the policy include:</i></p> <p style="padding-left: 20px;">a <i>objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;</i></p> <p style="padding-left: 20px;">b <i>requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</i></p> <p style="padding-left: 20px;">c <i>a focus on buildings located within town centres and on major roads within the Shire.</i></p> <p>4 <i>That the draft policy be reported back to Council for consideration.</i></p>	<p>Shire Planning</p>	<p>11 November 2009 Cr Best / Cr Webster</p>	<p>The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.</p>



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

Notice of Motion	Department	Meeting Resolved	Status
<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <p>1 That Council <u>recognise</u> in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.</p> <p>2 That Council <u>receive</u> a report on the establishment of a Mediation process. The report should include the following:</p> <p>a A review of “best practice” mediation committees / mediation processes operating elsewhere.</p> <p>b A review of practices / procedures / committees operating in adjoining Councils.</p> <p>c The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	This item has been included in the Legal and Policy Works Program to be commenced mid 2010.
<p>5.2 - Notice of Motion – Elected Council Independent Legal Advisor</p> <p>1 That Council <u>invite</u> tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.</p> <p>2 That Council <u>receive</u> quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought.</p>	Shire Planning	<p>10 February 2010</p> <p>Cr Eaton / Cr Graham</p>	Draft brief being reviewed. Tenders to be called later this month.

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

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

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

Notice of Motion	Department	Meeting Resolved	Status
<p>10.3 - Notice of Motion – Fuel Efficient Fleet</p> <p>1 <i>That Council <u>report</u> on current initiatives of moving its motor vehicle fleet towards greater fuel efficiency.</i></p> <p>2 <i>That, further to Council's policy on the use of new fuel efficient vehicles including, hybrid, electric and diesel and other emerging technologies in its fleet, staff <u>report</u> on running costs, capital costs etc in a publicly accessible way for the benefit of our community.</i></p>	Shire Services	<p>10 March 2010</p> <p>Cr Eaton / Cr Wynn</p>	A report will be submitted to Council by May 2010
<p>10.5 - Notice of Motion – Traffic Gridlock San Remo</p> <p>1 <i>That Council <u>draw</u> the attention to the Roads and Traffic Authority of the congestion currently being experienced in the vicinity of the new Northlakes Shopping Centre and request that they urgently undertake remedial work.</i></p> <p>2 <i>That staff <u>report</u> on actions taken by the Roads and Traffic Authority and the success or otherwise of these initiatives.</i></p>	Shire Planning	<p>10 March 2010</p> <p>Cr Matthews / Cr Vincent</p>	<p>A letter has been issued to the RTA.</p> <p>A report will be forwarded to Council once a response has been received from the RTA.</p>
<p>9.1 – Notice of Motion – Tsunami Warning Effectiveness</p> <p>1 <i>That Council <u>recognise</u> the importance of a coordinated tsunami action plan having regard to the vulnerability of our Coastal communities such as Cabbage Tree Bay, Budgewoi, North Entrance and various lakeside suburbs, that may be devastated in the wake of a tsunami.</i></p> <p>2 <i>That Council <u>refer</u> this matter to the State Emergency Services (SES) with a request for them to brief Councillors in regard to tsunamis at a future scheduled briefing.</i></p>	Corporate Services	<p>24 March 2010</p> <p>Cr Best / Cr Webster</p>	The SES has been invited to brief Councillors. The briefing date will be confirmed once a response has been received.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>9.3 - Notice of Motion – Warnervale GP Super Clinic</p> <p><i>That Council <u>urgently</u> investigate and report on other potential sites for the Warnervale GP Super Clinic that are correctly zoned and in the correct geographic area and particularly include the site on Louisiana Road that reportedly is DA approved for a large medical centre.</i></p>	Shire Planning	<p>24 March 2010</p> <p>Cr Eaton / Cr Best</p>	A report will be submitted to Council on 12 May 2010.
<p>9.4 - Notice of Motion – Costs of the Survey and Preliminary Design to the Entry Road and Intersection at Warnervale Town Centre</p> <p>1 <i>That in order to facilitate the development of the Warnervale Town Centre, Council <u>endorse</u> the commitment by staff to meet one third of the cost of the survey and preliminary design of the entry road into the centre from Sparks Road and the intersection on Sparks Road.</i></p> <p>2 <i>That the Mayor and Deputy Mayor in conjunction with Council staff urgently pursue discussions with the State Government, Landcom (State owned corporation) and Woolworths in order to reach agreement on the sharing of the construction costs of the road and intersection in such a way that the ratepayers of the Wyong Shire are not unduly penalised.</i></p>	Shire Planning	<p>24 March 2010</p> <p>Cr Graham / Cr Vincent</p>	<p>Ongoing discussions being held with all relevant stakeholders to facilitate cost of survey and preliminary designs to Warnervale Town Centre.</p> <p>A meeting between Council, Landcom and Woolworths and the Minister for the Central Coast was scheduled to occur on 14 April 2010, however this was postponed and a further meeting date is to be scheduled.</p>
<p>8.1 - Notice of Motion – Bike Racks on buses</p> <p><i>That Council <u>investigate</u> and report on the possibility of local bus services providing passengers with transport racks for push bikes as is common in Europe and the USA.</i></p>	Shire Planning	<p>14 April 2010</p> <p>Cr Best / Cr Wynn</p>	A report will be submitted to Council in June 2010.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.2 - Notice of Motion – Access to Council Information – Anywhere, Anyhow, Anytime</p> <p>1 That Council actively <i>continue</i> its rollout of community access to Council information and related services.</p> <p>2 That Council <i>promote</i> these new services to the community and highlight the availability of information from mobiles, PDA's, Internet and phone.</p> <p>3 That staff <i>report</i> on how new technologies can improve internal efficiency and productivity.</p>	Corporate Services	14 April 2010 Cr McNamara / Cr Graham	A report is currently being prepared.

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

Notice of Motion	Department	Meeting Resolved	Status
<p>8.4 - Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course</p> <p>1 That Council <i>note</i> the closure of the long-established public access to the coast through the golf course at the northern end of the course resulting from the locking, by the Club, of the gate at this location.</p> <p>2 That Council <i>request</i> the General Manager to provide a detailed report on the arrangement between the Tuggerah Lakes Golf Club and the Shelly Beach Recreation and Flora (R73287) Reserve Trust</p> <p>3 That Council <i>seek</i> legal advice, through a report from staff, on the issues affecting the public's right of access to the Tuggerah Lakes Golf Course including, but not exclusively so:-</p> <ul style="list-style-type: none"> <li>a What rights, are accorded to the general public.</li> <li>b Council's ability, or otherwise, to enforce the public's right of access.</li> <li>c Establishing what is a reasonable and lawful interpretation of "proper purpose".</li> <li>d Council's liabilities in terms of the safety issues and in terms of protecting the assets.</li> <li>e Council's obligations to ensure the Club protects the public appropriately from the risks of access.</li> <li>f What rights, if any, are accorded to the adjacent neighbours</li> <li>g The relevance and quality of the existing lease as an appropriate commercial arrangement.</li> </ul> <p>4 That Council formally <i>advise</i> the Tuggerah Lakes Golf Club that it does not support the recent closure of the gate at the northern end of the course and <i>request</i> the Club to reopen the gate.</p>	<p>Corporate Services</p>	<p>14 April 2010 Cr Eaton / Cr Best</p>	<p>A report will be prepared for Councils consideration once legal advice has been received.</p>

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

### 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
Q68/10 – Street-scaping along Central Coast Highway, Long Jetty  <i>“Could staff advise whether street-scaping is being considered along the Central Coast Highway through Long Jetty?”</i>	10 March 2010 Cr Webster	Response included in this business paper.
Q69/10 – Playground Proposed for Baker Park Precinct  <i>“Could staff advise of plans (if any) for a playground in the Wyong Sporting Baker Park, Tennis Court/Pool Precinct and possible construction program?”</i>	10 March 2010 Cr Eaton	Response included in this business paper.
5.3 - Notice of Motion – Warnervale Airport and Associated Lands  <i>That staff <u>report</u> to Council generally on the history and legal status of the Warnervale airport including the impact of the Warnervale Airport Restrictions Act.</i>	10 February 2010  Cr Best / Cr Eaton	Response included in this business paper.

### ATTACHMENTS

*Nil.*

## **6.1 Answers to Question Without Notice**

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TRIM REFERENCE: CPA/105639 - D02186462 AUTHOR: DM

### **6.1 Q68/10 - Street-scaping Along Central Coast Highway, Long Jetty**

The following question was asked by Councillor Webster at the Ordinary Meeting held on 10 March 2010:

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

The RTA has recently commenced planning for the Central Coast Highway through Long Jetty, to assist planning and development of the Long Jetty and The Entrance area.

The Entrance Peninsula Planning Strategy (TEPPS), adopted by Council in July 2009, identifies the need to improve the amenity of The Entrance Road (Central Coast Highway) Corridor through Long Jetty.

To achieve this aim, The TEPPS recommends that future masterplanning of the Long Jetty Village Centre (which includes The Entrance Road Corridor) be carried out. This masterplanning project and process is currently in the planning phase. The plans prepared by the RTA will inform the masterplanning process.

The masterplanning process intends to engage all stakeholders (including the Roads and Traffic Authority - the road authority) and include consideration of how to improve the Central Coast Highway streetscape through Long Jetty, including landscaping design, removal of clutter (eg, caused by signage and powerpoles/wires), branding elements (eg, logos, banners, colour themes, etc).

## **ATTACHMENTS**

*Nil.*



## **6.2 Answers to Question Without Notice**

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TRIM REFERENCE: F2008/02697 - D02204413 AUTHOR: GH

### **6.2 Q69/10 - Playground Proposal Baker Park Precinct**

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

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

On 23 September 2009 Council adopted the Active River Foreshore and Baker Park Masterplans. During the planning process for these masterplans it was considered prudent to exclude Council owned land within the Baker Park Precinct due to the uncertainty over the future ownership of the Wyong Tennis Club. Since Council has now purchased the Tennis Club site, it is now considered an opportune time to finalise the masterplanning for the Baker Park Precinct and staff are currently undertaking the relevant preliminary project management planning for this project.

The masterplan will include an investigation of potential land use options within the precinct that will reinforce this area as a recreational hub for the Wyong Town Centre. Any redevelopment of the Baker Park area should maximise the potential of the area and to better integrate land uses such as recreational, community and residential.

One of the challenges facing Council is the ability to properly fund and maintain any future capital works in the precinct. Part of the masterplanning process will include consideration of potential funding options.

A playground in this area is considered a possible option that will be explored and could be integrated into a community and/or recreational facility. Work on the masterplanning of this area is included in the 2010/2011 work program for the Future Planning Unit.

## **ATTACHMENTS**

*Nil.*

28 April 2010

To the Ordinary Meeting

## **7.1 Notice of Motion - Traffic Jams Priority List**

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TRIM REFERENCE: F2004/06671 - D02213370

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on Wednesday 28 April 2010 he will move the following Motion:

*“That Council prepare a priority listing of the 10 worst traffic jam locations in the Shire judging by length of queue, number of cars in queue, cost/benefit analysis and environmental benefits and other objective criteria with a view to using this as a tool for lobbying State and Federal Government for funding solutions.”*

28 April 2010

To the Ordinary Meeting

## **7.2 Notice of Motion - Coal Mining Environmental Impact Study Public Input**

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TRIM REFERENCE: F2004/00210 - D02213566

AUTHOR: DE

Councillor Eaton has given notice that at the Ordinary Meeting to be held on Wednesday 28 April 2010 he will move the following Motion:

- "1 That Council hold a public forum by mid May to seek public input and consultation to go into Council's response to the Wallarah 2 Environmental Impact Study (EIS).*
- 2 That Council establish a web blog or similar electronic feedback system to facilitate public comment on the EIS for adoption into Council's response. "*

28 April 2010

To the Ordinary Meeting

### **7.3 Notice of Motion - Warnervale Road Commencement**

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TRIM REFERENCE: F2004/00535-07 - D02213582

AUTHOR: DE

Councillors Eaton and Best have given notice that at the Ordinary Meeting to be held on Wednesday 28 April 2010 they will move the following Motion:

- "1 That Council thank the Member for Wyong, Mr David Harris for securing the State Grant of \$2m towards construction costs of the Warnervale entry road.*
- 2 That Council urgently proceed to construct the entry road subject to confirmation of matching equal contributions of some \$1.2m to be paid by Landcom and Woolworths."*

28 April 2010

To the Ordinary Meeting

## **7.4 Notice of Motion - Central Coast Business Development Link**

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TRIM REFERENCE: F2004/00210 - D02213596

AUTHOR: GB; JM

Councillors Best and McNamara have given notice that at the Ordinary Meeting to be held on Wednesday 28 April 2010 they will move the following Motion:

- “1 That Council, in partnership with Gosford City Council and our region’s peak Departmental Agencies, develop a web link to the Councils’ sites showcasing the region’s business and development opportunities through profiling data such as:-
- Central Coast Investment Profile
  - Population Facts
  - Competitive Property Opportunities
  - Competitive Costs
  - Gross Regional Products
  - Significant Key Points
  - Key Business Sectors
  - Key Business Sector Averages
  - Types/Categories of Current Employment
  - Employment Forecasts
  - Transport and Work Journey Data
  - Employment Precincts
  - Corporate Numbers Estimates
  - Residential Development Activities
  - Commercial Development
  - Commercial Property Directory
- 2 That Council recognise the urgent need for a targeted and managed Regional Profile as an important tool in attracting and expanding new and existing organisations that will boost much needed local employment.”