



Wyong Shire and Gosford City Mayors, Water Minister Phil Costa, MPs David Harris, Marie Andrews and Robert Coombs, Wyong Shire Council General Manager and Council staff recently toured Mardi Dam to see the outcomes of the \$59 million upgrade project. The tour followed the signing of a Memorandum of Understanding, whereby Wyong Shire Council, Gosford City Council and the State Government agreed to form a Central Coast Water Corporation to improve the deliver of water and sewerage services.

Business Paper

ORDINARY MEETING

25 August 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 25 August 2010 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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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.

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: f2010/00009 - D02320023

AUTHOR: Jacquie Elvidge, Administration Assistant

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.

25 August 2010
To the Ordinary Meeting

Procedural Item
Corporate Services Department

1.2 Address By Invited Speaker

TRIM REFERENCE: F2010/00009 - D02320036

AUTHOR: Jacquie Elvidge, Administration Assistant

SUMMARY

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.3 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02321243

AUTHOR: Maggie Rowland, Administration Assistant

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 11 August 2010.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 August 2010.

ATTACHMENTS

1 Minutes - Ordinary Meeting - 11 August 2010 D02323215

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 August 2010
COMMENCING AT 5:00 PM**

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride (arrived 5.10 pm), J J McNamara, W R Symington, D P Vincent 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 Community Development, Senior Social Planner, Recreation Planner, Manager Governance and Administration, Manager Regulation and Compliance, Contributions Officer and three administration staff.

The Mayor invited Councillors to report on recent events:

Councillor Wynn attended the recent Central Coast Educational Awards held at Lake Munmorah High School on behalf of the Mayor together with the Principal, Mr Lyndsay West and students from Lake Munmorah High School.

Councillor Vincent presented to the Council a Certificate of Appreciation received in recognition of its valuable contributions to the Graffiti Eater Trailer, an initiative of the Northern Wyong Shire Graffiti Forum. Councillor Vincent spoke briefly on the program and thanked Councillor Graham for attending the launch. Councillor Graham returned congratulations to Councillor Vincent on his support for the Graffiti Forum and also thanked Councillors Wynn, McNamara and Symington.

Councillor Eaton attended the HIA Infrastructure Summit on behalf of the Mayor held yesterday in Sydney and commented on the expertise of the speakers at the summit.

Councillor Graham advised that he, the Mayor of Gosford City, Councillor Holstein and the Honourable Mr Phil Costa MP, Minister for Water had signed a Memorandum of Understanding on 9 August 2010 which will progress on the formation of the Central Coast Water Corporation.

The Mayor, Councillor Graham, declared the meeting open at 5.09 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick read an acknowledgment of country statement and delivered the opening prayer.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Webster due to being overseas.

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

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

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

AGAINST: NIL

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3 and 4.1, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

2.2 – DA/712/2010 – Proposed Large Scale Commercial Development at Tuggerah

Councillor Best declared a pecuniary conflict of interest in the matter for the reason that an entity associated with his family has an interest in this item, left the chamber at 05.44 pm, took no part in discussion, did not vote and returned to the chamber at 05.46 pm.

5.2 – Minutes – Wyong Shire Grants Committee Meeting – 4 August 2010

Councillor Vincent declared a non-pecuniary insignificant conflict of interest for item 2.2 – Gathering of the Clans Funding Request for the reason that he is a volunteer for the Gathering of the Clans event and participated in consideration of this matter:

Councillor Vincent 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.

6.5 – Health Studies Relating to Coal Mining and Power Stations

Councillor Vincent declared a pecuniary conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 07.05 pm, took no part in discussion, did not vote and returned to the chamber at 07.12 pm.

U21/10 – Proposed State Environmental Planning Policy (SEPP)

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of a community committee opposing declaration of the state significant site and participated in consideration of this matter:

Councillor Symington 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.

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a member of a community committee 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 this is my belief that there is a real need to point out the timing of these controls at its effect on good planning policy due to this SEPP to the community.

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

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

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

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.*

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 28 July 2010.

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

AGAINST: NIL

Business Arising

Councillor Eaton queried the progress on the Warnervale Town Centre Project Team.

The General Manager advised that a Steering Committee, overseen by the Premier and Cabinet, recently held a meeting. A separate meeting was held with the landowners on issues including the feasibility of the lands and adjustments that would be required. A letter has been written to the Department of Planning on certain amendments to the Development Control Plan. The General Manager further advised that staff were presently working on a position description to call for a Development Manager to oversee the town centre development and advertising will depend on the outcome of the report scheduled for 25 August 2010.

Progress updates will be forwarded to all Councillors on a monthly basis.

2.1 DA/558/2010 Proposed Torrens Title Subdivision - 19 Wyong Road, Killarney Vale

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council vary Clause 42D of Wyong Local Environmental Plan 1991 to permit the development.**
- 3 That the concurrence of the Director General of the Department of Planning be assumed for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 42D of Wyong Local Environmental Plan 1991 to permit the proposed development.**

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

AGAINST: NIL

2.2 DA/712/2010 - Proposed Large Scale Commercial Development at Tuggerah

Councillor Best declared a pecuniary conflict of interest in the matter for the reason that an entity associated with his family has an interest in this item, left the chamber at 05.44 pm, took no part in discussion, did not vote and returned to the chamber at 05.46 pm.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, approve the application subject to the conditions attached to the report.**
- 2 That Council vary the Development Control Plan 2005 Chapters 75 – Industrial Development and Chapter 80 – Tuggerah Precinct to permit the development.**

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

AGAINST: NIL

2.3 Draft Wyong Shire Youth Engagement Strategy

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

- 1 That Council adopt the Wyong Shire Youth Engagement Strategy Background Report, Youth Prospectus and Toolkits.**
- 2 That staff develop a detailed strategic implementation plan and budget for the Youth Engagement Strategy for consideration by Council in future 4 year delivery and annual plans.**
- 3 That Council utilise the principles of the Strategy in engaging with young people about our projects, services and programs.**
- 4 That Council thank those responsible for the development and implementation for the Youth Engagement Strategy and that they be formally recognised for their outstanding efforts.**

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

AGAINST: NIL

2.4 Draft Contribution Plans for Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes Districts

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

- 1 That Council adopt the Contribution Plans for the Budgewoi, Ourimbah, Gorokan, San Remo and Southern Lakes districts in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000.**
- 2 That Council repeal previously adopted versions of the plans.**
- 3 That Council give public notice of its decision to adopt the plans in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000.**

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

AGAINST: NIL

3.1 Proposed Easement for Electricity Purposes over Lot 26 DP 5012 at Ithome Street, Wyong

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

- 1 That Council grant an easement for electricity purposes over Lot 26 DP 5012, Ithome Street, Wyong to EnergyAustralia to accommodate the relocation of the substation.
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.

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

AGAINST: NIL

4.1 Proposed Installation of Disabled Beach Access at the Lakes Beach Surf Club

Mr Garry Blaschke, resident and member of the Northlakes Disability Tourism Precinct Committee addressed the meeting at 05.14 pm, answered questions and retired at 05.24 pm.

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

- 1 That Council receive the status report on the proposed installation of disabled beach access facilities at the Lakes Beach Surf Club.
- 2 That Council support in principle the installation of disabled beach access facilities at the Lakes Beach Surf Club with the provision that the project meets the Standards established under the Disability Discrimination Act 1992.
- 3 That the matter be considered as part of the initiatives to be funded in the four year delivery plan.
- 4 That Council acknowledge potential growth opportunities identified in the Central Coast Destination Management Plan for Tourism in the areas of disability / accessible tourism.
- 5 That Council give in principle support to the formation of the Northern Lakes Disability Tourism Steering Committee.
- 6 That Council facilitate a disability access audit of the Northern Lakes Disability Tourism Precinct by the Disability Tourism Precinct Steering Committee.
- 7 That Council report on the progress made by both the Lakes Disability Beach Access Steering Committee and the Northern Lakes Disability Tourism Steering Committee.

8 That Council delegates to the General Manager to give owners consent to any development applications relating to the proposed access.

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

AGAINST: NIL

4.2 Request to Close Walkway between Tristram Close and Renee Close Lake Haven

The Director Shire Services advised of a correction to the third paragraph of the table on page 107 of the business paper regarding incidents of vandalism reported to the Police. Of the total 19 incidents reported to police, five graffiti incidents were official reports. The remaining incidents were nominated in the survey only.

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

That this matter be deferred pending a field inspection of the subject site by Councillors and staff.

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

AGAINST: NIL

4.3 Expenditure Against Contracts CPA/145088 - Hire of Plant and Machinery and CPA/145091 - Hire of Minor Plant and Equipment

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

1 That Council note the Expenditure against Contracts CPA145088 - Hire of Plant and Machinery and CPA145091 - Hire of Minor Plant and Equipment report.

2 That Council approve additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Additional Expenditure
Hire of Plant and Machinery	145088	2,800,000.00
Hire of Minor Plant and Equipment	145091	550,000.00

3 That Council note the additional expenditure requested is within approved program budgets.

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

AGAINST: NIL

5.1 Minutes of the Strategic Finance Committee Meeting - 28 July 2010

Councillor Best left the meeting at 06:25 pm and returned to the meeting at 06:26 pm during consideration of this item.

Councillor McNamara left the meeting at 06:36 pm and returned to the meeting at 06:38 pm during consideration of this item.

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

- 1 That Council receive the minutes of the Strategic Finance Committee meeting held on 28 July 2010 and adopt the recommendations contained therein.**
- 2 That Council adopt the amended Charter for the Strategic Finance Committee**
- 3 That Council approve bringing investment management inhouse under the control of the General Manager and the Responsible Accounting Officer.**

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

AGAINST: NIL

5.2 Minutes - Wyong Shire Grants Committee Meeting - 4 August 2010

Councillor Vincent declared a non-pecuniary insignificant conflict of interest for item 2.2 – Gathering of the Clans Funding Request for the reason that he is a volunteer for the Gathering of the Clans event and participated in consideration of this matter:

Councillor Vincent stated:

I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.

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

- 1 That Council receive the minutes of the Wyong Shire Grants Committee held on 4 August 2010 and adopt the recommendations contained therein.**
- 2 That Council defer consideration of the amended Charter for the Wyong Shire Grants Committee until the Extraordinary meeting of 19 September 2010.**

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

AGAINST: NIL

6.1 Information Reports

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

That with the exception of report numbers 6.2, 6.3, 6.4, 6.5, 6.6 and 6.8 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

6.2 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

6.3 Call for Wyong Police Station to remain in Public Ownership

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

1 That Council receive the report on the call for Wyong Police Station to remain in public ownership.

2 That Council express its disappointment of losing this public asset through the sale of this heritage building and endorse the Mayor's letter to this effect.

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

AGAINST: COUNCILLORS MATTHEWS AND MCBRIDE

6.4 Outstanding Mine Subsidence Claims Chain Valley Bay South

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

- 1 That Council receive the report on Outstanding Mine Subsidence Claims Chain Valley Bay South.**
- 2 That Council express its disappointment to the State Government and write to the respective Minister, the Member for Swansea, Mr Robert Coombs, MP and the Minister for the Central Coast, the Honourable John Robertson, MLC to provide compensation to the affected land owners.**

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

AGAINST: NIL

6.5 Health Studies Relating to Coal Mining and Power Stations

Councillor Vincent declared a pecuniary conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 07.05 pm, took no part in discussion, did not vote and returned to the chamber at 07.12 pm.

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

- 1 That Council receive the report on Health Studies Relating to Coal Mining and Power Stations.**
- 2 That the Mayor write to the Honourable Kristina Keneally, MP, Premier requesting her intervention on this matter if a response has not been provided within the next 30 days.**

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

AGAINST: NIL

6.6 Proposed Liquor Outlet at Norah Head and Toukley

Councillor Vincent left the chamber at 07.05 pm and returned to the chamber at 07.12 pm during consideration of this item.

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

- 1 That Council receive the report on Proposed Liquor Outlet at Norah Head and Toukley.**
- 2 That Council note that this situation has arisen due to changes to state government planning laws.**
- 3 That Council thank the Member for Wyong, Mr David Harris, MP for his representation on this important community issue.**

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

AGAINST: NIL

6.7 Update on Access to Council Information, Anywhere, Anyhow, Anytime

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

That Council receive the report Update on Access to Council Information Anywhere, Anyhow, Anytime.

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

AGAINST: NIL

6.8 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL

7.1 Notice of Motion - Broadcasting Ordinary Council Meetings on Local Community Radio

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

That Council investigate and report back to Council on the feasibility, including any cost, of broadcasting Ordinary Council meetings on local community radio.

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON AND WYNN

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT

7.2 Notice of Motion - Lakes Contamination

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

- 1 That further to Staff's Report 6.5 dated 28 July 2010 and the subsequent confirmation that raw sewerage has entered the lakes system on a number of occasions over the last 12 months, staff urgently report to Council on the background.**
- 2 That the report should cover but not be limited to contamination sources, frequencies, reporting procedures/policies, reporting breaches, public health issues/warnings and remedial actions.**
- 3 That Council confirm on whether the current lake's testing program can distinguish between contamination sources, i.e. human/wildlife, staff report what options are available to streamline and improve the current testing regimes.**

- 4 That as more rigorous testing programs are unbudgeted staff investigate what funding programs/options that may be available through the assistance of State and Federal Government Agencies to assist with this important public health issue.**

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

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor McNamara left the meeting at 07:51 pm and did not return and as a result took no part in voting.

Councillor Wynn sought leave to introduce a motion of urgency concerning the Proposed State Environmental Planning Policy (SEPP).

The Mayor ruled that the matter was of urgency and could be introduced as a motion of urgency.

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

That Council consider a Motion of Urgency regarding a proposed amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005.

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

U21/10 Proposed Amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005 Councillor Sue Wynn

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of a community committee opposing declaration of the state significant site and participated in consideration of this matter:

Councillor Symington 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.

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a member of a community committee 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 this is my belief that there is a real need to point out the timing of these controls at its effect on good planning policy due to this SEPP to the community.

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

- 1 That the Department of Planning be requested to extend the public exhibition for the proposed amendment to Schedule 3 of State Environment Planning Policy (Major Development) 2005 at Gwandalan and Catherine Hill Bay to 30 September 2010 to provide sufficient time for the community to have input into this significant proposal.**
- 2 That Council undertake a local media campaign to ensure that the community is made aware of the many significant issues associated with this proposal.**
- 3 That Council write to the Department of Environment and Climate Change and Water (DECCW) and ask for its views on this proposal.**
- 4 That Council raise its concerns about this proposal and make representations to the following:**
 - The Honourable Kristina Keneally, MP, Premier**
 - The Honourable Tony Kelly, MLC, Minister for Planning, Minister for Infrastructure, Minister for Lands, Deputy Leader of the Government in the Legislative Council, Leader of the House in the Legislative Council**
 - The Honourable Frank Sartor, MP - Minister for Climate Change and the Environment and Minister Assisting the Minister for Health (Cancer)**
 - Mr Robert Coombs, MP - Member for Swansea**

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

**Q93/10 Northern Graffiti Forum
Councillor Doug Vincent
F2004/06293**

Could staff please advise on how community groups such as the Northern Graffiti Forum can access the \$50,000 Community Graffiti Funds allocated in the 2010/2011 Management Plan?

THE MEETING closed at 8.06 pm.

2.1 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2010/00009 - D02326476

AUTHOR: Jacquie Elvidge, Administration Assistant

SUMMARY

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

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

RECOMMENDATION

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

11.1 – Draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre
- 2 That Council note its reason for considering Report No 11.1 in confidential sessions is that it may confer a commercial advantage should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

3.1 Draft LEP (Amendment No. 172) Lots 51- 52 DP 1154778 Bateau Bay and Draft DCP 2005: Chapter 110 - Centre Support Development

TRIM REFERENCE: RZ/6/2005 - D02273578 AUTHOR: Jenny Mewing, Strategic Planner Land Use Planning

SUMMARY

Reporting on the status of the rezoning of the land at Bateau Bay and recommending that the proposal be forwarded to the Minister for Planning for gazettal.

RECOMMENDATION

- 1 That Council request the Director General of the Department of Planning to draft the Local Environmental Plan for Amendment No. 172 in consultation with Council staff.**
- 2 That Council request the Minister for Planning to create the plan following the drafting of the Local Environmental Plan instrument for Amendment No. 172.**
- 3 That Council adopt draft Development Control Plan 2005: Chapter 110 - Centre Support Development, Bateau Bay and provide appropriate public notice within 28 days of this resolution, and that it becomes effective upon the gazettal of Local Environmental Plan Amendment No. 172.**

BACKGROUND

In 1998, Council received a rezoning proposal from the former Department of Lands (now Land and Property Management Authority - LPMA) to rezone former Lot 514 DP 729979 (now Lots 51 and 52 DP 1154778) from 5(a) (Clubs and Community Purposes) to 3(a) (General Business). Whilst at that time Council was supportive of the proposed 3(a) (General Business) zone, Council requested a Masterplan for the site to indicate the proposed form, type and location of retail development and services. In June 2002, the applicant declined to prepare a Masterplan and withdrew the rezoning.

In 2003, the applicant reactivated the rezoning and in August 2005 provided Council with updated information in support of the application. During this period Council had engaged a Retail Consultant to assess the appropriateness of the original proposed 3(a) (General Business) zone. The 3(a) (General Business) zone enables high intensity, high turnover retail and commercial uses whilst the 3(b) (Centre Support) zone provides for low traffic generating, low intensity and low turnover commercial and retail uses with extensive floorspace requirements. This assessment determined that rezoning the site to 3(a) would result in an oversupply of this type of retail activity within the area, however, that rezoning the site to 3(b) (Centre Support) would not adversely affect the surrounding retail area.

In addition to the above, Council examined the community facility requirements that would be needed for an expanded Bay Village precinct. As the range of businesses, services and visitations to the Bay Village precinct increases, there is an increased demand for community services. As a result of investigations, it was determined that there is potential for an Integrated Library and Customer Service Centre in the locality which would include an extended library and a new customer service centre.

Council Resolution

At its meeting of 14 December 2005, Council resolved

“Unanimously on the motion of Councillor Stewart and seconded by Councillor Eaton:

- 1 *That a draft Local Environmental Plan be prepared to rezone part Lot 514 DP 729979, Bateau Bay from Zone No 5(a) Special Uses (Clubs and Community Purposes) to Zone No. 3(b) Centre Support under Wyong Local Environmental Plan, 1991.*
- 2 *That the Department of Planning be advised of the decision within 28 days.*
- 3 *That the Department of Planning be further advised that Council’s delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act 1979.*
- 4 *That upon issue of the Section 65 Certificate, the draft Local Environmental Plan be advertised for 28 days in accordance with the NSW Department of Planning’s “LEPs and Council Land: Best Practise Guidelines, January 1997” and referred to the appropriate authorities for comment.*
- 5 *That should no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.*
- 6 *That a Deed of Agreement be prepared between the NSW Department of Lands (The Crown) and Wyong Shire Council that transfers in fee simple part of Lot 514 to Council, at no cost, for the development of an Integrated Library and Customer Service centre.*
- 7 *That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.*
- 8 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Agreement between Wyong Shire Council and the NSW Department of Lands (The Crown).*
- 9 *That Development Control Plan 2005 be amended and exhibited to guide future development on Lot 514 DP 729979, Bateau Bay.*

3.1 Draft LEP (Amendment No. 172) Lots 51- 52 DP 1154778 Bateau Bay and Draft DCP 2005: Chapter 110 - Centre Support Development (contd)

10 *That the applicant be requested to submit a detailed traffic report prior to the draft Local Environmental Plan and Development Control Plan being placed on public exhibition.*

11 *That Council's Section 149 Certificates be noted."*

FOR: COUNCILLORS R L GRAHAM, G P BEST, D J EATON, K M FORSTER, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS, C W VEUGEN AND W J WELHAM.

AGAINST: NIL

Deed of Agreement

In accordance with resolution No. 6 a Deed of Agreement between Council and the LPMA was entered into. This deed actions the transfer of 1,800m² (Lot 51 DP 1154778) of the rezoned portion of Lot 514 DP 729979 to Council.

During development of the Deed of Agreement, the LPMA requested a revision to the timing for the transfer of land into Council ownership. It requested that the transfer of this land into Council ownership occur after the Draft LEP has been gazetted by the Department of Planning (DoP) or the site being sold, whichever happens first. At Council's meeting of 14 November 2007, Resolution No 7 was subsequently rescinded and the following resolved unanimously on the motion of Councillor Stewart and seconded by Councillor Stevens:

2 *That the land to be transferred from the Department of Lands to Council be transferred in fee simple (as part of the Deed of Agreement between The NSW Department of Lands and Wyong Shire Council) and be transferred into Council ownership after Gazettal of draft LEP Amendment No. 172, or the site being sold (being the date of exchange of contracts), whichever occurs first.*

FOR: COUNCILLORS W J WELHAM, G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

AGAINST: NIL

The Deed of Agreement also required the lodgement of a positive covenant on the lots created by the subdivision of Lot 514 DP 729979 to ensure that the provision of car parking for the community facility/library is provided by the developer on the adjoining portion of the subject site to be rezoned. The covenant to be lodged with this subdivision has been developed and included as a Deed of Variation to the existing Deed of Agreement.

The subdivision plan for Lot 514 DP 729979 was registered on 29 July 2010 which created Lots 51 and 52 DP 1154778. Lot 51 will be transferred to Council for the development of an integrated library and Customer Service Centre when the LEP amendment is created by the Minister for Planning.

DCP 2005 - Draft Chapter 110

In accordance with resolution No. 9 an additional chapter of DCP 2005 was prepared to guide future development on Lot 52 DP 1154778 once rezoned to 3(b) (Centre Support).

Key aspects of this draft Chapter 110: Centre Support Development, Bateau Bay include:

- A development bonus of an additional 1,800m² above the maximum allowable floor space under Chapter 81 – Retail Centres (being 5,000m²) subject to the lodgement of a satisfactory development application and assessment under s79C of the EP&A Act;
- The provision of all car parking associated with the community facilities to be accommodated within the development occurring on Lot 52 DP 1154778 which is zoned 3(b) (Centre Support);
- Development on Lot 52 DP 1154778 to be consistent with the themes and styles of the adjoining Bay Village Development;
- Adequate provision of public transport and upgrading requirements for existing road networks.

Aboriginal Land Claim

Council was advised in mid April 2009 by the LPMA that an Aboriginal Land Claim had been lodged on Lots 51 and 52 DP 1154778 (formerly Lot 514 DP 729979) under the *Aboriginal Land Rights Act, 1983* by the Darkinjung Local Aboriginal Land Council (DLALC). This occurred prior to a report being considered by Council (scheduled for the meeting of 13 May 2009) to request the Minister to make the Plan under Section 70 of the former plan making provisions of the EP & A Act, 1979.

The *Aboriginal Land Rights Act, 1983 Act* (Division 2, Clause 36, subsection 1) enables Crown Land to be claimable provided the lands:

- (a) *are able to be lawfully sold or leased, or are reserved or dedicated for any purpose, under the Crown Lands Consolidation Act 1913 or the [Western Lands Act 1901](#),*
- (b) *are not lawfully used or occupied,*
- (b1) *do not comprise lands which, in the opinion of a Crown Lands Minister, are needed or are likely to be needed as residential lands,*
- (c) *are not needed, nor likely to be needed, for an essential public purpose,*
- (d) *do not comprise lands that are the subject of an application for a determination of native title (other than a non-claimant application that is an unopposed application) that has been registered in accordance with the Commonwealth Native Title Act, and*
- (e) *do not comprise lands that are the subject of an approved determination of native title (within the meaning of the Commonwealth Native Title Act) (other than an approved determination that no native title exists in the lands).*

Based on legal advice having regard to Council's interest in the rezoning, the report proposed to be considered by Council at its meeting of 13 May 2009 was withdrawn until such time as the claim had been determined and subsequent appeal period lapsed.

The claim lodged by the DLALC was refused by the Minister for Lands on 9 March 2010. Subject to the provisions of the *Aboriginal Land Rights Act*, 1983, an appeal can be lodged within 4 months of the date of refusal. This period expired on 9 July 2010 and no appeal was lodged. Therefore, it is now appropriate to proceed with the rezoning of the land.

Amendments to the Environmental Planning and Assessment Act, (EP&A Act)1979

Changes to the EP&A Act, 1979 introduced the Gateway Process, a new system for the determination and progression of LEP Amendments. These changes became effective on 1 July 2009.

Given that previous plan making provisions no longer apply, a Planning Proposal has been prepared for LEP Amendment No. 172 to be transferred into the Gateway Process. Council was advised by correspondence dated 16 June 2010 that the Planning Proposal for LEP Amendment No. 172 had been considered and a determination made for it to be included within the Gateway Process. Actions up to and including the public exhibition of the draft LEP have been deemed to have occurred as part of this determination.

According to the new plan making provisions, Council is no longer responsible for drafting the LEP instrument. It is recommended therefore that Council resolve for the DoP to commence the drafting of LEP Amendment No. 172, in addition to requesting the Minister to create the plan following the drafting of the LEP instrument.

THE PROPOSAL

As outlined above, the proposal comprises the rezoning of Lots 51 and 52 DP 1154778 from 5(a) (Clubs and Community Purposes) to 3(b) (Centre Support). The proposal will also enable the transfer of Lot 51 DP 1154778 to Council for the purposes of an expansion of the existing library and integration of a Customer Service Centre.

OPTIONS

Option 1 – Proceed with the Rezoning (Recommended)

The finalisation of the rezoning process will enable the gazettal of the plan and assist in the development of the site. This development will stimulate economic benefits for the locality through the creation of construction and operational employment opportunities associated with large scale retail development.

In addition, it will ensure Council's ownership of the land adjoining the existing library facilities in Bateau Bay for future expansion plans.

It is considered that proceeding with the rezoning is the preferable action at this time.

Option 2 – Do Not Proceed with the Rezoning

Whilst opportunities remain to rezone the site through the comprehensive LEP review, potential early economic benefits associated with the future use of the site would be delayed if the rezoning does not proceed at this time.

Furthermore, the opportunity for Council expanding the existing library at Bateau Bay and developing an integrated Customer Service Centre has the potential to be lost if the rezoning does not proceed at this time. It is therefore recommended that the rezoning proceed.

STRATEGIC LINKS

This proposal is linked to the Annual Plan.

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	3.1 Provide and maintain local and regional community facilities for recreation, culture, health and education. 3.2 Provide and maintain a range of community programs focused on community development, recreation, culture, environment, education and other issues. 4.4 Provide programs and services which respond to changes in the field of education in Wyong Shire.	Not Applicable
A More Sustainable Economy	5.1 Provide a coordinated approach to business generation, employment and development the region. 5.8 Ensure adequate and appropriate employment land in the Shire.	Not Applicable

Contribution of Proposal to the Principal Activity

Primarily, this proposal will enable the library and customer service facilities currently located within the Bateau Bay shopping centre to be expanded. This will enable a greater level of service to be provided to the community in that locality.

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p>Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.</p>	<p>This proposal will enable the library and customer service facilities currently located within the Bateau Bay shopping centre to be expanded.</p> <p>This will enable a greater level of service to be provided to the community in that locality.</p>
<p>Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.</p>	<p>This proposal requires the ability of any development resulting from the rezoning to provide for public transport accessibility to the site.</p>
<p>Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.</p>	<p>This proposal will enable the library and customer service facilities currently located within the Bateau Bay shopping centre to be expanded.</p> <p>This will enable a greater level of service for a number of Council functions (e.g. library, community rooms, education materials, customer service advice etc) available to be provided to the community in that locality.</p>
<p>Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p>This proposal will enable the library and customer service facilities currently located within the Bateau Bay shopping centre to be expanded.</p> <p>This will enable a greater range of educational activities, groups etc to be made available to the community in that locality.</p>
<p>Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>This proposal will enable the expansion of the existing Shopping Centre onto the adjoining site for large scale retail/commercial uses. This development will assist in the provision of employment opportunities both during construction and operation of the development. In addition, the associated retail activity will provide benefits for the local economy.</p>

Financial Implications

\$200,000 funding has been identified within the 2011/2012 rolling works program for the Bateau Bay Library Expansion. This funding is expected to be utilised for the building design when the rezoning of the site is finalised and the land transfer completed.

Principles of Sustainability

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles. It is anticipated that the expansion of the library facilities, including design, construction and operational stages will also incorporate the Principles of Sustainability.

CONSULTATION

Government Agency Consultation

During the consultation with Government agencies required under the EP& A Act, 1979 the Roads and Traffic Authority (RTA) objected to the proposal in relation to:

- Public transport accessibility to the site;
- Road network improvements;
- The consideration of traffic generation from the proposed library / customer service centre;
- The traffic volumes identified within the report; and
- The traffic generation rates for the current Bay Village Shopping centre.

This formal objection was removed as a result of the submission of additional traffic studies which satisfied the last three issues identified above. However, the RTA did require that the remaining issues relating to public transport accessibility and improvements to the road network were resolved prior to a request being made to the Minister to rezone the land.

Given that the formal objection was removed, the plan and draft DCP were placed on public exhibition from 5 November 2008 to 5 December 2008.

Whilst on public exhibition, submissions with regard to the provision of public transport within the Bay Village development were received. As a result of these submissions and further consultation between the RTA and Council staff, the public transport accessibility issues and road network improvements of the RTA have now been resolved to the satisfaction of the parties involved. This will allow the draft LEP to proceed.

Additional controls have been incorporated within the draft LEP Instrument and draft DCP to address these issues.

These controls include:

- Requirement for a formal assessment of the bus interchange options to be conducted by appropriately qualified personnel to the satisfaction of the RTA and Council; and
- Requirements for the intersection upgrade of Bay Village Road and the existing Service Road.

Public Consultation

As mentioned above both documents were publicly exhibited from 5 November to 5 December 2008 in accordance with the former plan making provisions of the EP& A Act and Clause 18 of the Environmental Planning and Assessment Regulations, 2002.

Six submissions were received and a summary of those submissions and staff responses are below:

Doc No. Submission	Comments	Response
D01356890	<ul style="list-style-type: none"> ▪ No objection to the rezoning. ▪ Adjoining land is bushfire prone on the Wyong Bushfire Prone Land Map. ▪ Any future development will need to comply with the aims and objectives of the <i>Planning for Bushfire Protection 2006</i> (PBP). ▪ Development proposals for the site do not need to be referred to the Rural Fire Service. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Any development application received for the site will be required to comply with these requirements.
D01361831	<ul style="list-style-type: none"> ▪ Proposed amendment to s2.5a of Draft DCP as follows: “(a) - Public transport (including bus access) is to be provided to the development directly from the north bound carriageway of The Entrance Road via left turn vehicular entry and exit arrangement (one-way bus circulation) with construction of appropriate ramps to access the eastern frontage of the existing Stockland Shopping Centre (DP 844881) area generally along Bay Village Road. It should include a bus interchange located within the eastern car park adjacent to Bay Village Road. It will require removal of several car parking spaces. These are to be provided/replaced elsewhere on the proposed development site. All design and road works associated with this proposal should be carried out in consultation with the Council, RTA, Ministry of Transport and relevant bus companies”. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Further consultation has been undertaken with the Roads and Traffic Authority (RTA) with regard to this issue. ▪ Amendments to the dLEP and draft DCP 2005: Chapter 110 have been made to resolve these concerns and issues. ▪ The amendments include: Requirement for a formal assessment of the bus interchange options to be conducted by appropriately qualified personnel to the satisfaction of the RTA and Council; and Requirements for the intersection upgrade of Bay Village Road and the existing Service Road.

Doc No. Submission	Comments	Response
D01414411	<ul style="list-style-type: none"> ▪ No objection provided it does not justify loss of 3(b) (Centre Support) zonings in Long Jetty as part of TEPPS. 	<ul style="list-style-type: none"> ▪ Noted. ▪ This rezoning did not affect the decision making process regarding 3(b) zonings in Long Jetty. ▪ The 3(b) zonings have been retained within the TEPPS at Long Jetty.
D01358092	<ul style="list-style-type: none"> ▪ Bus supply options for servicing Bay Village. ▪ The option proposed included the construction of a bus interchange between the existing car park within Stocklands on the adjoining allotment and The Entrance Road. This would require construction of on and off ramps to and from The Entrance Road. In addition, this would also require some encroachment into the existing car parking facilities. Any facilities removed through this proposal would need to be located elsewhere on site. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Further consultation has been undertaken with the Roads and Traffic Authority (RTA) with regard to this issue. ▪ Amendments to the dLEP and draft DCP 2005: Chapter 110 have been made to resolve these concerns and issues. ▪ The amendments include: Requirement for a formal assessment of the bus interchange options to be conducted by appropriately qualified personnel to the satisfaction of the RTA and Council; and requirements for the intersection upgrade of Bay Village Road and the existing Service Road.
D01414737	<ul style="list-style-type: none"> ▪ Removal and competition of 3(b) zonings in Long Jetty, The Entrance and Bateau Bay. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Refer to response for submission D01414411. ▪ The proposed zoning of the site to 3(b) (Centre Support) does not permit general retailing activities. It permits large scale retail activities which have large floor space

Doc No. Submission	Comments	Response
		requirements for low intensity commercial or retail uses. It does not permit retail activity for supermarkets or other food or produce markets, or any other shops with high turnover shops and offices which might be more properly located within the business centre zone.
D01431870	<ul style="list-style-type: none"> ▪ The expansion of 3(b) (Centre Support) zonings should only take place if this does not further disadvantage the existing business owners and operators within the 3(b) (Centre Support) zone at Long Jetty. ▪ The proposed 3b zoning should not enable 3(a) (Business Centre) uses and the expansion of Bay Village Shopping Centre. ▪ The use of the rezoned land as prime retail with high turnover shops and offices. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Refer to response to submission D01414737.

Submissions received in response to the draft LEP indicated concern that the rezoning of Lots 51 and 52 DP 1154778 to 3(b) (Centre Support) was being undertaken to offset those 3(b) (Centre Support) zones proposed to be removed in Long Jetty by the then draft The Entrance Peninsula Planning Strategy (TEPPS) (as publicly exhibited between 26 November 2007 and 29 February 2008).

The previously exhibited draft TEPPS proposed the rezoning of a number of 3(b) (Centre Support) zoned properties along The Entrance Road in Long Jetty to 2(c) (Medium Density Residential) zone. The purpose of such a rezoning was to provide an incentive to business property owners to redevelop and improve the amenity of The Entrance Road Corridor, as well as to establish a more viable smaller village type centre in the blocks bounded by The Entrance Road, Tuggerah Parade, Pacific Street and Toowoan Bay Road.

During public consultation of the draft TEPPS, this issue was raised as a significant concern by business owners within the affected area. As a consequence, the draft TEPPS was revised to significantly reduce the number of properties affected by such a rezoning.

The re-exhibition of the draft TEPPS did not result in any submissions being received in relation to the rezoning proposed by draft LEP Amendment No. 172. The amendment of the TEPPS is considered to address those related issues and concerns raised in response to the exhibition of draft LEP and Draft DCP.

Other issues raised by submissions included concern regarding the permissibility of retail uses on the rezoned land. There was concern that the rezoning would enable high turnover retail activity which would result in increased competition for the existing 3(b) (Centre Support) zone located in Long Jetty.

The Land Use Table for 3(b) (Centre Support) zone allows for large scale retail activity to be permitted on site, however retail activity that generates high volume traffic or turnover (such as clothing, supermarkets and general merchandise stores) are not permissible under the proposed 3(b) (Centre Support) zone.

It is considered that those issues raised by public submissions have been satisfactorily resolved.

GOVERNANCE

The LEP amendment process is governed by the provisions of the EP & A Act, 1979. The provisions of this Act have been complied with throughout the processing of this rezoning.

The LEP amendment has been prepared in accordance with Council's Spot Rezoning Procedure which reflects the legislative requirements of the EP & A Act.

CORPORATE RISKS

Nil Impact

CONCLUSION

The proposal has strategic linkages with Principal Activities within the Annual Plan by assisting in creating a more sustainable community and economy. The proposal also has strong links with the Shire Strategic Vision's objectives relating to Communities, Travel, Facilities and Services, Education and Employment. The proposal will enable a greater level of service to be provided to the community through the expansion of the library and customer service facilities currently located within the Bateau Bay shopping centre. Additionally, this proposal will enable the expansion of the existing Shopping Centre onto the adjoining site for large scale retail/commercial uses. This development will assist in the provision of employment opportunities both during construction and operation of the development. The local economy will also be benefited by the associated retail activity.

ATTACHMENTS

1	Draft LEP Instrument and Map	D02274699
2	3(b) (Centre Support Zone) Land Use Table	D02274696
3	Attachment - Draft Chapter 110 Centre Support Development Bateau Bay	D02332156

Wyong Local Environmental Plan 1991 (Amendment No 172)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of Section 70 of the *Environmental Planning and Assessment Act, 1979* make the local environmental plan set out hereunder.

Minister for Planning

Wyang Local Environmental Plan 1991 (Amendment No 175)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan applies to *Wyang Local Environmental Plan 1991 (Amendment No. 172)*.

2 Aims of plan

This plan aims to amend *Wyang Local Environmental Plan 1991* so as to allow Lots 51 and 52 DP 1154778, east of the service road, to be used for the uses permissible within the 3(b) Centre Support Zone.

3 Land to which plan applies

This plan applies to land situated in the local government area of Wyong, being Lots 51 and 52 DP 1154778, Bay Village Road, as shown edged heavy black on the map marked “Wyang Local Environmental Plan 1991 (Amendment No.172)” deposited in the office of Wyong Council.

4 Amendment of Wyong Local Environmental Plan 1991

Wyang Local Environmental Plan 1991 is amended as set out in Schedule 1.

Schedule 1 Amendments

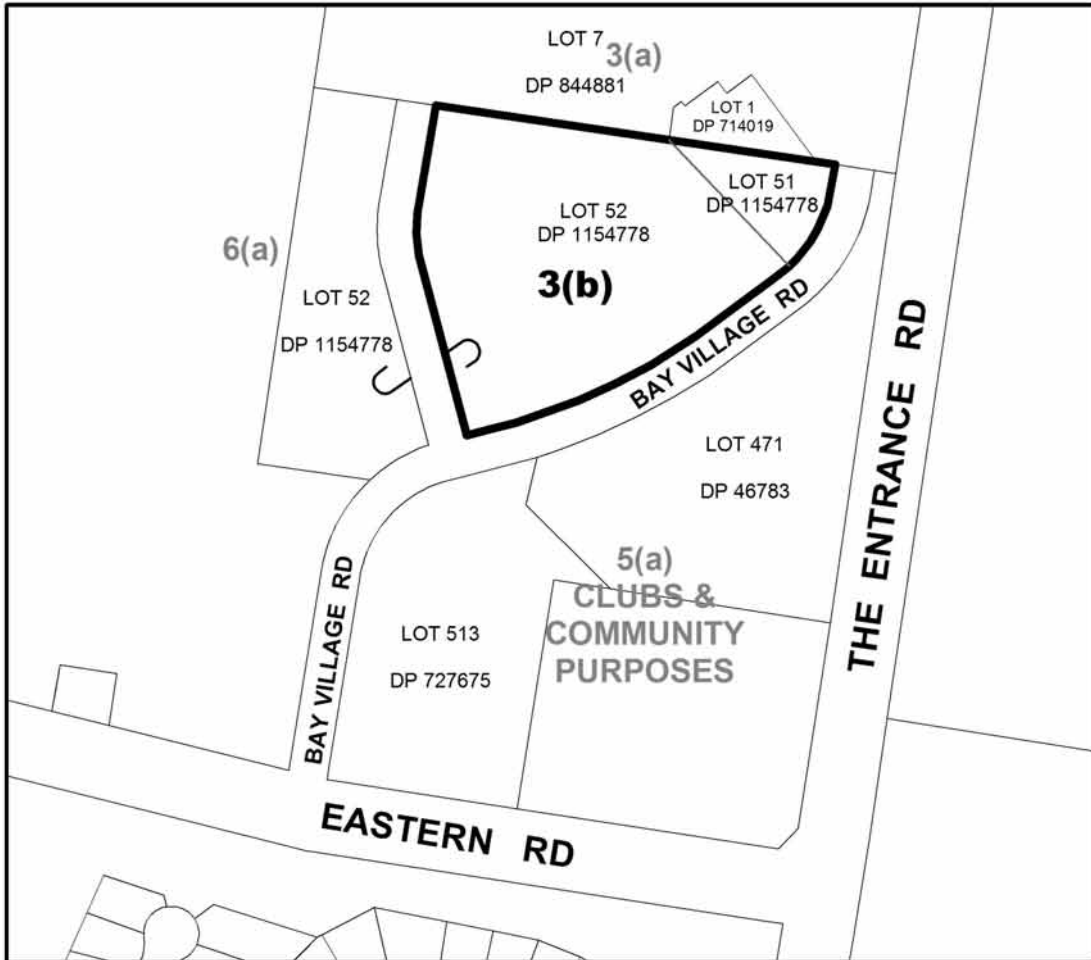
[1] Clause 7 Definitions

The definition of “the map” is amended by the inclusion of a reference to the map accompanying Wyong Local Environmental Plan 1991 (Amendment No. 172) in the list of amending plans.

[2] Schedule 4 – Development Restrictions on Certain Land (Clause 53)

Insert in order within the Schedule:

Land	Development Restriction
Lots 51 and 52 DP 1154778, Bateau Bay as shown heavy edged on the map marked “Wyong Local Environmental Plan 1991 (Amendment No 172).	No development on the affected lot can occur unless a formal assessment of the bus interchange options has been conducted by appropriately qualified personnel, to the satisfaction of the RTA and Council, and the proposed works to be undertaken are to the satisfaction of the RTA and Council.



SCALE 1 : 2,500

LOCALITY: BATEAU BAY

Legend

3(b) Centre Support Zone

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

WYONG

**DRAFT LOCAL ENVIRONMENTAL PLAN 1991
(Amendment No 172)**

DRAWN BY : J WILLIAMSON	DATE : 17/8/10	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS WYONG LOCAL ENVIRONMENTAL PLAN 1991 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
SUPERVISING DRAFTSPERSON :	DATE :	
PLANNING OFFICER : J MEWING		
CERTIFICATE PLAN NUMBER		
COUNCIL FILE No. : RZ06/2005		
DEPT. FILE No. : CC0000054-1		
CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT	DATE : 27/10/08	GENERAL MANAGER DATE

Land Use Table

3(b) (Centre Support Zone)

1 Objectives of zone

The objectives are:

- (a) to provide opportunities for development having relatively low traffic-generating characteristics but not high turnover shops and offices that might more properly be located in the Business Centre Zone, and
- (b) to provide for relatively low intensity commercial and retail uses with extensive floor space requirements, but not including supermarkets or other food or produce markets, and
- (c) to provide for development which does not have the potential to result in a detrimental impact on uses in the Business Centre Zone, and
- (d) to create opportunities for development within district and regional business centres which support and enhance the range of retail opportunities within those centres, and
- (e) to enable the Council to provide more detailed guidelines about preferred retail distribution and development issues in a development control plan.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4 of the matter relating to this zone.

4 Prohibited

Abattoirs; aerodromes; agriculture; animal establishments; aquaculture; boarding houses; brothels; caravan parks; depots; detached dual occupancies; dual occupancy buildings; dwellings (other than those used in conjunction with a permitted business and situated on the same land as the permitted business); exhibition homes; extractive industries; general stores; generating works; group homes; hazardous industries; hazardous storage establishments; industries; intensive agriculture; light industries; materials recycling depots; mining; offensive industries; offensive storage establishments; plant hire establishments; residential flat buildings; road transport terminals; roadside stalls; rural industries; sawmills; self storage establishments; shops; stock and sale yards; tourist accommodation; toxic waste incinerators; transitional group homes; transport depots; vehicle body repair workshops; warehouses.

DCP No.
110

Centre Support Development Bateau Bay

Date of commencement: XX XXXXXX 2010

DCP 110

CENTRE SUPPORT DEVELOPMENT BATEAU BAY 2005

1

DCP No.
110

Centre Support Development Bateau Bay

OBJECTIVES

- To provide site specific framework for the assessment of a development application for centre support development on the subject land
- To ensure development includes a high quality of architectural design and consistency with the principles of ecological sustainable development

This Development Control Plan (DCP) may be amended from time to time by Council. Proposed amendments are required to be advertised and exhibited in draft form and any submissions received must be considered by Council before the amended plan is adopted. People using this DCP should ensure that they have the current copy of the plan, including any amendments. If in doubt, please check with Council's Customer Service Centre.

Adopted as per council resolution Dated:	
Effective:	
Certified in accordance with the Environmental Planning and Assessment Act 1979 and Regulations	General Manager:
	Dated:

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1.0 ADVISORY

1.1 Citation

This Development Control Plan is "Development Control Plan No 110 – Centre Support Development, Bateau Bay".

1.2 Application of this Plan

This Plan is prepared and approved pursuant to s.74C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The Development Control Plan applies to the land at Bateau Bay, within the 3(b) Centre Support Zone, as shown edged heavy black on the map marked "Wyong Local Environmental Plan (Amendment No 172)".

1.3 Purpose of this Plan

The purpose of this Plan is to provide guidance in the preparation of any proposals to develop the land to which this Development Control Plan applies.

1.4 Aims and Objectives

The principal aim of this Plan is to provide an overall land use structure and policy framework for the carrying out of centre support development on the land to which this Development Control Plan applies. The specific objectives of this Development Control Plan are:

- a to control the density of land use and associated activities;
- b to ensure that the centre support development of the land is properly integrated with the existing Bateau Bay district centre;
- c to acknowledge the 1,800 m² of land which has been transferred to Council for the development of community facilities in the application of maximum retail floor space controls;
- d to encourage the orderly and economic development of the land for the purposes permitted under Zone No. 3(b) (Centre Support) Zone;
- e to enable development of the land to proceed in a manner that is sensitive to the environmental characteristics of the area;
- f to facilitate public transport, traffic management, safety and landscaping;
- g to ensure that the land is adequately serviced;
- h to ensure that the building is designed by an architect in association with a landscape architect;
- i to ensure that any development on the land complies with the principles of water sensitive urban design; and
- j to encourage the use of energy efficiency principles in the design of any building on the land.

1.5 Relationship to other Plans

Wyang Local Environmental Plan 1991 applies to the site. Section 74C of the Environmental Planning and Assessment Act 1979 and Regulations require this Development Control Plan to be consistent with that Plan.

In the event of an inconsistency between this Development Control Plan and the provisions of the Wyong Local Environmental Plan 1991, the latter shall apply.

This DCP should be read in conjunction with other DCPs and policies (including relevant section 94 and 94A plans) which may apply to the site, in particular:

- DCP No 14 – Tree Management.
- DCP No 50 – Advertising Signs.
- DCP No 61 – Car Parking.
- DCP No 67 – Engineering Requirements for Development.
- DCP No 69 – Controls for Site Waste Management.
- DCP No 81 – Wyong Retail Centres.

Where there is any inconsistency between this DCP and those listed above, the provisions of this DCP shall prevail.

1.6 How to use this Plan

Section 1 – Advisory: Use this part to identify the nature and extent of this Development Control Plan.

Section 2 – Site Planning Concepts and Development Principles: Use this part to identify the provisions applying to the development of the site as a whole.

Section 3 – Application Requirements: Use this part to identify the detail that Council requires to be submitted with any application to develop the site.

1.7 Variations to this Plan

If, in the opinion of Council, the proposed development satisfactorily complies with the aims, objectives and principles of this Plan, variations to the requirements may be considered.

Where variations are proposed, the development application shall indicate:

- a the requirement and extent of the variation proposed;
- b benefits resulting from the proposed variations which could not be otherwise achieved through compliance with the requirement; and
- c any implications of the variation on any other requirements set by this Development Control Plan.

2.0 SITE PLANNING CONCEPTS AND DEVELOPMENT PRINCIPLES

2.1 Philosophy

The site adjoins land occupied by the Bay Village shopping centre, which is the main retail and commercial centre servicing the eastern part of Wyong Shire. The philosophy for the development of the site is to create a development area comprising centre support development to the Bay Village centre but with shopper vehicular and delivery vehicular movements separated to reduce traffic conflict.

The proposed form of development is intended to complement the existing commercial and residential development (and likely proposed development) of nearby lands.

The development of centre support on the site recognises its relationship to the Bateau Bay district retail/commercial centre and proximity to public transport routes, and is appropriate in response to the principles of Wyong Local Environmental Plan 1991.

Development of the site is to be undertaken in a manner that will encourage the integration of the site with adjoining land uses, and provide a high standard of retail development for present and future residents of the area.

2.2 Design Principles

These design principles are intended to encourage development that is sensitive to the environmental, scenic quality, and amenity characteristics of the area, having regard to existing and proposed development in the locality. In particular, the guidelines encourage a high quality of development for shoppers, occupiers, users of nearby community facilities and open space and for residents of nearby residential developments.

Sensitive environmental design can lessen the impact of the proposed development if the following principles are considered:

- a Development to a scale and character that is sensitive and appropriate to the characteristics of the local area.
- b Siting and designing to present a unified, coherent appearance.
- c Design which includes natural ventilating features, incorporating cross flow ventilation and insulation.
- d Creation of an attractive streetscape to enhance the amenity of the street and development and provides maximum opportunity for landscaping.

The following sections detail more specific Objectives and Requirements applicable to a range of matters relevant to the development of the land.

2.3 Building Setbacks and Heights

OBJECTIVE

- To ensure that building height is appropriate to the use, and is not visually obtrusive when viewed from surrounding areas; and
- To ensure building setbacks provide for adequate spatial separation from surrounding areas and provide sufficient area for quality landscaping and noise attenuation measures.

REQUIREMENTS

- a A landscape setback of 10m to Bay Village Road is to be observed. This setback must not include any above natural ground level signage, car parking, servicing or other structures.
- b Building heights will need to address the scale of development to each road frontage and how they will impact on existing development.
- c A maximum building height of 9 metres applies to the development. The maximum height is to be measured from the natural ground level to the roof peak. Architectural façade and roof treatments may be considered to project beyond this height, where it can be demonstrated that there is merit in doing so.

2.4 Floor Space Controls

OBJECTIVE

- To include identification of a floor space concession which may apply to a future development application for an appropriate Bulky Goods Retailing development on the land, in recognition of the 1,800m² of land to be transferred to Council for community facilities.

REQUIREMENTS

- a The maximum permissible retail floor space on Lot 52 DP 1154778 is 5,000 m², as identified by Council's adopted Retail Centres Strategy and related DCP No 81 – Wyong Retail Centres. This maximum is not intended to be exceeded until the year 2021.
- b Notwithstanding the above, and subject to the assessment of an appropriate development in accordance with s.79C of the Environmental Planning and Assessment Act, 1979, Council may grant consent for a development of up to 6,800 m² of bulky goods retail floor space on Lot 52 DP 1154778, in recognition of the 1,800 m² of land being transferred to Council for community purposes (Lot 51 DP 1154778).

Note that no guarantee of approval of a development application for bulky goods retail can be given in advance. Such applications will be assessed on their merits in accordance with s.79C of the Act.

2.5 Public Transport, Site Access and Car Parking

OBJECTIVE

- To provide safe, efficient and convenient access to and egress from the site, having regard to the existing street network;
- To ensure parking is sufficiently provided to minimise any impact on the amenity of shoppers and of adjoining residents;
- To ensure satisfactory on site manoeuvring for vehicles for the loading and unloading of purchases and stock supply; including Council's Community facility building.
- To ensure pedestrian access, including that to public transport, is sufficiently provided for;
- To promote the use of public transport and
- To ensure the adequate provision of car parking facilities and associated infrastructure and within the development site to cater for the adjacent community facilities.

REQUIREMENTS

- a Public transport (including bus access) is to be provided to the development which is also to service the existing development of Stockland Bay Village. A formal assessment of the bus interchange options, to the satisfaction of RTA and Council, is to be conducted by appropriately qualified personnel and the proposed works to be undertaken are to be to the satisfaction of the Roads and Traffic Authority (RTA) and Council. This assessment must accompany Development Applications for the development of the site.
- b Intersection upgrading of Bay Village Road and the western service road is required to facilitate safe vehicular movements and to minimise potential adverse effects from vehicular access / egress on the local street system (preferably through the installation of a roundabout). This is to be further addressed in a Traffic Study which must accompany any future Development Application on the site.
- c Site access is to be in a manner that separates potentially conflicting users and minimises impacts on neighbourhood amenity:
 - i Clear and safe pedestrian paths of travel of appropriate grades are to be provided via pathways and ramps to facilitate safe pedestrian movements to and within the site.
 - ii Delivery vehicle site access and egress is to be provided from the existing western service road, adjacent to the sites northern boundary. If required this access is also to facilitate access to loading facilities within Council's adjacent community facility building.
 - iii All loading areas are to be clearly identified via signposting. Loading and service areas are not to be visible from Bay Village Road, The Entrance Road or Eastern Road. They are to be suitably screened with the assistance of landscaping.
 - iv Access to and from the western service road is to be in a forward movement.

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- v The loading / servicing areas are to be separated from customer car parking and pedestrian desire lines.
- vi Shopper vehicle access and egress may need to be provided on the existing western service road, approximately 50 to 80 metres north of the intersection with Bay Village Road.
- d Sufficient car parking spaces and associated infrastructure (including access to loading bays, short stay parking) to accommodate users of Council's community facility are to be accommodated within the development site in addition to that car parking requirement generated by the development of the site in accordance with the 3(b) Centre Support Zoning.
- e Rooftop parking is prohibited.
- f The car parking area is to be designed in accordance with the requirements of DCP No. 61 – Car Parking and AS/NZ2890, including at least one major shade tree per 10 car parking spaces and appropriate shopping trolley collection bays.
- g Visual impacts are to be minimised by screen landscaping along road verges, within setbacks and in the car park area.

2.6 External Presentation and Visual Appearance

OBJECTIVE

- To be compatible with the existing Bay Village Shopping Centre in terms of height and general appearance and make a positive contribution to the existing streetscape.

REQUIREMENTS

- a Any buildings on the site are to be designed by an architect or building designer experienced in the design of commercial/retail buildings, and in association with a landscape architect to ensure that internal and external design issues are adequately addressed to minimise impacts on adjoining development.
- b No separate retail or commercial buildings are to be designed or constructed in areas designated for landscaping, parking or loading.
- c Suitable architectural features shall be incorporated in the building design to provide visual relief and to minimise the bulk and scale of development.
- d Building design is to include surface relief or surface patterns, which achieve a balance in horizontal and vertical articulation of the façades so as to avoid a large building with blank walls and no variation in architectural treatment.
- e Awnings should be provided on all building frontages and should extend over at least half of the width of the footpath. Awnings provide visual interest to buildings and protect pedestrians from weather elements.
- f Entrances should be clearly expressed through porticos or other devices. Entries to shop fronts should be recessed to clearly define the location of the building access, provide relief to the ground floor façade and provide visual interest.
- g The design of the building is to have regard to the location of access/egress points required by the Building Code of Australia in respect of the outdoor use of the land.

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- h Materials (including landscape materials) and colour palette of any building is to compliment the existing themes of adjoining development. Buildings are not to use colour schemes which reflect a marketing theme.
- i The roof structure and form is to be interesting and varied to avoid a flat monotonous roof profile, to be consistent with adjoining development roof form.
- j Any roof materials used should be non-reflective and blend in with the local context.
- k Roof top structures such as cooling towers and the like, shall not detract from the architectural merit of the building. All such structures are to be appropriately screened or integrated within the roof design.
- l Rooftop advertising is not permitted.
- m All outdoor storage areas, including areas for waste and bulk bins, are to be screened by fencing and landscaping. Outdoor storage will not be permitted where it can be seen from the public domain. Any proposed storage and waste areas are to be clearly defined.

2.7 Energy and Water Efficiency

OBJECTIVE

- Ecologically sustainable development is one of the fundamental objects of the Environmental Planning and Assessment Act, 1979 and should be incorporated in the design and construction of the built elements of the project.

REQUIREMENTS

- a High quality architectural design/orientation of the built form to maximise the use of natural lighting and ventilation, and where possible passive heating/cooling.
- b Selection of environmentally sustainable building materials.
- c Incorporation of internal and external energy saving fixtures such as (but not limited to) energy efficient lamps, fittings, switches, dimmers and motion detectors.
- d Incorporation of internal and external water savings fixtures such as (but not limited to) "3 Star WELS" (dual flush) rated toilet cisterns and "6 Star WELS" rated taps and aerators for basins.
- e Waste minimisation and recycling best practice shall apply to the development in accordance with Council's DCP No 69 – Controls for Site Waste Management.

2.8 Water Sensitive Urban Design

OBJECTIVE

- Water sensitive urban design principles and practices should be applied where possible to avoid increases in stormwater runoff and erosion, maintain groundwater and in-stream water quality and generally to protect riparian ecosystems.

REQUIREMENTS

- a Water sensitive urban design shall be used to maintain outflow from the site at pre-development levels and should include at source detention devices in addition to any detention pond or wet basin.
- b Drainage design must incorporate water quality treatment drains including pre-treatment devices that remove litter, coarse bedload sediment, oil and grease before discharging to end of pipe water quality treatment device.
- c Water quality treatment must be provided to control suspended solids and nutrients leaving the site and the drainage system shall include a series of catch drains as necessary to ensure that no runoff leaves the development area other than via water quality control structures.
- d Water quality and quantity modeling shall be undertaken for the site to demonstrate that the development will mimic predevelopment flow volumes, nutrient and sediment loads for flows up to 1 in 2 year events. This information is to be provided with the development application.
- e Site design is to minimise impervious areas and maximise on-site infiltration, so increased run-off does not reach the stormwater system.
- f Landscaping should be based on plants indigenous to the locality. This will minimise requirements for water, energy, fertilizers and herbicides. This includes the use of native grasses. The landscaping should seek to capture runoff through the use of depressions, swales, rock channels, ridges, reed beds or similar. Details shall be provided in a Category 3 Landscape Report for the development.
- g Roof water will be captured in tanks and used to provide water to external taps, landscaped areas and toilet flushing.

2.9 Acoustic and Lighting Controls

OBJECTIVE

- To ensure that nearby residents do not have their amenity unduly impacted upon by noise and light emissions from future development for centre support purposes on the land.

REQUIREMENTS

- a Development on the subject land will be required to meet the requirements of the EPA Industrial Noise Policy (EPA, 2000) in evaluating appropriate noise attenuation from any nearby properties.
- b A report by a suitably qualified acoustic consultant shall be submitted with any development application which should address the following issues:
 - i Ensure that nearby residential areas are protected from any noise emanating from the site, including during construction as well as future operation;
 - ii Treatment of loading areas to ensure their operation remains within the Environmental Protection Authority noise emission criteria; and
 - iii Use of devices to reduce noise emissions from any plant and equipment and loading areas.

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- c External sources of lighting for security will need to be designed to comply with Australian Standard (AS) 1158 1999 or AS 1680.2.1 as appropriate. Night lighting is to be integrated into the surrounding landscaping to provide continuous lighting levels for security and direction.
- d Appropriate illumination treatment is to be employed to loading areas and around plant and equipment to ensure that their operation complies with the provisions of AS 1680.2.1.

2.10 Design Safety and Security

OBJECTIVE

- To design the built environment to increase the perception of risk to persons engaged in crime, by increasing the possibility of detection, challenge and capture;
- To contribute to the safety of the public domain; and
- To reduce the actual perceived crime rewards and excuse making opportunities.

REQUIREMENTS

- a Building design is to incorporate the principles of Crime Prevention Through Environmental Design (CPTED). Such principles include (but are not limited to):
 - i Enabling natural (or passive) surveillance such that normal space users are able to see and be seen by others going about their normal business. This may be achieved by the strategic placement of windows and entries, street design, landscaping, building layout, visually permeable fencing and natural lighting.
 - ii Incorporation of access control measures including both physical and symbolic barriers to channel and direct pedestrian and vehicle movement.
 - iii Territorial reinforcement measures to define public and private space. This is to be achieved by design features, actual and symbolic boundary markers and space legibility.
 - iv Pedestrian access and egress routes being clearly defined and appropriately lit, visible to others and provide direct access from car parking and public transport facilities.

2.11 Landscaping

OBJECTIVE

- To utilise landscaping to contribute to the attractiveness and character of the development, its integration with adjoining land uses and as an integral component of water sensitive urban design.

REQUIREMENTS

- a A landscape plan and Vegetation Management Plan under Category 3 of Council's Landscape Policy are to be prepared by an approved landscape architect. These plans are to show a theme for the development, considering the local context and justify the species and materials selected. Landscaping is to provide a consistent theme or image, being appropriately integrated with landscaping themes of adjoining development.

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- b Building setbacks are to be used for landscaping in accordance with Category 3 standards. The objective of this landscaping is to:
- i Maintain and enhance the vegetation within the setback areas;
 - ii Screen the view of the proposed development from nearby residential areas and Bay Village Road, The Entrance Road and Eastern Road;
 - iii Provide native trees for shade in carparking areas; and
 - iv Enhance the natural features of the site.
- c Slopes, banks and batters are to be stabilized and allowance made for stormwater drainage.

2.12 Infrastructure and Waste Management

OBJECTIVE

- To ensure the efficient and effective provision of services to the site (including waste management) through consistency with the principles of ecologically sustainable development.

REQUIREMENTS

- a Service facilities such as drainage outfalls need to be located having regard to physical constraints, but should be designed and constructed to minimise undesirable impacts upon the environment.
- b Services are to be located underground.
- c Solid waste is to be collected on site. It is also desirable that all solid waste is sorted for recycling and reuse purposes before removal to an authorised collection site.
- d Separate loading areas are to be provided for the major uses on the site.
- e Loading and servicing areas should be located away from any of the sites frontages.
- f Existing sewerage and water supply easements traversing the site are to be retained in any future development or alternative arrangements made, only if it can be demonstrated that the alternative arrangements will maintain current servicing standards.
- g Proposed schematic layouts of water, sewer and stormwater drainage systems are to be submitted with any development application.

2.13 Construction Management

OBJECTIVE

- To ensure that construction on the site is undertaken in an environmentally responsible manner.
- To ensure that construction on the site does not negatively impact on the adjacent 6(a) land and associated Endangered Ecological Community.

REQUIREMENTS

- a During construction, on-site management will need to be carried out in accordance with Council's DCP No 67 – Engineering Requirements for Development. This will include but is not limited to the provision of:
- i External security fencing around the construction site;
 - ii Sedimentation and erosion controls in accordance with Council's DCP No. 67 – Engineering Requirements for Development; and
 - iii Storage of materials is required to be entirely within the site. Materials, equipment, site toilets, amenities etc are not to be located within the drip line of trees to be retained or on the road reserve.
- b During construction, appropriate measures are to be implemented to ensure that there is no negative impact on the adjoining 6(a) land including an associated Endangered Ecological Community.

2.14 Signage

OBJECTIVE

- To provide opportunities for identification and business advertising; and
- To ensure all advertisements are in keeping with the scale and character of the building and locality and do not detract from the architectural style of the building or local context.

REQUIREMENTS

- a Future signage is to be a unifying part of the overall building design with a standard sign format, colour and location.
- b All signage is to comply with the requirements of DCP No 50 – Guidelines for Advertising Signs.
- c Roadside signage to be limited to one directional sign on Bay Village Road at the entry to the development.
- d Roof top signage is prohibited.
- e Any signage lighting whether directional, backlight or other is to comply with the requirements of Section 2.9

3.0 APPLICATION REQUIREMENTS

3.1 Introduction

Council requires the following information to be provided at the time of lodging any application for development on the site.

If each proposed use is not approved as part of original development application, then a development application will need to be lodged for any initial new proposed uses in the development.

The final design details of each of the building elements are to be resolved at development application stage.

3.2 Statement of Environmental Effects

Any development application for the land is to be accompanied by a Statement of Environmental Effects addressing the matters for consideration by Council under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

3.3 Plans

Any development application for the land is to be accompanied by a detailed Masterplan which considers those design aspects identified within this document, and includes provision for Council's Integrated Library and Customer Service Centre, carparking and associated infrastructure.

3.4 Public Transport, Site Access and Car Parking

Any development application for the land is to be accompanied by a formal assessment of the bus interchange options conducted by appropriately qualified personal. Such an assessment is to address the provision of public transport access to and from the site, including the existing Stockland Bay Village. This assessment and the proposed options and works to be undertaken is to be to the satisfaction of the RTA and Council (refer to section 2.5 a).

A traffic study is also to be submitted with any development application for the land which is to specify the intersection upgrade technique, design and specifications to be employed at the intersection of Bay Village road and the western service road (refer to section 2.5 b)

3.5 Site Servicing

Information is to be provided to indicate the manner in which services required for the site development are to be connected to existing services in the locality. Such infrastructure services include water, sewerage, electricity and telephone.

3.6 Waste Management Plan

Information is to be provided to indicate how solid waste management is to be conducted during and post construction to conform to the Central Coast Waste Management Plan. The objectives of the plan are to minimize waste and maximise recycling of building materials during construction as a means to minimise the amount of materials going to landfill.

3.7 Surface Water Drainage & Water Quality Management

The applicant is required to submit a report analysing surface water drainage and the manner in which increased drainage flows are to be managed on site to prevent any increase in off-site flows and any reduction in water quality. In particular the report must indicate the soil conservation and nutrient control measures and other measures that are required to comply with the performance criteria for Water Sensitive Urban Design outlined in Section 2.8 of this Plan.

In addition, a preliminary drainage plan will be required to be submitted which details how the existing drainage along the north and west of the site will be redirected. This plan must also indicate the methodology proposed to mitigate any potential for any impact arising from this redirection on the adjacent 6(a) land and Endangered Ecological Community within this location.

An erosion and sedimentation control plan will need to accompany the development application having regard to the information resulting from the surface water drainage report.

3.8 Landscape Plan

The applicant is required to submit a landscape plan to the form and types of species of vegetation to be planted to achieve the landscaping objectives described in Section 2.11 of this Development Control Plan. A Landscaping Design report is to be provided in accordance with Category 3 of Council's Landscape Policy L1. The landscape plan is to show areas to be landscaped, paved areas and type of fencing.

3.9 Geotechnical Investigations

Preliminary geotechnical information will be required from a suitably qualified and experienced geotechnical engineer to verify that the proposed development is capable of being undertaken on the land. This is to include assessment of the potential for acid sulfate soils and mitigation measures to be implemented to control the disturbance of soils of this nature.

3.10 Colours and Finishes

Plans are to clearly indicate the proposed external colours and finishes of any building(s) proposed on the land.

3.11 Acoustic and Lighting Report

A report by a suitably qualified acoustic consultant shall be submitted with any development application, which should address the issues raised in Section 2.9:

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- a Integration of any acoustic fences or barriers with the design of boundary fencing and landscaping (this should also be addressed in the Category 3 landscape report);
- b Ensure that nearby residential areas are protected from any noise emanating from the site, including during construction as well as future operation in accordance with the requirements of the EPA Industrial Noise Policy (EPA 2000);
- c Treatment of loading areas to ensure their operation remains within the Environmental Protection Authority noise emission criteria; and
- d Use of devices to reduce noise emissions from any plant and equipment and loading areas.

3.12 Staging Details

The initial development application for development of the land shall include details of staging (where applicable) and provide the following advice:

- a Any potential conflict points for access to subsequent stages or development sites.
- b A concept plan covering all of the subsequent stages which demonstrates that further stages of the development can be undertaken in an orderly manner in accordance with the requirements of this Plan.
- c Public transport arrangements
- d Any staging of the proposed development is to be clearly indicated on the plans accompanying the development application.

3.13 Vegetation Management Plan (VMP)

A VMP prepared by a suitably qualified and experienced person is to be prepared in accordance with the provisions of DCP No 14 – Tree Management, and submitted with the initial development application. The VMP will provide analysis and a strategy to address issues relating to the staging of works, cumulative impact, long term vegetation monitoring and management of progressive tree works for the site over an extended period of time.

3.14 Safer by Design Assessment

Any development application for the site is to be accompanied by a report that details how the principles of the "Safer By Design" program have been incorporated into the design and ongoing management of the development site.

The Safer by Design program involves the application of Crime Prevention Through Environmental Design (CPTED) principles in building design and layouts.

3.15 Signage Strategy

A signage strategy is to be submitted with the initial development application in compliance with the provisions of DCP No 50 – Guidelines for Advertising Signs.

4.0 SITE PLAN



4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months

TRIM REFERENCE: CPA/147662 - D02309899 AUTHOR: Sue Ralph, Technical Officer –Contracts Administrator
Contracts and Sub Contracts

SUMMARY

Approval is sought to exercise extension options for each of the following contracts for the period 1 November 2010 to 31 October 2011. Contract CPA/147662 – Asphaltic Concrete Works, Contract CPA/147661 – Asphaltic Concrete Heavy Patching Works and Contract CPA/147664 – Sprayed Bituminous Surfacing Works.

RECOMMENDATION

- 1 That Council exercise its option to extend Contract CPA 147662 - Asphaltic Concrete Works for the period 1 November 2010 to 30 October 2011 to the value of \$5,255,213.00.**
- 2 That Council exercise its option to extend Contract CPA 147664 - Sprayed Bituminous Surfacing Works for the period 1 November 2010 to 30 October 2011 to the value of \$2,995,272.00.**
- 3 That Council exercise its option to extend Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works for the period 1 November 2010 to 30 October 2011.**
- 4 That Council endorse an increase in value of Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works from \$1,676,154.00 to \$2,276,154.00.**

BACKGROUND

As part of Council's ongoing Rolling Works Program, it is required to complete Councils roads projects using Asphaltic Concrete, Asphaltic Concrete Heavy Patching or Sprayed Bituminous Surfacing Works.

Council also utilises these services from time to time to undertake works on behalf of the NSW Roads & Traffic Authority.

To ensure these services are available at the most competitive rates, ongoing quality assurance and local providence, tenders are invited every two years, with an option of an additional one year extension period subject to approval of Council. This extension is primarily based on the contractors' performance over the past two years of the contract.

The fixed periods for the current contracts are due to expire on 31 October 2010.

4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months (contd)

THE PROPOSAL

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

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

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

A comparison of the current contract rates with general industry standard rates has been carried out and it was found that the current rates continue to provide Council with a competitive financial advantage and it is not considered that more favourable rates would be achieved by going through the retendering process.

The current contractor for Asphaltic Concrete Works and Asphaltic Heavy Patching is Fulton Hogan (formerly Pioneer Road Services). This company has a competitive advantage over other asphalt companies in that it also the only manufacturer of asphalt in the Shire via its plant at Doyalson.

The current Contractor for Sprayed Bituminous Surfacing Works is Gosford City Council.

The performance of both contractors has been reviewed and is considered satisfactory and is compliant with all their obligations under their contract. This includes reliability of plant & equipment, their commitment to OH&S, quality of work and reliability.

OPTIONS

Nil impact.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Services provided by companies under this contract provide serviceable and well maintained assets used by the local and wider community, for example car parks	1.7.2

4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months (contd)

Principal Activity	Strategy or Program	Financial Line Item No and Description
Infrastructure	<ol style="list-style-type: none"> To complete Council's annual Capital Road Pavement Renewal Programme, Reseal programme and Heavy Patching programme. To maintain the Main Road network throughout the Shire, Council has the opportunity to undertake works has part of the Roads and Traffic Authorities RMCC contract. 	4.1.2 4.1.4 4.1.5 4.1.6 4.1.7 4.1.9 4.5.17

Contribution of Proposal to the Principal Activity

In Council's Roads and Drainage Operational Plan the Unit is required to maintain and rehabilitate the local road network to a standard, which is safe and functional and in accordance with the strategic direction and executive guidance. The Unit is required to report quarterly on the current Pavement Condition Index (PCI) of the road network.

To maintain the PCI at the agreed fair level, the following contracts are required to be extended for a further twelve (12) months - Contract CPA/147662 – Asphaltic Concrete Works, Contract CPA/147661 – Asphaltic Concrete Heavy Patching Works and Contract CPA/147664 – Sprayed Bituminous Surfacing Works

Link to Shire Strategic Vision

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	All of these strategies rely on a well maintained road system for ease of egress throughout the shire.
Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Strategy 2.3 Improving the on-road Bicycle Pathway Strategy. State Plan (2006) strategy 2 Ongoing upgrade of roads in the region including the Central Coast Highway.

4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months (contd)

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	All of these strategies rely on a well maintained road system for ease of egress throughout the shire.
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	All of these strategies rely on a well maintained road system for ease of egress throughout the shire.
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	All of these strategies rely on a well maintained road system for ease of egress throughout the shire.

Financial Implications

Works undertaken as part of these contracts is undertaken as part of Councils Rolling Works Programs and is accordingly budgeted for in the 2010/2011 Management Plan.

As part of the endorsement of this report, an increase of funds is sought for Contract - CPA/147661 – Asphaltic Concrete Heavy Patching Works.

Over the past two years Council has undertaken heavy patching works on behalf of the Roads and Traffic Authority using approved funding under this contract. The value of these works was not known at the time of award of the contract. These works provide a source of income for Council as the Roads and Traffic Authority utilise our services under the Roads Maintenance Council Contract.

Endorsement is sought by Council for an additional \$600,000.00 to undertake Heavy Patching Programme for local roads in the 2010 – 2011 Rolling Works Programme along with works which are likely to be issued this financial year to Council by the RTA for Council to complete.

Principles of Sustainability

The extension of these Contracts is in keeping with Wyong Shire Council's principles of sustainability by:

- Using locally available resources – All Contracts have varying levels of Local Supply of Products and Local Employment.

4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months (contd)

- Good Governance has been applied to the extension of these contracts through open discussion regarding the performance of these contractors, included in the discussions were the cost of issuing these contracts back out to tender before necessary.
- We aim for best practice in our work ethic and that of our contractors. This has been exemplified in the conduct of these contracts. (Contract CPA/147662 – Asphaltic Concrete Works, Contract CPA/147661 – Asphaltic Concrete Heavy Patching Works and Contract CPA/147664 – Sprayed Bituminous Surfacing Works).

CONSULTATION

Consultation has been undertaken between the relevant staff to discuss the possible extension of contracts Contract CPA/147662 – Asphaltic Concrete Works, Contract CPA/147661 – Asphaltic Concrete Heavy Patching Works and Contract CPA/147664 – Sprayed Bituminous Surfacing Works.

All staff were in agreement that the performance of the contractors has been considered to be satisfactory and is compliant with all their obligations under their contract. This includes reliability of plant & equipment, their commitment to OH&S, quality of work and reliability.

The relevant contractors have all indicated a willingness to enter into the one year options in accordance with the original contracts.

GOVERNANCE

Nil impact.

CORPORATE RISKS

Nil impact.

CONCLUSION

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

- 1 Contract CPA 147662 – Asphaltic Concrete Works
- 2 Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works
- 3 Contract CPA 147664 – Sprayed Bituminous Surfacing Works

ATTACHMENTS

Nil.

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire

TRIM REFERENCE: CPA/173205 - D02303007

AUTHOR: Lawrence Pathinather, Contractor Contracts

SUMMARY

Evaluation and selection of tenders for Contract CPA/173205 – Sewer Main Rehabilitation - Various Locations in Wyong Shire.

RECOMMENDATION

- 1 ***That Council accept the tender from Interflow Pty Limited in the estimated total amount of \$835,769.29 (excl GST) for Contract CPA/173205 – Sewer Main Rehabilitation -Various Locations in Wyong Shire.***
- 2 ***That for Contract CPA/173205, Council approve a contract budget of \$920,000.00 (excl GST) that provides for a contingency amount of \$84,230.71 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

BACKGROUND

Council has identified gravity sewer mains across the Shire that require rehabilitation due principally to their poor condition. These mains have been identified as requiring high maintenance from existing condition reports, closed circuit television (CCTV) investigations and analysis of sewer choke records.

The main mode of failure has been tree root penetration through cracks and joints in the older Vitrified Clay (VC) pipes. Once the roots enter the pipes and absorb moisture, the tree concentrates root activity at this location which causes a blockage in the pipe (choke).

Clearing of sewer chokes is carried out as an ongoing maintenance practice. This contract aims to eliminate the need for the ongoing removal of tree roots from the selected sewer mains.

Fractures are also a common occurrence in VC pipes. Fractures can lead to leaks and collapse of sewer lines. Excavation and replacement of collapsed pipes causes further expense and inconvenience.

Attachment 1 shows photographs of typical tree root problems with gravity sewer mains. Figure 1 shows a VC joint affected by root intrusion. In Figure 2 a longitudinal fracture has occurred. The sketch in Figure 3 indicates issues with a typical sewerage pipeline.

Gravity sewer mains requiring rehabilitation have been identified in the following areas: Buff Point, Budgewoi, Wyong, North Wyong, Bateau Bay, Blue Bay, Tumbi Umbi, Berkley Vale, Killarney Vale and Glenning Valley.

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire (contd)

This contract sought tenders from experienced 'Trenchless' pipe rehabilitation contractors to avoid excavation and replacement of gravity mains in residents' backyards, and in areas with other constraints such as busy traffic routes or a high groundwater table. The various trenchless methods typically operate between existing access shafts, thereby avoiding many of the disturbance issues with trenching methods.

Trenchless methods of sewer relining are heavily dependent upon the contractor's preferred work method. Usually the contractor will identify problematic areas using CCTV footage and then evaluate and formulate a suitable solution.

The works to be executed under this contract are comprehensive and include: design, manufacture, supply, delivery to site, CCTV investigation, flow control, community liaison, installation, restoration, testing and commissioning of the rehabilitation works to the targeted sewer mains and house service lines.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 1 June 2010 and the Central Coast Express Advocate on 2 June 2010. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 17 June 2010.

The invitation documents called for schedule of rate tenders and were based on a detailed specification.

Tenders closed at Council Chambers at 2:00pm on 17 June 2010.

EVALUATION OF TENDERS

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

Threshold Criteria

- 1 Compliance with Tender documents including lodgement of tender by specified time.
- 2 Ability to manage financial, environmental, operational and safety risk.

Weighted Criteria

- 1 Assessed level of Local Content (refer Local Preference Policy – Procurement)
- 2 Conformity with brief/specification
- 3 Proposed methodology for all work including construction program
- 4 The tendered price and structure, as well as any other potential costs to Council that may be identified
- 5 Experience in the specific field and referee checks on past performance on similar projects.

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire (contd)

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

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

The evaluation was conducted according to the following process.

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

Assessment of Receipt

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

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Status
1	Directional Drill Tech Pty Ltd	N/A	Submitted on time
2	Kembla Watertech Pty Ltd	\$910,380.20	Submitted on time
3	Insituform Pty Ltd	\$982,182.95	Submitted on time
4	Interflow Pty Ltd	\$835,769.29	Submitted on time
5	Relining Solutions Pty Ltd	\$780,325.00	Submitted on time

All tenders were submitted on time and were progressed to the next stage of the evaluation.

Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification.

Tender No 1 (from Directional Drill Tech Pty Ltd), only offered directional drilling services with a unit rate without completing the Schedule of Rates. As it had not provided all of the important rate information required it was considered to be non-conforming and was not considered further.

Tenders Nos 2, 3 & 4 (from Kembla Watertech Pty Ltd, Insituform Pty Ltd & Interflow Pty Ltd) conformed generally to all requirements with some qualifications in relation to methodology and installation aspects of the work. Tenders Nos 2 and 3 were considered to have minor qualifications and were progressed to the next stage of the evaluation.

The Tender Panel sought clarification from Tender No 4 regarding trench supports. The company advised that it was withdrawing its exclusion of trench supports. This tender was considered suitable to progress to the next stage of the evaluation. The Panel agreed to seek clarification from the other tenders on this matter, if required, based on the outcome of the weighted evaluations.

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire (contd)

Tender No 5 (from Relining Solutions Pty Ltd) had a number qualifications and departures. One of these was not to offer Insurance of Works – one of the mandatory commercial conditions. The Panel sought clarification from the company in relation to these qualifications and departures. The company’s response was still heavily conditioned and such that some aspects related to: jet cleaning water pressure, standby tankers, root cutting, limitations on surveying the type of sewer mains, waste removal etc could not be resolved without further detailed negotiations. As negotiations to this level would require a specific resolution from Council to not accept any tender and allow negotiations with any provider, and as there appeared to be other fully conforming tenders available, the Panel determined not to proceed with this tender and to consider it to be non-conforming.

Tenders 2, 3 and 4 were progressed to the next stage of the evaluation process.

Weighted Evaluation

Evaluation scoring was conducted in two stages i.e.:

- 1 Prior to application of Council’s Local Preference Policy to establish the **Most Competitive Offer**, and;
- 2 Following application of the Local Preference Policy for the assessment of Local Content to establish the **Preferred Offer**.

Details of each category assessment are shown in the separate confidential attachment to protect commercially sensitive information. The following section shows for each category of plant the Preferred Offers in ranked descending order.

1 - Scoring - Pre-Application of the Local Preference Policy

To establish the **Most Competitive Offer**, Tenders were firstly scored against the weighted evaluation criteria (other than Local Content), and are listed below in descending order of weighted evaluation.

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
4	Interflow Pty Ltd	80.0
2	Kembla Watertech Pty Ltd	69.4
3	Insituform Pty Ltd	66.0

Interflow scored higher than Kembla Watertech Pty Ltd and Insituform Pty Ltd in both the price and non-price criteria. The methodology proposed by Interflow Pty Ltd was considered to have more merit than those of the other tenderers. Interflow’s method provides a lower safety risk and a reduced overall cost. Its methodology does not involve steam generation, as opposed to the other tenders, and this also contributes greatly to energy savings.

The **Most Competitive Offer** was that from Tender No 4, Interflow Pty Ltd.

2 – Scoring Post Application of Local Preference Policy

Tenders were then assessed for Local Content in accordance with Council's Local Preference Policy to identify the **Preferred Offer**.

As all three tenders advised that they had no Local Content in their offers, there was no need to undertake a further assessment. The **Most Competitive Offer** from Tender No 4, Interflow Pty Ltd, then became the **Preferred Offer**.

Due Diligence

Tender No 4 (from Interflow Pty Ltd) was subjected to a financial assessment, a detailed in-house safety/environment system assessment and referee checks.

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

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

The amount tendered by Interflow is within 5% of Council's pre-tender estimate and is considered to represent a reasonable price for the contract works.

Process Review

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

RISK ASSESSMENT

General

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

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

Contract Risks

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

Generic Risks

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

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

Specific Risks Leading to Contract Variations

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

- Specifications do not adequately cover all required work and additional investigations and effort are found to be necessary during installation. Mitigated to a certain extent by preparation of comprehensive specifications and peer review of documentation prior to inviting tenders.
- 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 \$84,230.71 (excl GST) representing approximately 10% of the contract sum be approved.

4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire (contd)

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 \$920,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

BUDGET

Project funds for the total cost of the project are available from the Capital Refurbishment Revenue – Discretionary. Project Number – 14208.4.1. Management Plan Line Item 4.4.9.

TIME-FRAME

The project is anticipated to begin in September 2010. The project will take approximately 26 weeks to complete. The preferred tenderer has indicated it can meet this requirement for construction.

APPROVALS

No additional approvals are required as the works are of maintenance nature for existing assets.

CONCLUSION

Tender No 4 from Interflow 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: this tender be accepted.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Photos of affected gravity sewerage mains | D02305146 |
| 2 | Confidential enclosure - CPA 173205 - Confidential Assessment of Tenders (D02331217 - Distributed under Separate Cover) | Enclosure |



Figure1



Figure 2

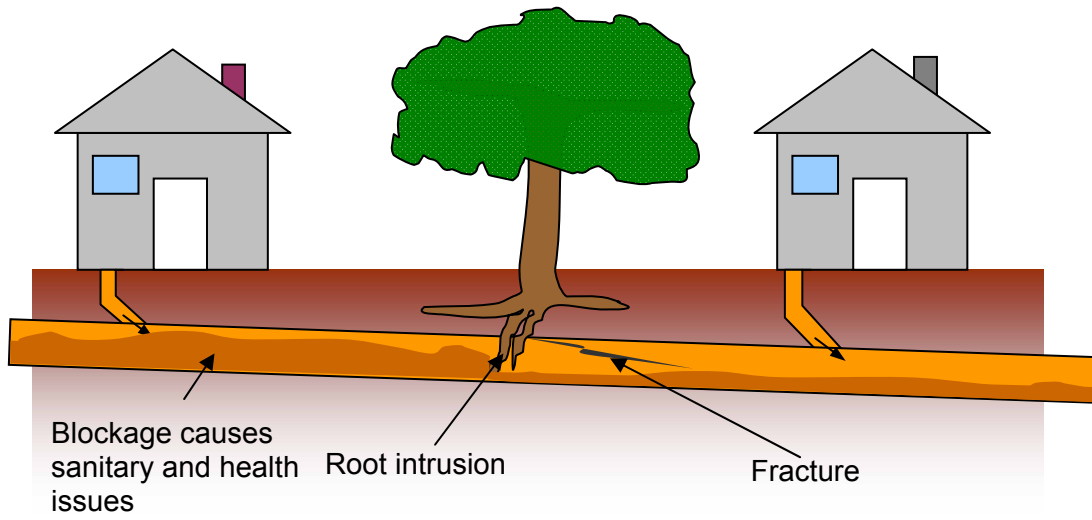


Figure 3

5.1 Policy on Community Infrastructure Asset Management

TRIM REFERENCE: F2007/02021 - D02283765 AUTHOR: Robert Fulcher, Manager Asset Management Systems
Shire Services

SUMMARY

A draft policy on Community Infrastructure Asset Management is submitted for adoption by Council.

RECOMMENDATION

That Council adopt the Community Infrastructure Asset Management Policy presented in this report.

BACKGROUND

The Division of Local Government's "Planning and Reporting Manual for Local Government in New South Wales, 2010" requires Council to adopt an Asset Management Policy.

That manual describes a hierarchy of documents.

The Policy sets the broad framework for undertaking asset management and defines key principles that underpin asset management for the Council.

The next document in the hierarchy is the Asset Management Strategy which supports and implements Council's policy. The Strategy describes the current status of Council's asset management practices and specifies actions to be undertaken to improve Council's asset management capability.

The third sets of documents in the hierarchy are the Asset Management Plans, which are long term plans that outline the asset activities for each service. The Plans outlines actions and resources to provide a defined level of service in the most cost effective way.

The development and implementation of the Asset Management Plans and the Asset Management Strategy are the responsibilities of staff. The Asset Management Policy is the top level document in the hierarchy and needs to be endorsed by Council.

THE PROPOSAL

A draft policy has been developed by the Asset Management Working Group and was endorsed by the Organisational Management Forum on the 24 June 2010, after extensive consultation with all Directorates and relevant staff.

The proposed policy is attached to this report.

OPTIONS

Council has no option but to adopt an asset management policy. It could adopt the policy as presented, adopt an amended version, or refer the draft back to staff for revision, based on any concerns that Council may have.

The draft policy presented to Council has been the subject of extensive consultation with staff and represents the collective view of all of the relevant stakeholders. It is proposed for adoption by Council.

STRATEGIC LINKS**Management Plan**

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Sport and recreation facilities maintenance Community buildings maintenance Wyong Council Centre	1.1.7 – community buildings 1.1.18 – libraries 1.7.1 – aquatic infrastructure 1.7.2 and 1.7.6 – open space 1.7.4 – floodlighting 1.7.5 – shared pathway 1.7.7 and 1.7.9 – ocean beach 1.7.13 – leisure and pool facilities 1.7.14 – public toilets 1.7.15 – infrastructure grant
A More Sustainable Economy	Employment	2.1.1 to 2.1.4 and 2.1.9 to 2.1.10 – town centres 2.1.5 – multi storey car park 2.1.6 and 2.1.7 – Warnervale roads and Business Park
A More Sustainable Environment	Natural areas Estuary Management	3.2.3 – lakes improvements 3.2.4, 3.2.5 and 3.2.6 – beach and coastal infrastructure 3.2.8 – estuary management plan 3.2.9 and 3.2.10 – stormwater works

5.1 Policy on Community Infrastructure Asset Management (contd)

<i>Principal Activity</i>	<i>Key Issue(s) and Objective (s)</i>	<i>Financial Line Item No and Description</i>
Infrastructure	Sustainability Fiscal responsibility Mardi Mangrove link	4.1.1 – street trees 4.1.2 to 4.1.6 – roads and bridges maintenance and construction 4.1.7 – carparks 4.1.10 - CARES facility 4.2.21 to 4.2.4 – stormwater management 4.3.1 to 4.3.12 – water supply 4.4.1 to 4.4.10 – sewerage service 4.5.3 and 4.5.8 – tip rehabilitation 4.5.11 to 4.5.7 – tipping operations
Organisation	Sustainability Fiscal responsibility Maintenance of Civic Centre and Depots	5.2.5 to 5.2.7 – holiday parks 5.3.4 – shire services operations

Contribution of Proposal to the Principal Activity

The policy applies to all activities involving Council's extensive infrastructure portfolio and contributes to the achievement of the general principles of sustainability and fiscal responsibility. It is directly related to the integrated planning and reporting framework of the Council.

Link to Key Focus Areas

<i>Key Focus Area</i>	<i>How the proposal contributes or links to the Key Focus Areas in Council's Management Plan</i>
Performing Arts Centre	Ensuring that the ongoing ownership costs are considered in the Long Term Financial Strategy
Sports Grounds	Advises on operating and capital expenditure on these facilities
Shared Pathways	Advises on operating and capital expenditure on these facilities
Warnervale Town Centre	Ensuring that the ongoing ownership costs of new facilities are considered in the Long Term Financial Strategy. Advises on operating and capital expenditure on these facilities

Key Focus Area	How the proposal contributes or links to the Key Focus Areas in Council's Management Plan
Residential Strategy	Ensuring that the capital and ownership costs of the associated infrastructure are considered in the Long Term Financial Strategy
Employment Projects	Not directly applicable
Town Centre Strategies	Ensuring that the capital and ownership costs of the associated infrastructure are considered in the Long Term Financial Strategy
The Entrance Town Centre	Advises on operating and capital expenditure on these facilities
Estuary Management Plan	Advises on operating and capital expenditure on these facilities
Pacific Highway	Not directly applicable
Water Supply	Ensuring that the ongoing ownership costs are considered in the Long Term Financial Strategy. Advises on operating and capital expenditure on these facilities
Buttonderry	Ensuring that the ongoing ownership costs are considered in the Long Term Financial Strategy. Advises on operating and capital expenditure on these facilities

The policy applies both to the planned new and existing infrastructure that is associated with these focus areas.

Financial Implications

This recommendation does not directly require any funds or resources in order to be implemented. It does, however, have an impact on how Council may choose to allocate its funds in future delivery programs.

Principles of Sustainability

The draft policy is designed to reinforce sustainability principles in the management of council's new and current assets.

It seeks to ensure that:

- We consider and seek to integrate environmental, social and economic sustainability in our work and decisions, keeping in mind both present and future generations.
- We hold to these principles even when under pressure from influences or forces that might otherwise seek to reduce their intent to help us create and maintain a sustainable future for Wyong Shire in its regional setting.
- We ensure these guiding principles are well communicated, understood and applied across all of council and with the community and other stakeholders

5.1 Policy on Community Infrastructure Asset Management (contd)

It is proposed that Council's performance against the target asset financial sustainability ratios that are set out in the policy will be presented in its annual report.

CONSULTATION

The draft policy was considered by Council's Asset Management Working Group. Consultation was carried out with meetings of the Shire Planning, Corporate Services and Shire Services Departments, as well as the General Manager's Unit. Individual meetings were also held with staff who made their own representations on the policy. All feedback was addressed. The Organisational Management Forum endorsed the policy as presented to this meeting.

The draft policy complies with guidelines of the Division of Local Government. It considered and addressed the provisions of a sample policy prepared by the Institute of Public Works Engineers, Australia.

GOVERNANCE

This report involves a new policy. It does not involve any change to existing policies or procedures. It does not require any other formal approval process outside of Council's consideration.

CORPORATE RISKS

This policy is aimed at managing the identified corporate risks associated with the management of Councils' assets portfolio.

CONCLUSION

The draft policy has been prepared as required by the Division of Local Government's manual on Planning and Reporting. It meets the Division's guidelines. It has been the subject of extensive internal consultation and represents the considered view of the management team. It sets the broad framework for undertaking asset management and defines key principles that underpin asset management for the Council.

It is recommended for adoption by Council.

ATTACHMENTS

- 1 Policy on Community Infrastructure Asset Management D02283912

Policy on Community Infrastructure Asset Management

		Date
Policy No		
Written By	R Fulcher	
Gazette Date		
Authority Signature – General Manager		
Authority Signature – Mayor and One Councillor (if required)	
Reviewed Date		Every four years
Amended Date		
Approved By		

A POLICY SUMMARY

- A.1** The purpose of this policy is to set the broad framework for undertaking asset management in a structured and coordinated way, in order to provide an appropriate level of service in a sustainable manner for present and future customers.

This policy applies to all infrastructure assets owned or controlled by Council and those on which it depends to carry out its functions.

B POLICY BACKGROUND

- B.1** Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management practices across all areas of WSC.

This methodology is an essential component of the custodianship of Council's assets. It is necessary to advise on the best use of resources by ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with WSC's service needs.

- B.2** Council owns and uses over \$2.4 billion worth of non-current, built assets and a substantial portfolio of natural assets to support its core business of delivery of service to the community.
- B.3** Asset management is a direct requirement of the Integrated Planning framework of WSC.

C DEFINITIONS

- C.1** **The Act** shall mean the Local Government Act 1993

- C.2** **Council** shall mean the elected members that form the governing body (Council) of the Wyong Shire Council

- C.3** **WSC (WSC)** shall mean the organisation established to administer Council affairs and operations and Council policy and strategies.

- C.4** **Plans** shall mean Council's Annual Management Plan, Delivery Plan, Long Term Financial Strategy, Asset Management Strategy, Strategic Shire Vision and similar documents.

- C.5** **An Asset** shall mean:

"a resource controlled by a council as a result of past events from which future economic benefits are expected to flow to the council."¹ (For the purposes of this definition, Council believes that "economic benefit" means the benefit to the community of goods, functions and services produced or provided by the asset to meet Council's objectives), **or**

"a physical component of a facility which has value, enables services to be provided and has an economic life of greater than twelve months".⁷

- C.6** **Natural assets** shall mean "the stock of natural resources from which ecosystem services are produced that are of value to humans. Natural assets include natural resources such as soil, biota (flora and fauna), water systems (streams, lakes and wetlands), and atmosphere".⁸ Council does not restrict this definition to those natural assets that are of value only to humans and includes those of value to the whole ecosystem.

- C.7** **Asset Management** shall mean "the systematic and coordinated activities and practice through which an organisation optimally manages its physical assets, and their associated performance, risks and expenditures over their lifecycle for the purpose of achieving its organisational strategic plan".²

- C.8** **Current Assets** shall mean "those assets which the entity either:

- a) Intends to sell or consume in its normal operating cycle; or,
- b) Holds primarily for the purpose of trading; or,
- c) Expects to realise the asset within twelve months after the reporting date; or,
- d) Holds and are cash or a cash equivalent (and are not restricted from being exchanged or used to settle a liability for at least twelve months after the reporting period).³

C.9 Non-Current Assets shall mean “all assets other than current assets, including assets held but not traded by a business in order to carry out its activities. Such assets are intended for use, not exchange, and normally include physical resources such as land, buildings, drains, parks, water supply and sewerage systems, furniture and fittings.”⁴ Council also includes natural assets in this definition.

C.10 Life Cycle Cost shall mean “the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs”.⁵

C.11 Asset Sustainability Ratio – (ASR) shall mean “the ratio of asset replacement expenditure relative to depreciation for a period. It measures whether assets being replaced at the rate they are wearing out”.⁶ The Local Government Code of accounting Practice and Financial Reporting defines this ratio as “Buildings and Infrastructure Renewals Ratio”.

C.12 Asset Renewal Funding Ratio – (ARFR) shall mean “the ratio of the net present value of asset replacement funding accommodated over a ten year period in a long term financial plan relative to the net present value of projected capital renewal expenditures identified in an asset management plan for the same period. It assesses the entity’s financial capacity to fund asset renewal”.⁶

C.13 Capital Expenditure (CAPEX) shall mean “expenditure used to create new assets or to increase the capacity of existing assets beyond their original design capacity or service potential. CAPEX increases the value of asset stock.”⁷

C.14 Infrastructure shall mean “the basic requirements of a developed economy”⁹. “Infrastructure management ... (promotes the) sustainable use of the physical, as well as natural, environment”.¹⁰

C.15 Custodian shall mean “a body lawfully invested with the power and charged with the obligation of taking care of and managing the community’s infrastructure property”.

C.16 Steward shall mean “someone who manages property on behalf of the owner”.

The above definitions are applicable not only to built assets but apply to any infrastructure that WSC uses to provide a service to the community.

D POLICY STATEMENTS

- D.1** This policy covers all elected members of the WSC, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of the WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- D.2** This policy does not confer any delegated authority upon any person.
- D.3** Asset management principles will be integrated within existing planning and operational processes.
- D.4** Asset renewals required to meet agreed service levels and identified in asset management plans and long term financial plans and which align with the priority objectives of the Strategic Shire Vision will be given high priority for funding in the annual budget estimates.
- D.5** Council will set an ASR target of not less than 50% for each of the General Fund, the Water Fund, the Sewerage Fund and the Waste Fund, having regard for the relative age of its asset portfolio and Integrated Planning Considerations
- D.6** Council's target levels for the ARFR are between 90% and 100%. (These are based on the expenditures proposed, after due Integrated Planning Considerations are taken in to account, in WSCs Asset Management Plans)
- D.7** WSC's asset management plans will consider the potential significant impact that climate change and population growth will have on its assets.
- D.8** Future life cycle costs will be reported and the ability to fund those costs will be considered in all decisions relating to new services and assets and upgrading of existing services and assets. Those lifecycle costs will include the eventual disposal/decommissioning costs.
- D.9** Council, as custodian of WSC assets, will:
- Ensure the Council's legal obligations are met;
 - Represent the community who pay for and use the assets; and
 - Ensure the asset/service is maintained for use by present and future generations on a sustainable basis
- D.10** As part of Council's consideration of infrastructure asset management, WSC will:
- Manage its infrastructure and assets in a systematic and sustainable manner;
 - Engage with the community, stakeholders and service providers when determining service standards/level of service every 4 years, within the first year of each newly elected Council;
 - Allocate appropriate resources to ensure the timely maintenance and renewal of built and natural assets, so that "life cycle" costs are optimised (existing and new assets);
 - Meet legislative requirements for asset management;
 - Update asset management plans annually to reflect the position in the Delivery Plan for the upcoming financial year;
 - Audit progress in the Asset Management Plans and strategies on an internal basis every two years and by independent external review every 4 years;

- D.11** Include natural (ecosystem) assets in WSC's infrastructure portfolio and adapt its asset management tools and processes to apply to natural assets and to accommodate the differences between those assets and built assets.
- D.12** Align its asset management plans with the Strategic Shire Vision.
- D.13** Set levels of service, risk and cost standards after balancing competing demands and considering integrated planning matters

E POLICY IMPLEMENTATION – PROCEDURES

E.1 This policy will be implemented by procedures that will ensure that:

- (a) The right assets are built, rebuilt or disposed of;
- (b) The assets are managed well;
- (c) There is a balance between Council operations, new assets and existing assets;

E.2 To achieve this policy, the following key roles and responsibilities and commitments are identified:

(a) Council

- To ensure appropriate resources and funding to responsibly manage the costs of the asset portfolio are made available, in accordance with its service needs;

(b) Senior Management Team (Executive)

- To ensure a review of the risks and opportunities involved in the Asset Management Strategy is undertaken;
- To ensure resources and funding for Asset Management activities are made available to integrate Asset Management into the corporate governance framework;
- Review Asset Management Plans annually;
- To ensure that timely, accurate and reliable asset information is presented to Council for decision-making.

(c) Managers and Staff

- The General Manager shall ensure that WSC's organisational structure will identify responsibility and accountability for implementation of Council's role for custodian of the community's infrastructure assets and meet the associated stewardship requirements.

(d) Asset Management Working Group

- Assist Managers to develop and implement policy and procedure;
- Maintain momentum and coordination of the implementation of this policy and WSC's Asset Management Strategy
- Encourage continuous improvement, innovation and cost effective methods to improve asset management practices.

F REFERENCES

1. Planning and Reporting Manual for local government in NSW 2010 page 67
2. Planning and Reporting Manual for local government in NSW 2010 page 67
3. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xxxv
4. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xli
5. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page xxxix
6. Australian Infrastructure Financial Management Guidelines Edition 1.0 – 2009
Page 3
7. International Infrastructure Management Manual version 3.0 – 2006
Page xiii
8. Environmental Asset Management Plan – Feasibility Study – Brisbane City Council,
CSIRO 2007, Page 4
9. The Collins Australian Dictionary
10. International Infrastructure Management Manual Version 3.0, Page 1.2

5.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02326423

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

Councillors propose the following allocation of funds for expenditure from Councillors' Community Improvement Grants (CCIG).

RECOMMENDATION

That Council allocate an amount of \$4,800.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

BACKGROUND

Provision has been made in Council's Annual 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

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Enhance the quality of life of the Shire's residents	1.1.11 – Community Financial Support

5.2 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 Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Funding is available to projects not specifically nominated in Council's Annual Plan that contribute to the priority objective.

Financial Implications

Expenditure is approved until the end of the 2010-11 financial year. Unspent approvals lapse 30 June 2011.

Principles of Sustainability

The CCIG program is aligned with the principles of sustainability in that it would:

- Improve and maintain safety, wellbeing and sense of community
- Use locally available resources to increase our self-reliance
- Support local and regional economic prosperity
- Build and strengthen partnerships and alliances

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.

CORPORATE RISKS

Nil impact.

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.

5.2 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2010-11

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	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 28/07/10	2,100	1,800	0	2,699	200	750	250	100	500	1,000	9,399
Available allocation as at 28/07/2010	12,900	13,200	15,000	12,301	14,800	14,250	14,750	14,900	14,500	14,000	140,601
Proposed Allocations for 25 August 2010											
Anglican Parish of Gorokan (Lakes Anglican Festival of Sacred Art) (\$400)								400			400
Central Coast Domestic Violence Committee (\$1,500)	100			100							200
Central Coast Hash House Harriers (\$5,000 only \$2,000 under policy)			1,000								1,000
Central Coast Outreach Services (\$668)	50			100							150
Central Coast Volunteer Rescue Squad Inc (\$500)	50	50		100							200
Fairhaven Services (\$1,699)	50			100							150
Glengara Seniors Computer Club (\$1,000) (\$100 already allocated)				150							
Gwandalan Outside School Hours Care Centre (\$5,940)	50										50
Kelly Turner (\$2,000)	50	200		100							350
Mingara Relay for Life 2010 (\$5,000)	50			500							550

5.2 Proposed Councillors' Community Improvement Grants (contd)

Councillors' Community Improvement Grants 2010-11 (contd)

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION	Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Allocation 01/07/2010 - 30/06/2011	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 28/07/10	2,100	1,800	0	2,699	200	750	250	100	500	1,000	9,399
Available allocation as at 28/07/2010	12,900	13,200	15,000	12,301	14,800	14,250	14,750	14,900	14,500	14,000	140,601
Proposed Allocations for 25 August 2010											
National Servicemen's Assoc, Tuggerah Lakes Sub-Branch (\$2,500)			1,000								1,000
The Troubadours (\$1,000)	50	100		100							250
Yarramalong Valley Progress Assoc Inc (\$2,000)		500									500
Total Proposed Allocations for 25/08/2010	450	850	2,000	1,250	0	0	0	400	0	0	4,800
Total Accumulated Allocations as at 25/08/2010	2,550	2,650	2,000	3,949	200	750	250	500	500	1,000	14,199
Balance Uncommitted as at 25/08/2010	12,450	12,350	13,000	11,051	14,800	14,250	14,750	14,500	14,500	14,000	135,801

ATTACHMENTS

Nil

6.1 Central Coast Mariners Funding Agreement

TRIM REFERENCE: F2004/07942 - D02323781

AUTHOR: Melissa McKee, Corporate Planning Executive General Manager's Unit

SUMMARY

Report on proposed funding agreement with Central Coast Mariners.

RECOMMENDATION

- 1 That Council endorse the execution of the proposed funding agreement with the Central Coast Mariners.**

BACKGROUND

On 9 June 2010 Council unanimously resolved on the motion of Councillor Eaton seconded by Councillor Wynn as follows:

- "1 That, subject to Gosford City Council and the Department of Industry and Investment each contributing \$100,000, Council also contribute \$100,000 towards sponsoring the Central Coast Mariners for the 2010-11 A-League season (this may be in-kind).*
- 2 That Council pay the funds within 14 days of the Central Coast Mariners entering into an acceptable sponsorship agreement with Council.*
- 3 That the form of this agreement be reported to Council prior to its execution and the agreement include but not be limited to business plan, marketing plan, financial accounts and viability, game attendances and community involvement activity.*

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

AGAINST: NIL"

This report is presented in response to the above Council resolution.

Gosford City Council and the Department of Industry and Investment

Gosford Council resolved on 28 July 2010 that it will contribute a minimum of \$100,000 of in-kind support associated with the maintenance of the playing surface, towards the sponsoring of the Central Coast Mariners in the 2010-11 A-League season.

No formal position from the Department of Industry and Investment has been declared, however verbal discussions have indicated that they will be continuing their sponsorship arrangement in 2010-11.

The Mariners have a suite of high quality partners/sponsors for the 2010-11 A-League series including: Energy Australia, Primo, Sanitarium, Masterfoods, NBN, Star FM and Fortunity. In addition to these companies the Mariners have a number of smaller sponsors on board with a total sponsorship investment in 2010-11 of around \$2 million (made up of approximately \$1.5m in cash and \$0.5m in kind).

Allocation of Council's Sponsorship Funds

The Central Coast Mariners have advised that they intend to allocate Council's 2010-11 \$100,000 sponsorship primarily to support programs for the development of youth and women's soccer in the region.

The funding will help support the Junior Membership Program which has seen some 8,300 free Mariners season passes delivered to all Central Coast Football registered boys and girls 16 years and under.

Further in term 4 2010, the Mariners will launch 'Mariners Active', the first Schools Development program introduced by an A-League Football Club across Australia. This program will involve around 320 school visits by Mariners staff who will engage over 40,000 Central Coast boys and girls into an active mind and lifestyle program.

It is estimated that around 50% of the participants in both of these programs will reside in the Wyong Shire.

Review of Business Plan, Marketing Plan and Financial Accounts

The Central Coast Mariners have developed a professional sporting club supported by a sound management team and a strong code of ethics. The Mariners have established a network that feeds players from all over Australia into their club; they also have close links with major clubs in England, China and Korea.

They have adopted a sound business plan and have recently purchased Club Tuggerah and gained development approval for a \$50 million centre of excellence which, when completed, will create over 200 full-time and part-time jobs and be a focal point for the local community.

On 3 August 2010 the Prime Minister, Ms Julia Gillard, visited the Central Coast and announced that a re-elected Labor government would form a partnership with the Central Coast Mariners, Wyong Shire Council and the Football Federation of Australia to build the sports campus. The Prime Minister pledged \$10 million towards the project. The funding will go towards the sports campus which will include two full-sized football fields and a grandstand for 3,000, a function, event and reception centre for club and community use, up to 10 all-weather sports courts for five-a-side soccer and other sports and a heated indoor pool and hydrotherapy centre for community use. All Central Coast people will have the opportunity to benefit from sharing the modern facilities with the Mariners.

During the period of Council's partnership with the Mariners they have forged many associations with businesses in the region that have generated a number of employment opportunities, for instance over 500 direct and indirect local jobs are attributed to the Mariners' home games, including security, catering, tourism and accommodation.

Council officers have reviewed the Central Coast Mariners 2009-10 Season Review Report, mini-business plan, marketing plan, average game attendances and financial accounts. In summary they highlight that the Mariners have a strong commitment to grassroots football,

that the Club is community and family oriented, while having a strong business/brand focus and that they aim to be the Centre of Excellence and the Club of Choice for football in Australia.

In 2009-10 the Central Coast Mariners Football Club suffered its worst performance on the field and its worst financial performance since foundation. For only the second season since foundation the Club finished outside the top four in the A-League and incurred a financial loss.

The unavailability of Blue Tongue Stadium due to maintenance issues during the season and poorer on-field performance resulted in key revenue streams such as ticket sales, membership and sponsorships being down between 20% - 30% on the previous year. The average attendance at games during 2009-10 at Blue Tongue Stadium was 7,813 which was a decline of 25% on the previous year.

In 2009 the Mariners qualified to play in the Champions League in Asia and this competition exposed the Central Coast region to a worldwide audience of over 2 billion people. However, the Club's participation in the Asian Champions League had a negative impact on its off field performance through the considerable strain on staff resources and onerous logistics and costs.

The 2009-10 Balance Sheet shows an increase in net assets/equity of \$746,000, due to a capital injection of \$2m during the year, via issued capital. Equity at the end of 2009-10 stands at \$240,000, with total assets of \$2.3m and total liabilities of \$2.05m.

The Club recognises that its future sustainability is reliant on increasing its revenue streams and as such has developed a series of key business objectives for the 2010-11 season. In addition to the key objectives a series of key performance indicators are in place for 2010-11 which will accommodate comprehensive performance measurement.

The key initiatives include:

- Increase key revenue streams through stimulus strategies in Sponsorship, Ticket Sales and Membership
- Create diverse revenue streams through;
 - the Centre of Excellence Development at Tuggerah
 - developing international commercial partnerships
 - an increased focus on building user pay community programs and partnerships
 - the establishment of a Mariners Foundation
 - further developing in house merchandise and licensing operations
 - developing a Mariners4Business online business directory
 - investigating the acquisition of the stadium management rights
 - opportunities around the use of new media and the internet
- Support Football Federation Australia to increase centralised funding.
- Within all revenue and expenditure streams of club operations have a major focus and staff mindset to maximise profit.
- Broaden exposure and brand presence in Northern regions of Sydney.

- Enhance the match day experience at home games and develop a strong supporter group.
- The establishment of a permanent first class training facility on the Central Coast at Tuggerah.
- Review and enhance the playing roster, support staff, recruitment policies and resources to ensure that on field performance is maximized.
- To ensure the presence of an ever growing future and in-house developed player pipeline.
- Win the majority of home games at Bluetongue Central Coast Stadium and achieve a top four finish in the 2010-11 A-League competition.

The Central Coast Mariners are recognised as the Central Coast's only national sporting team and as such there is no other person, company or team that has the opportunity to showcase the Central Coast, not only to a local and national audience but also a worldwide audience through its participation in global sporting events such as the Champions League and the coverage it receives from sporting channels such as Fox Sports.

With the purchase of Club Tuggerah the Mariners have entered into a lifelong association with the residents of Wyong Shire, they have chosen a location within our community to establish their home and provide a centre of excellence that will not only be utilised by the Mariners and soccer fraternity but also the community in general.

THE PROPOSAL

The proposed funding agreement for the 2010-11 A-League Season is included as Attachment 1.

The benefits and deliverables to Council includes, among other things:

- Support of programs to develop youth and women's football in the region
- Central Coast brand on the front of the home and away team playing shirts for the Hyundai A-League 2010/11 Season
- Wyong Shire Council corporate branding on the back left leg of the home and away playing shorts (Refer to Attachment 2)
- Central Coast brand and links on CCM website homepage
- CCM logo link from WSC website to CCM website
- One (1) x Wyong Shire corporate sign inside the TV arc at Bluetongue Central Coast Stadium for all CCM controlled Hyundai A-League 2010/11 Season home games
- Two (2) x Central Coast corporate signs inside the TV arc at Bluetongue Central Coast Stadium for all CCM controlled Hyundai A-League 2010/11 Season home games
- Provision of one (1) x indoor/outdoor corporate suite for twelve (12) people for three (3) home games in the Hyundai A-League 2010/11 Season
- Provision of twenty (20) general admission tickets if required for promotional use to each of the fourteen (14) CCM Hyundai A-League 2010/11 Season home games

OPTIONS***Option 1 – Endorse the proposed funding agreement for execution***

The proposed funding agreement (attached) details Council's concurrence to pay \$100,000 and become a Major Partner for 2010-11 A-League series. In return the agreement lists the benefits and deliverables to Council during the term of the agreement (one season).

Option 2 – Amend and endorse the proposed funding agreement for execution

Council could choose to amend the proposed funding agreement.

STRATEGIC LINKS**Annual Plan**

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Refer to <i>Links to Shire Strategic Vision</i> below.	
A More Sustainable Economy	Refer to <i>Links to Shire Strategic Vision</i> below.	2.1.11 Contribution to Economic Development

Link to Shire Strategic Vision

<i>Priority Objective</i>	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Council's funding will help support the Central Coast Mariners' Junior Membership Program with 8,300 free Mariners' season passes delivered to all Central Coast Football registered girls and boys 16 and under.
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Council's funding will also help support the "Mariners Active" program commencing in Term 4 – a schools development program with 320 school visits by Mariners staff who will engage over 40,000 Central Coast boys and girls in an active mind and body lifestyle program.
Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	The Central Coast Mariners is the region's only national sporting team and due to extensive television coverage has the opportunity to showcase the Central Coast region to a national and international audience.

Financial Implications

The funding for this agreement is included in the adopted 2010-11 budget.

Principles of Sustainability

As noted above, the Club recognises that its future sustainability is reliant on increasing its revenue stream and it will work with Council officers to develop a 3-5 year Business Plan, prior to next season, with a view to the Club being financially sustainable without Council's ongoing sponsorship at the expiration of the Business Plan.

CONSULTATION

Council officers liaised with the CEO of Central Coast Mariners to draft the proposed agreement.

GOVERNANCE

Council adopted the Policy for Grants & Sponsorships (Outwards from WSC) on 23 June 2010 after its resolution, on 9 June 2010, to sponsor the Mariners.

CORPORATE RISKS

Nil impact.

CONCLUSION

It is recommended that Council endorse the proposed agreement for execution by the General Manager.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Central Coast Mariners Sponsorship Agreement 2010-11 | D02328608 |
| 2 | Artist Impression of Council logo on Central Coast Mariners shorts | D02328605 |

**SPONSORSHIP AGREEMENT BETWEEN CENTRAL COAST MARINERS FC PTY LTD
AND WYONG SHIRE COUNCIL**

Project Major Partner of the Central Coast Mariners for the Hyundai A-League 2010/11 Season. The Mariners will allocate Wyong Shire Council's sponsorship primarily to support programs for the development of youth and women's football in the region.

Parties Central Coast Mariners FC Pty Ltd ("**CCM**") ABN 93 111 321 674 of Suite
9
14 Pioneer Avenue Tuggerah NSW 2261
Postal Address: PO Box 5244 Chittaway Bay NSW 2261

and

Wyong Shire Council ("**WSC**")
Postal Address: PO Box 20 Wyong NSW 2259

Term 1 July 2010 until the completion of the Hyundai A-League 2010/11 Season Grand Final.

NB WSC agree to advise CCM of its intention or otherwise to negotiate to extend the term of this partnership beyond the above period, such advice and negotiation to be completed on or before 31 May 2011.

Investment WSC agrees to pay CCM the following in relation to the sponsorship agreement:

- \$100,000 plus GST payable by invoice within fourteen days of the signing of this agreement.

CCM agrees to provide the following benefits and deliverables to WSC during the term of this agreement:

WSC BENEFITS

BRANDING

- Central Coast brand on the front of the home and away team playing shirts for the Hyundai A-League 2010/11 Season
- Wyong Shire Council Corporate branding on the back left leg of the home and away playing shorts
- Central Coast brand on training apparel
- Central Coast brand co-branding with CCM on media back drop
- Central Coast brand and links on CCM website homepage
- Central Coast brand on CCM publications, programmes and stationery
- Central Coast brand on CCM pre-match and general advertising in print and where possible radio and television media for Hyundai A-League home games

ADVERTISING, PROMOTIONS & MARKETING

Stadium signage at all CCM Hyundai A League Home Games at Bluetongue Central Coast Stadium:

- One (1) x Wyong Shire corporate sign (6.0metres x 0.91 metres) inside the TV arc at Bluetongue Central Coast Stadium for all CCM controlled Hyundai A-League 2010/11 Season home games
- Two (2) x Central Coast corporate signs (6.0 metres x 0.91 metres) inside the TV arc at Bluetongue Central Coast Stadium for all CCM controlled Hyundai A-League 2010/11 Season home games
- Two (2) x autographed official CCM playing shirts and related memorabilia for promotional purposes
- Strategic co-promotional activities and programmes both in (home and away) and off season at an international, national, state and regional level
- Central Coast brand and link on CCM's website home page and opportunity to utilise CCM homepage for business promotions
- CCM logo link from WSC website to CCM website
- Recognition as Official Partner in CCM publications, newspaper advertising and print for all Hyundai A-League home games
- Team and individual groups of players for promotional appearances to support the Central Coast brand at home and away venues
- Game day promotional opportunities at CCM Hyundai A-League home games at Bluetongue Central Coast Stadium

- Right to use the CCM logo as designated Official Partner in WSC advertising material
- An invitation for WSC representatives to attend a CCM training and photo session
- Priority booking rights at all CCM controlled events
- 20% discount on CCM corporate hospitality opportunities.
- 20% discount on CCM merchandise
- Discount on CCM additional signage and advertising packages
- Right to make offers and invitations to fellow Official CCM Business Partners/Supporters
- Access to CCM Membership and Community databases through CCM communications and publications (as per Privacy Act)
- Priority rights for signage opportunities at Hyundai A-League finals series matches involving CCM

TICKETS

- Provision of twenty (20) general admission tickets if required for promotional use to each of the fourteen (14) CCM Hyundai A-League 2010/11 Season home games

CORPORATE HOSPITALITY

- Provision of one (1) x indoor/outdoor corporate suite that each seats twelve (12) people for three (3) home games in the Hyundai A-League 2010/11 Season. Includes all premium food and beverages, match programs and four (4) reserved car spaces
- Personal invitations to attend CCM Chairman's Corporate functions and events throughout the term of the agreement

COMMUNITY DEVELOPMENT

- Provision to WSC by 30 November 2010 of a written football development program for youth and women during 2010-11.

REPORTING

- Provision to WSC, at the conclusion of the Hyundai A-League 2010/11 Season by 30 April 2011, of a written report on the benefits and deliverables that WSC received as part of their sponsorship and a copy of the 2010/11 Season Review report to Football Federation Australia (FFA).

Executed by both parties as an Agreement:

Signed for and on behalf of Central Coast Mariners FC Pty Ltd ABN 93 111 321 674

.....

John McKay
Chief Executive Officer

Signed for and on behalf of Wyong Shire Council

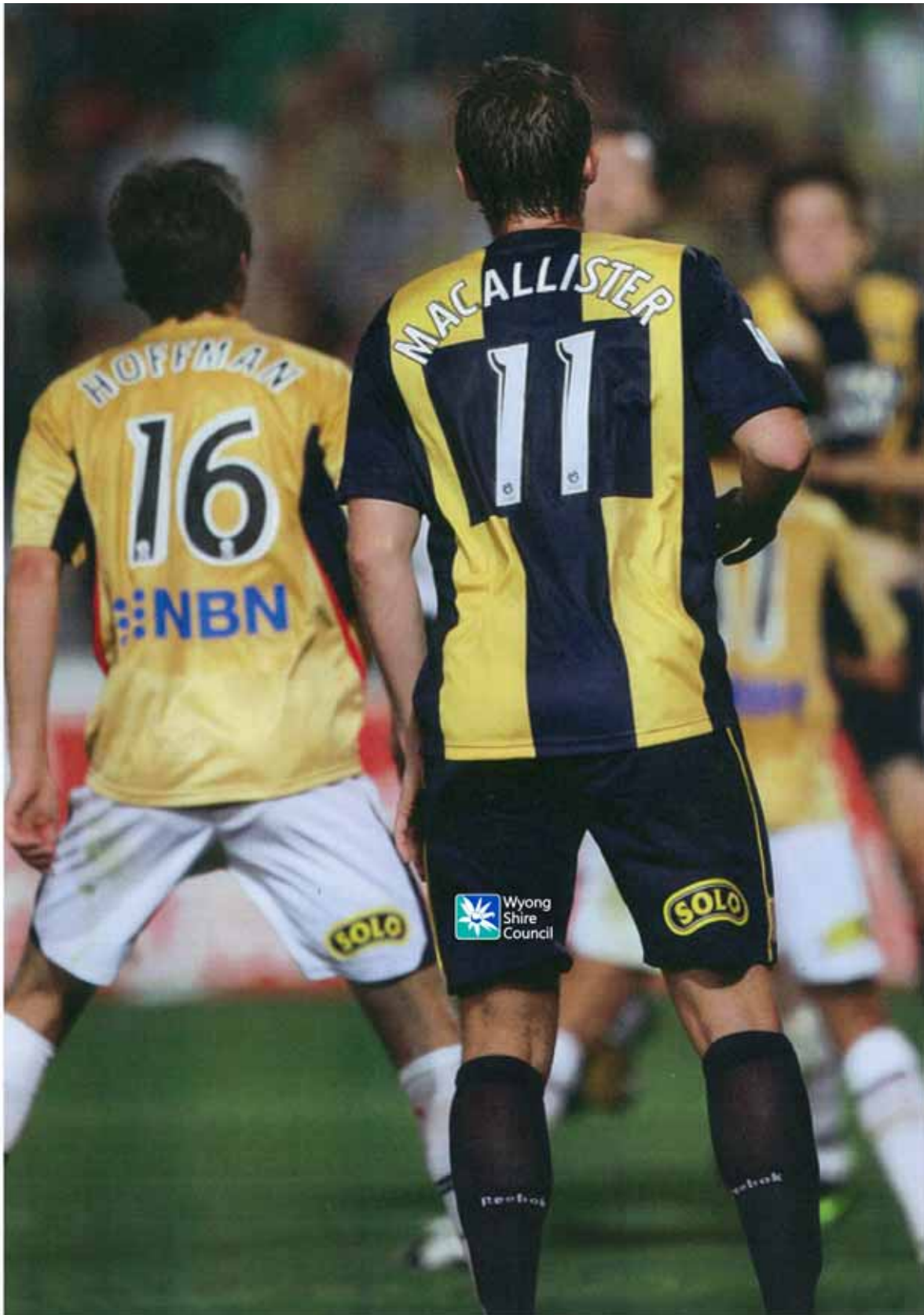
.....

Michael Whittaker
General Manager

Dated2010

Attachment:

Example of Council's corporate logo on rear left leg of Mariners' shorts.



6.2 2009-10 Management Plan - June Quarter Review

TRIM REFERENCE: F2004/07006 - D02299016 AUTHOR: Mellissa McKee, Corporate Planning Executive
General Managers Unit; Cate Trivers, Manager Financial Services

SUMMARY

Quarterly report on progress against Council's 2009-10 Management Plan.

RECOMMENDATION

- 1 That Council receive and endorse the report 2009-10 Management Plan – June 2010 Quarter Review.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**

(NB This declaration is a statutory requirement made in accordance with the Local Government (General) Regulation 2005 s.203).

BACKGROUND

Section 203 of Local Government (General) Regulations 2005 reads:-

Budget review statements and revision of estimates

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:
 - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
 - (b) if that position is unsatisfactory, recommendations for remedial action.**
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

The General Manager has determined that, in addition to meeting the minimum requirements of the Regulations, a full management report on the activities of the Wyong Shire Council (WSC), is important and helpful for informing Council on the achievements, progress and status of the organisation.

CURRENT STATUS

Quarter Four (Q4) Highlights

Customer Service

Customer Service Benchmarking Australia have rated Wyong Shire Council second best in the quarterly telephone (response) benchmarking survey for the June Quarter. WSC achieved a total score of 180 just one point shy of the winner, Launceston Council (181).

Cultural Award Winners

WSC was declared winner of the Program, Project & Partnerships Category at the NSW Local Government Cultural Awards 2010.

Council's 2009 Public Art Program beat stiff competition to achieve the well-deserved recognition. Council's 2009 Public Art Program involved three distinct site specific projects using arts processes with community engagement, accessibility, landscape design, engineering, and interpretation. The projects were undertaken at Canton Beach Accessible Playground, Spring Creek Reserve and The Entrance Community Centre.

State Government Funding for Warnervale Entry Road

In April Council welcomed the announcement of \$2 million in funding support from the State Government for the Warnervale Town Centre access road and expects the design for the entry road to be completed by mid June 2010 and construction on the road to start by the end of the year. Council is one of three landholders within the Warnervale Town Centre working towards the road's construction, with the other two being Landcom and Woolworths.

Opening of Community Café

Council has opened the first "community café" for the Shire at The Entrance Community Centre. The café is run by community organisations, who provide training and development opportunities for the community and all profits will go back in to projects that benefit the local area. Break Thru, an employment service provider, are the first operators. The café is the next step in creating a shared community space at The Entrance Community Centre.

Water Pipeline Milestones

The first one-metre diameter x 13-metres long water pipes for the Mardi-Mangrove Link Project were laid in May 2010 alongside Old Maitland Road. Commencement of the 21km of steel-lined cement pipes is the final major milestone for the project.

Work has also started on the new Wyong River off-take structure and pump station, the new Mardi Dam inlet, and the new pipelines linking Wyong River to Mardi Dam and Mardi Dam to Mangrove Creek Dam. Work has begun on the new Mardi Dam pump station and the new Wyong River weir, fishway, and gauging station.

Reconciliation a step closer in Wyong Shire

The Darkinjung Local Aboriginal Land Council (DLALC) and WSC, in the spirit of reconciliation, have co-signed a formal agreement documenting "The Principles of Co-operation"

The agreement that will foster an effective working relationship and partnership between the organisations to enhance cultural, economic, environmental and social outcomes for the people of Wyong Shire. The Darkinjung Land Council is a significant landholder in the Shire and the formal agreement will see Council staff help provide Darkinjung staff with advice and guidance on development applications, future planning, environment and land management.

Construction Of New Surf Club Buildings At Soldiers Beach And Shelly Beach.

Prime Minister Kevin Rudd announced in June that the Federal Government will provide \$5.0m to Wyong Shire Council for construction of two new surf life saving facilities at Shelly and Soldiers Beaches, under Round Two of the Regional and Local Community Infrastructure Program - Strategic Projects Component.

The entire project is expected to cost \$6 million, with Council funding the balance of costs from the proceeds of land sales.

Official opening of new sports facility at Woongarra

A \$6 million sporting facility at Hakone Road Woongarra was officially opened at the end of June.

PERFORMANCE MEASURES

The 2009-10 Management Plan includes performance measures that assess Council progress towards its longer term goals of a more sustainable community, economy and environment. Thirty long-term performance measures have been included in the 2009-10 Management Plan and are updated on an annual basis.

Volume I of the Management Plan identifies 40 performance measures against Council's Key issues which are reviewed and reported on a quarterly basis. At the end of June 36 (or 90%) of these indicators met the targets identified in the Management Plan.

The following performance measures did not meet their target in 2009-10:

Measure	Target	Actual
<p>Standard response times achieved for system malfunctions – Water Supply</p> <p>This measure is based on an analysis of response times for complaints regarding: dirty water, water quality, low water pressure, broken water mains and broken tapping bands/services. Council received 789 complaints and responded within the specified response time to 763 (or 96.7%)</p>	98%	97%
<p>Standard response times achieved for system malfunctions – Sewer</p> <p>This measure is based on an analysis of response times for complaints regarding: chokes, overflows and odours.</p>	98%	97%
<p>Lost Time Injury Duration</p> <p>The lost time duration figure has increased this quarter. Incidents requiring psychological or surgical treatment contributed much to this figure with the top 10 incidents accounting for 613 days.</p> <p>"Sprains and strains" account for 80% of injuries leading to surgical treatment and a program has been implemented to focus on reducing these incidents through incident investigation, training, audits and proactive injury management.</p>	8	16.26

Measure	Target	Actual
Lost Time Injury Frequency Rate The 2009-10 Management Plan target was too ambitious. There has been a renewed emphasis on the Injury Reduction Program and WSC is still performing better than the benchmark for self-insured Councils (35).	18	30.37

STRATEGIC TARGETS

The 2009-10 Management Plan identifies 57 strategic targets (or actions) to achieve Council's objectives.

At the end of June 45 (or 79%) of the 57 actions were completed and 12 actions were not achieved. Of the 12 actions (or 21%) that were not achieved 6 were due to factors outside of Council's control, and 6 were due to factors within Council's control.

The following strategic targets were not completed within their original timeframe:

	<i>Sustainable Community</i>	<i>Sustainable Economy</i>	<i>Sustainable Environment</i>	<i>Infrastructure</i>	<i>Organisation</i>	<i>Totals</i>
Completed	20	4	8	8	5	45
Not achieved Matter outside Council control	4	0	2	0	0	6
Not achieved Matter within Council control	1	0	0	1	4	6
Total	25	4	10	9	9	57

The following strategic targets were not completed within their original timeframe:

Matters Outside Council's Control

Measure	Status	Anticipated Completion Date
Continue to assist the Department of Planning to finalise the North Wyong Shire Structure Plan.	The Department of Planning anticipate that the public exhibition of the Plan will now occur in October/November 2010.	Uncertain
Provision of public transport services to the new communities within the North Wyong Shire Structure Plan area.	Traffic & Transport study (Phase 1) submitted to Council Jan. 2010. Calibration presented at meeting held 1 March 2010.	Uncertain

Measure	Status	Anticipated Completion Date
Procurement of the Warnervale Recreation and Aquatic Centre (WRAC) project	Commencement of the Warnervale Recreation and Aquatic Centre is still on hold and subject to the Town Centre development and funding issues.	Uncertain
Finalisation of the Shire Settlement Strategy. Supports LEP review.	Work is now well underway on the Settlement Strategy with a view to completing the draft for exhibition later in 2010 subject to the completion of the draft North Wyong Shire Structure Plan by the Department of Planning.	December 2010
Establish a methodology to measure and report on Council's carbon footprint	Draft report to Council has been prepared but is currently being reviewed. The report has been re-scoped which has delayed its progress to Council.	September 2010
Policy to address the impact of climate change across Council units (such as sea level rise, bushfire risk, human health risks etc.).	Legislative changes have not yet been gazetted Promulgation of the Policy will now move into the 2010-2011 financial year.	September 2010

Matters Within Council's Control.

Measure	Status	Anticipated Completion Date
Obtain endorsement from NSW Department of Lands on the Plan of Management for Cemeteries.	Now in draft form and will be finalised in the first quarter of 2010-11.	September 2010
Undertake detailed design works for Gwandalan, Shelly Beach and Tumbi closed landfills.	Due to investigations at Gwandalan, Shelly Beach and Tumbi closed landfills taking longer than anticipated design works have not yet commenced.	June 2011
Complete implementation of the top ten priority initiatives identified within the HR strategy	Phase I completed On track Phase II with most projects and good progress is being made, time delays in a couple of projects although still planned to proceed.	December 2010
Undertake An Organisational Capacity Review.	Pilot has commenced and in addition an Organisation Service Review has commenced where it is	December 2010

Measure	Status	Anticipated Completion Date
	envisioned additional activities will be required to continue on a continuous improvement journey in delivering an effective and efficient organisation.	
Implement the long-term Financial Strategy to underpin the Shire Strategic Vision and asset management strategies.	GM deferred (Feb 2010) need for LTFS to align with Integrated Planning Timetable Group 2	March 2011
Develop an Information Management Strategic Plan.	Now will form part of 2011-2012 WSC Strategic Plan.	December 2010

KEY FOCUS AREAS – PROGRESS OVERVIEW

In addition to Council's ongoing commitment to a range of services and facilities, the 2009-10 Management Plan includes a list of priority medium-term actions, or Key Focus Areas.

	Key Service Focus	Progress
1.	Central Coast Arts and Conference Centre, Wyong	<p>ArtsNSW have confirmed their expectation of a Regional Cultural Strategy to support any funding applications from the Central Coast.</p> <p>Council's Project Working Party is seeking development of a Regional Cultural Strategy with Gosford City Council. The Working Party has held five meetings to date.</p> <p>Concept designs were completed in June 2010. The DA submission is scheduled for August 2010. The DA approval is expected to be completed by December 2010.</p>
2.	Sports Grounds	<p>Bateau Bay - expected to be ready for competition play by the end of 2010 for some use during summer.</p> <p>Woongarah - User groups occupied the facility from 18 June 2010, with the official opening held on 27 June 2010</p> <p>Hamlyn Tce - The Community Centre is programmed for completion early in 2011, and sportsfields by April 2011</p>
3.	Shared Pathways – system extension	<p>During the June 2010 quarter work progressed on a number of shared pathway projects:</p> <ul style="list-style-type: none"> North Entrance main priority – section up to southern boundary of Wyrabalong National Park completed July 2010.

	Key Service Focus	Progress
		<ul style="list-style-type: none"> • Three small bridges completed on the Killarney Vale foreshore. • 650m linking Tunkawallin Oval to Gwandalan Public School completed in July 2010. • 520m Footpath/shared pathway Mannering Pk. - completed in July 2010.
4.	<p>Warnervale town centre</p> <p>Complete the Warnervale town centre – including construction of a Recreation & Aquatic Centre</p>	<p><u>New Railway Station/Interchange at Warnervale</u> Plan of Management awaited ex RailCorp which requires concurrence from DECCW, leaving Council unable to approve the DA for the railway station. Council received correspondence from the Minister for Transport confirming that “Railcorp is planning for the construction works to begin in 2013-14”.</p> <p><u>Warnervale Town Centre Masterplan</u> No progress on Federal Funding. Design of entry road now commenced. Significant unresolved issues include:-</p> <ul style="list-style-type: none"> • State Infrastructure Contributions (SIC) • Section 94 Contributions Plan • Biocertification
5.	Employment generating projects	WEZ Development Control Plan and Section 94 Contribution Plan due completion later in 2010 – subject to Dept of Planning, RTA and DECCW.
6.	Town Centre Strategies Stage I of the town centre strategies at The Entrance, Toukley, Warnervale and Wyong/Tuggerah	<p><u>Precinct 14</u> - Development consent conditions and matters that need to be covered in a Voluntary Planning Agreement (VPA).</p> <p>A draft VPA has been reviewed by Council staff and its solicitors. Council has been waiting for the proponent to sign the VPA, however, the Department of Planning recently advised that it proposed to determine the application and include any conditions/clauses of VPA as conditions of consent.</p> <p><u>Retail Strategy</u> Council has been implementing the resolutions through its consideration of rezoning requests for retail development.</p> <p><u>Town Centre Strategies</u> - Work has continued on finalising the Toukley Strategy while implementation of The Entrance Peninsula Planning Strategy has commenced and implementation of the Wyong/Tuggerah Strategy has progressed. These strategies continue to be influenced by direction arising from the Central Coast Regional Strategy (CCRS) and the implications of the State Government's requirement for a Shire-wide population capacity target.</p>
7.	The Entrance town centre	Completed 2007

	Key Service Focus	Progress
	upgrade	
8.	Estuary Management Plan Implementation	<p>The Estuary Management Plan Implementation Program is on track and achieving significant results for the protection of the Tuggerah Lakes, with June 30 marking the finalisation of Stage 1 of the Federal Government grant.</p> <p>Significant stream bank rehabilitation works have been completed on Saltwater Creek, Tumbi Creek, Wyong River and Ourimbah Creek to stabilize significant areas of erosion along the creek banks.</p> <p>Passive saltmarsh protection works have commenced. These works will greatly enhance, protect and increase the remnant saltmarsh around the Tuggerah Lakes foreshores. Continuation of this program has been proposed for 2010-11.</p> <p>Continued stormwater management works have been completed at Lowana Ave, Jetty Ave, and Parkside Dr, Charmhaven; Loxley Cl, Berkeley Vale; and Lake Munmorah reserve and Colongra Bay Rd, Lake Munmorah. These works will significantly reduce the loads of sediments and nutrients entering the Lakes system.</p> <p>Bush regeneration works were completed at Terilbah Reserve and Porters Creek Wetland, as well as wetland protection/enhancement works undertaken at Blue Haven; Porters Creek; Pioneer Dairy; and Wendie Close and Morgan Ave, Tumbi Umbi.</p> <p>The 2009-10 Cluster Plan was approved in late February 2010 allowing work to recommence under the program; however, due to the extended delay in gaining approval, some works will have to roll over to 2010-11. Council is still awaiting Land and Property Management Authority (LPMA) sign off for the 2010-11 financial year.</p> <p>All work under Stage 1 of the Federal Government contract has been completed and to 30th June 2010, all obligations have been met with exception of the two Lake Munmorah saltmarsh sites outlined above. All work is being continually monitored and reviewed.</p> <p>The 2010-13 Federal Contract (Stage 2 - \$11.34M) is currently being negotiated prior to sign-off and commencement of on-ground works for the next three years.</p>
9.	Pacific Highway Funding between Tuggerah and	<u>Tuggerah/Wyong Rd</u> Intersection – no commitment as yet from RTA. State Govt funding (\$1.0m) more planning work for Tuggerah Town Centre.

	Key Service Focus	Progress
	North Wyong	<p><u>Wyong</u> - RTA is unable to give any indication as to when it is likely to have a proposal for public exhibition. The State Govt has allocated \$1.4 million in 2010-11 to continue planning for the Highway upgrading through Wyong.</p> <p><u>Ourimbah</u> - The Stage 2 (Burns Road to Glen Road) construction contract commenced in June 2008 and was opened to traffic in January 2010. The RTA does not intend to do any works at the roundabout at the Pacific Highway/Chittaway Road intersection as it anticipates that this roundabout will provide adequate service for the next 10 to 15 years. The State Government has allocated \$4 million in 2010-11 for the planning of the next stage, Glen Road to Railway Crescent.</p>
10.	Water Supply – security.	Council's progress to secure the water supply is detailed in the Board papers for the meeting of the Gosford/Wyong Councils' Water Authority.
11.	Strategic Plan for Buttonderry Waste Management Facility	<p>Commercial Strategy to be completed by November 2010.</p> <p>To ensure sufficient capacity to receive and dispose of waste in an environmentally sustainable manner, the construction of a new landfill cell (Cell 4.2B) has commenced. Earthworks involving the excavation of 250,000 cubic metres of soil and rock have been completed. Placement of a sophisticated liner and leachate collection system to protect the underlying groundwater is currently in progress and it is anticipated that the new cell will be completed and operational by August 2010.</p> <p>Designs for a methane gas extraction system and power plant are completed and development approval has been obtained. Underground connection to grid system has been completed and the installation of wells has commenced. It is anticipated that the gas collection wells will be installed in July 2010 and the power plant in early August 2010. Council will receive royalty payments from the sale of the electricity.</p>
12.	Develop Shire Strategic Vision	Completed. To be refined in June 2011 as part of the Annual Plan Process.

Action plans have been developed to implement each of the twelve key focus areas and they are being emphasised in work programs across the organisation. Pages 93-95 of the Management Plan Quarterly Review enclosure contain the timelines for the Key Focus Area projects.

OVERVIEW MANAGEMENT PLAN BUDGET RESULTS – 30 JUNE 2010

The Management Plan financial reports (attached) are a strategic management reporting document, and do not provide a complete picture of the financial position in term of statutory requirements.

The Annual Financial Statements are pending external audit which is commencing 16 August 2010, refer section V below for summary of Financial Statements.

The fourth quarter (Q4) result has provided a positive General Fund “funding outcome” of \$1.93m after restricted asset adjustments and budget carry-overs have been allowed.

This position compares against the Q3 year-end forecast of a General Fund deficit of \$206,000.

The result is predominately due to under expenditures in works programs, both capital and operating, which were to be funded by general purpose revenue.

This trend of under expenditure was also reflected in Water and Sewer capital programs, however the majority of those programs are on-going and subject to carry-overs where appropriate.

The Management Plan Financial Reports June Budget Review recognises that where there is an external restriction on funds then any balance of unexpended funds must be transferred to Restricted Assets. These movements are summarised in the report under Carry-Over Budgets (grant restrictions / conditions) and Restricted Funding Adjustments.

Non-restricted funding requests for carry-forward budgets have been kept to a minimum, however the proposed recommended allocations to 2010-2011 are for programs which are committed or significant, but have not been completed as at 30 June and where there is an insufficient budget allocation in 2010-2011, without impacting on other programs.

At year-end some Roads programs and the Water and Sewer capital programs (e.g. Mardi to Mangrove) have remained below budgeted spend due to extended design and planning processes which in turn slows the take-up of construction costs, resulting in carry-overs of committed budgets and contracts into 2010-2011.

The Mardi to Mangrove Pipeline (and related works) have finished the year on track to their final completion dates with carry-overs reflecting timing adjustments and the overall budget remains on track. The remaining project expenditure is primarily construction and there are potential cost risks in terms of timeframes and final construction prices.

Loan principal and interest payments were significantly under original budget for Water and Sewer, due to reduction in borrowings and deferral of drawdown of loans to June 2010. This resulted in \$3.91 million less financing costs for the year with funds remaining in Water and Sewer Funds.

In 2009-2010 Council has finalised the legacy issue of EPA Levies at Buttonderry Tip resulting in an additional \$1.67 million being expensed relating to these past activities. Of this \$1.00 million dollars has been negotiated as a deferred payment arrangement over two years.

Non-Management Plan Budget Variations

The total Investment return for the year was \$7.62 million, of which \$5.59 million was interest – up in a recovering market by \$459,000.

Overall returns were 6.62% against the UBSA Bank Bill index of 3.89%. The capital gains of \$2.03 million are not part of the Management Plan result, but do reflect in increased values of investments and form part of the profit & loss result. The capital gains reflect improved valuations of underlying assets since the global financial crisis and are a 53% gain of prior year unrealised losses.

Other significant financial impacts outside the Management Plan picture which impact on Council's financial results include:

- \$8.2 million increase in Waste Management Expenses due to increases in the Tip Remediation Provision for revised estimated costs of remediation at Gwandalan and Bateau Bay.
- Depreciation favourable to original budget by \$3.65 million.
- \$3.20 million increase in Assets - Sewer Mains due to identification of some mains which were previously not recognised on Councils asset register.
- Revaluation of Council's Roads and Drainage assets has resulted in an upward increment of \$130 million which has been taken to the Asset Revaluation Reserve, and an indexation of Water and Sewer.

Key to WSC's ability to respond to external pressures are the internal financial management systems and operational management controls.

Reporting and budgeting are two issues undergoing internal change which will reinforce management controls and meet new planning and reporting requirements. A new reporting regime has been adopted for 2010-2011 which will reflect the requirements of the Integrated Planning and Quarterly Budget reporting guidelines.

Future risks identified in the Management Plan include the ongoing impacts of the global financial crisis, investment returns, the Shire's growth / development related pressure on income and expenditure, past waste management activities, and ongoing departmental investigations.

JUNE INTERIM RESULT

Financial Year-End

Year-end statutory accounts will be finalised in September and reported to the Governance Committee on 6 October 2010 and to Council on 13 October 2010. Council's external auditors, Price Waterhouse Coopers and the Auditor General, will be conducting audit programs from 16 August to 23 September.

Notes:

- The financial section of this report reflects the Management Plan presentation of actual expenditure in relation to budget.
- Income is represented (included) by the tabulation of sources of funds.

- This report is, as at 30 June 2010, however is based on information up to and including the 13 August 2010.
- Final accounts will be reported 13 October 2010.

End-of-Year Issues

It is normal that Council activities, particularly construction, are rarely bound by arbitrary dates such as the end-of-year close off of the financial year. Expenditure incurred on such work may not match with the current year funding nor might funding approvals in the budget (completed months before year-end) reflect the work on a job still to be done.

In the first instance the expenditure is classified as Work in Progress and the second category is dealt with by carrying forward, funding approval already made by Council. This group is known as Carry-Overs and Council approval is required before staff can give effect to the actions, which effectively increase to the next Annual Plan budget – in this case for 2010-2011 - or they displace other work planned in the original budget.

This category is also affected by commitments made – purchases or works – that may not have been anticipated at budget time.

These categories of end-of-year close off, are areas which can distort results and should be minimized wherever possible.

Attachment 3 - 2009-2010 - Budget Carry-over Requests is a comprehensive list of budget carry-overs, which fall into three categories.

Work-In-Progress (WIP)

Proposals for WIP carry-overs which have been submitted for adoption, do not include minor recurrent expenditures but are the result of a significant budget allocation where a project remains incomplete as at the 30 June 2010.

The General Fund net proposals to be carried over into 2010-2011 total \$491,000.

The most significant, but now un-funded, proposals are:

- Cabbage Tree Harbour Works \$350,000
- The Entrance Sea Wall \$28,000
- Craigie Avenue School Safety Improvements \$81,000

Carry-Overs - Internal Restrictions

Applies to budget items (i.e. reserve fund commitments) remain unexpended for specific works on restricted assets. Where funding remains available, identified projects have been proposed for carry-over based on their attributed priority.

The exception is projects funded from the Land Reserve but yet to be commenced and not proposed for carry-over due to an insufficient Land Reserve.

As at 30 June 2010	\$000s
Land Reserve balance	6,990
Committed Programmes for carry-over	1,810
Balance	5,180

The balance of \$5.18m impacts the 2010-2011 Annual Plan budgeted expenditure and a revised program will be proposed in the September Budget Review.

Carry-overs Grant & Contributions

Applies to grants and contributions work where Council's obligations have not yet been achieved. It is necessary to carry the related expenditure budgets into the new year when the works will be completed. In some cases where the allocated budgets include matching Council funds, these monies also need to be carried forward allowing Council to fulfil contractual obligations.

2009-2010 Restricted Budget Adjustments

Since the Q3 report, Council has received further funding, or has been required to re-assess the availability of funding in categories such as Grants, Section 94, or transfers from restricted reserves (eg land reserves).

Adjustments for 2009-2010 reflect a \$11.31m reduction in expenditure programs, primarily due to Section 94 Works \$7.33m and Estuary Management Plan Works \$4.43m off-set by sundry new grants and other transfers. Attachment 4 - 2009-2010 Restricted Budget Adjustments is a comprehensive list of restricted funding adjustments that were identified in the June Quarter.

Risks – Past and Future

Council's future levels of underlying risk will continue to exist for the coming financial year in the following areas:

WSC has a number of current legal disputes which may impact the new year however management continues strategies to manage risk and will be developing an Enterprise Risk Management Strategy going forward.

Financial Management and long term sustainability present real challenges to balance community needs with available funding. The introduction of integrated planning will include focus on addressing risk and establishing budgeted service levels, and strengthening long term financial planning and management. See attachment 7 (Confidential attachment).

Management Plan Financial Summary – 2009-2010**Summary - Budget vs Actual**

The final Management Plan general fund (unrestricted) result for the year was a surplus of \$1.93m taking to account budget carry-over requests and restricted funding adjustments.

Significant variations include:

Service	Comment	Variance \$000s
Principal Activity 1 – Society		
Bushfire Operations & Equipment	Construction costs of the Ourimbah Fire Station exceeding the 2009-2010 budget allocation. RFS Rural Fire Service will provide grant funding for additional cost as it becomes available.	(147)
Community Building Maintenance	All graffiti, vandalism and urgent works completed. Weather & contractor delays on several works are responsible for balance.	121

Service	Comment	Variance \$000s
Performing Arts Centre	Underspend relates to timing of work.	906
The Entrance Multi-purpose Centre.	Contractor dispute cause of overspend – recovery action underway.	(288)
Lakes Foreshore & Aquatic Infrastructure	Lakes Beach Cleaning operations have continued to be delayed until the finalisation of the Wrack Management Strategy.	206
Open Space Maintenance	Efficiency gains made and improve budget control.	169
Open Space Improvements	Overage due to increased maintenance need = <1% of budget.	(98)
Surf Club Refurbishments	Timing led to underspend of capital but minimal effect on Q4 result. These works are funded from land reserves with additional \$2.50 million grant funding received in 2010-2011. All works are on track for completion.	1720
Public Toilets Maintenance & Upgrades	Increased maintenance requirements	(119)

Principal Activity 2 - Economy		
Urban Improvement Program	Works postponed due Energy Australia intention to remove trees - removals not completed until June/July.	286
Town Centre Refurbishments	Unscheduled works at the Entrance including the need to import replacement tiles to address issues, investigations into Vera's Watergarden	(123)
Economic Development	This is a result of Council's 2009-2010 donation to the Mariners being paid out in the 2008-9 year.	119
Council Land Development	Expenditure/provisions for projects associated with the development of land opposite the Woolworths site, Warnervale Airport, Country Music site, Incubator site and acquisition of Tennis Club land at Wyong. These development costs have been funded by land reserves.	(976)

Principal Activity 3 Society	This activity showed expenditure less than plan representing a collection of minor gains in a revised annual budget of \$21.2m.	179
Estuary Management Plan and other Stormwater Management Works	The full year expenditure of \$8.29m exceeded original budget of \$7.6m, however was less than the planned revised works program of \$12.75m resulting in \$4.43m being transferred back to reserve.	4,434

Service	Comment	Variance \$000s
Principal Activity 4 Infrastructure	Overall good performance in a revised budget of \$218.73m (original budget \$219.03m was overstated due to inclusion of Gosford City Council share of Joint Water capital budgets) Refer Business Unit Overviews Water, Sewer and Waste.	244
Main Roads	Additional RTA works at Pacific Highway/Dog Trap Rd Ourimbah (Stage 2) and Pacific Highway Tuggerah Straight (Stage 2) that imposed costs on WSC but were not budgeted	(430)
Secondary Roads Rehabilitation	Savings across the board including gains made by redesign of Northumberland Dr & deferral of Robertson Rd foot-paving because of tree issues.	666
Secondary Roads Maintenance	Increased need of repairs due to weather.	(124)

Principal Activity 5 Organisation		
Risk Management	Reduced Public Liability & ISR (Property) claims	153
Employee Overheads	Leadership development programme consultant costs not previously budgeted plus increases leave costs (offset by gains in salaries).	(546)
Corporate Salaries	Vacancies not filled and leave matters = 1.4% of budget.	365
Plant & Fleet Running Costs	Underspend is against a budget that carries internal costs fuel prices being less than forecast and a reduction in materials expenses, there is no impact on Council's general fund result. The Plant program cannot make a profit and can only impact on the operating results through reduced internal hire rates.	995

Source of Funds

Revenue	Overall	175
General Rates	Down 0.4% due to a successful challenge to the property valuations. This variation will be recovered through the 2010-2011 rating process.	(244)
Hire of Sporting Fields	\$90,000 less than the annual budget of \$186,000 (48%) due to a change in accounting recognition practices to ensure that pre-paid income was not brought to account.	(90)
Property Rentals	Increased prices and a conservative budget.	201

External Tipping Charges	Impact of downturn in development work. This negative variation has been partly off-set by a higher income for Waste Management from WSC's operations \$881,000. Results in higher costs within WSC works programs.	1070
Council Fees	Development planning activity recovering is the main contributor to this 9.84% gain over budget. Note:- DA advertising fees up \$88,000 Building Inspection fees up \$161,000 Subdivision application fees up \$87,000. Subdivision/Construction fees up \$76,000.	428
Interest Income	Recovering market	226
Parking Fines	Ranger activity impacted fine income down turn reflects write-off at six-year mark.	(135)
Other Fines and Costs Recovered	The level of fine income generated is again a reflection of community behaviour and an appropriate level of intervention by Rangers. Budget level may have been high.	(87)

Contributions, Grants and Loans, and Asset Sales

With only some minor exceptions, the Management Plan budget for these items as a "Sources of Fund Statement" and is not an estimate of the cash income to be received.

These budgets are in fact transfers from reserve or internal transactions between business units relating to a range of activities.

- Main Road Engineering Fees – \$145,000 unfavourable result against a budget of \$1.98 million (7.3%). Reduced grant income from RTA for ordered works. This is offset in the main roads expenses (Management Plan line 4.01.02). The amount of ordered works awarded to Council is subject to RTA requirements and is subject to more variability in the last quarter of the financial year.
- Secondary Roads Rehab received a greater level of contributions from Water and Waste \$407,000 than anticipated due to a larger number of water and sewer relocations undertaken within the roads program during the financial year.

Transfers to and from Reserves –These transactions have historically only been processed as year end adjustments. Investigations of how to better match the transfers to expenditure will be undertaken as part of reporting improvements.

Financial Statements as at 30 June 2010 – Interim Results

In accordance with previous recommendations by the Governance Committee the Quarterly Review includes Financial Reports for WSC's consolidated business and business activities. The reports include Income Statements and Balance Sheets and are included as Attachment 5 – 2009-2010 Interim Financial Statements as at 30 June 2010.

Wyong Shire Council's consolidated results record a Net Operating Result for the year of \$1.3m against an original budget of \$40.6m. However, the original budget was overstated due to an incorrect treatment of the contributions from Gosford City Council which were budgeted as Income but are correctly treated as Capital off-sets for their share of the Joint Water Assets. The revised Budget excluding this error would have been a loss of \$14.6m.

A full technical analysis will be presented to Council as part of the presentation of the Annual Financial Statements on 13 October 2010 (Governance Committee 6 October 2010).

WATER

Water Services - Operating Result

End of year results was an operating deficit of \$7.5m, after depreciation charges of \$13.6m = an improvement on 2008-9 of \$9.5m - primarily due to increased charges. Operating revenue was up \$9.6m on prior year to do increased access charges (up \$5.6m) and User Charges (up \$2.1m)

Operating expenses were due to lower borrowing costs against budget from a reduction in borrowings and deferral of timing in drawdown. However, year on year, whilst expenses stayed in-line, the Water Supply absorbed increased borrowing costs up from \$5.7m to \$8.6m from prior year.

- Reduced expenditure on the Bulk Water Supply Security programme ie the cessation of washing machine rebate programme; reduced demand for rain water tank machine rebates and timing of water purchases from Hunter not yet brought to account, and timing of the final Contribution to Climate Change Fund not yet brought to account, and
- Reduced water extraction and production costs associated with the Mardi Dam lowering ie energy costs,

Water - Capital Expenditure

Current expenditure levels for this programme ended up under original budget initially due to delays in determining the Mardi to Mangrove Pipeline route, delays to the award of tenders. Overall, project is on track to achieve total project scope within budget.

Highlights and risks

The Mardi to Mangrove contract continues to represent the most significant source of potential risk, in terms of latent ground conditions, design changes, construction delays.

The Mardi Suite of Works project is nearing completion and is also subject to the above range of risks but to a lesser extent.

SEWERAGE

Sewerage - Operating Result

End of year results was an operating deficit of \$5.5m after depreciation charges of \$13.7m. which is an improvement on the prior year of \$5.3m - due to increased charges.

Operating expenditure was below budget and favourable year on year. A major contributor to this variation has been lower than predicted sewage treatment plant (STP) maintenance and sewage pump station operational costs ie;

- Delays in digester maintenance at Toukley STP due to the break-down of the sludge belt press.
- Delays at Bateau Bay Sewer Treatment Plant due to contractors late commencement of maintenance and repairs works.
- Deferment of Maintenance & Repair works at Wyong South STW while awaiting completion of the "best-practice" plant upgrade concepts report which is associated with the Mariners development.
- AGL electricity invoices do not conform to the State supply contract and are in a format that cannot be suitably processed by Council. This is currently being addressed under the contract conditions.

Sewerage - Capital Expenditure – Management Plan

Final year end expenditure is \$6.0m against year-end projection of \$9.9m. The under expenditure is due to timing delays in works not being initiated with carry-overs to 2010-2011 of continuing projects.

The major reasons for this under expenditure were;

- Delays to the Pump Station Mechanical and Electrical refurbishment programme due to staffing resource shortages and diversion to higher priority works
- Delays to the Treatment Plant building refurbishment programme due to the unavailability of internal (Council) service provider who was diverted to higher priority works
- Deferment of paving/fencing work at Toukley STW due to conflict with Optus cabling work with work scheduled for 2010-2011.
- Deferment of sedimentation tank re roofing works at Bateau Bay STW due to delays in finalising to the project concept report with work rescheduled for 2010-2011.
- Delays to the sludge lagoon refurbishment programme due to delays in the tendering process. Further clarification of tenders has been necessary which has extended the tender process. This work will be undertaken in early 2010-2011.
- Diversion of internal staff resources away from the mains capital refurbishment programme work to non capital programmes such as mains adjustments for Roads and Drainage projects.

WASTE

Waste - Summary

The Waste program achieved the target year-end operating result.

An ongoing dispute with DECCW regarding waste levy payments was settled in June 2010 and resulted in an agreement to pay \$1.67 million over three years. While only the first instalment of \$665,713 was required to be paid in June 2010, the remaining amount of \$1.00 million has been included as a provision. At this stage any further penalties or fines have not been determined and have not been provided for but are a possible future liability ie contingent liability.

A reduction in commercial waste tonnages received at the Buttonderry Waste Management Facility (BWMF) by approximately 25% resulted in \$1.0 million lower than anticipated external tipping fee revenue. Conversely, internal revenue is higher than anticipated by \$870,000 due to increased quantities of waste received from Council's operations.

The additional waste received from Council's operations also resulted in higher than anticipated Waste levy expenditure of \$400,000. Lean operation of BWMF allowed savings of \$900,000 in plant hire and material cost.

Remediation works at Bateau Bay closed landfill exceeded budget allocations, however this was offset by under-expenditure in remediation works at other landfill sites. A provision was made in 09/10 for future remediation costs of closed landfills.

Waste - Operating Result – Management Plan

The operating expenditure for the waste program was budgeted at \$26.2 million and year end actual expenditure totalled \$25.3 million (97% expended). The provision of \$1.0 million for levy back payments was excluded from the overall operating budget and expenditure.

Waste - Capital Expenditure – Management Plan

The capital program was budgeted at \$16.7 million and included Tip Rehabilitation, Cell Construction and Tip Capital works. Year end actual expenditure is \$15.3 million, or 92% expended. Cell construction will be completed in July 2010 at a cost below budget of \$600,000. The provision of \$6.9 million for future remediation works was excluded from the overall capital budget and expenditure.

Waste -Impact on Reserves

The budgeted transfer to Waste Reserves was \$2.3 million (\$900,000 operation and \$1.4 million capital), against an opening reserve of \$7.8 million with a projected closing balance of \$10.1 million.

Waste - Highlights and risks

Construction of gas extraction system and associated electricity generation power plant at Buttonderry Waste Management Facility is scheduled to commence in July 2010, with royalties to be returned to Council commencing in 2010-2011. This initiative will reduce methane and greenhouse gas emissions from the site.

The development of a Commercial Strategy for Buttonderry has commenced with the aim of increasing the value of the asset and to divert revenue to General Fund.

GOVERNANCE

A Report on the Future Directions for the Body Hire Services for Wyong Shire Council considered by Council on 26 May 2010. It recorded that Council will be provided with an update on body hire arrangements as part of the quarterly Management Plan report.

The strategy of offering higher, market competitive rates for a variety of positions attracted a large number of applications with a wide range of capacity (70 applicants for the Project Director positions and 98 applicants for the Project Manager positions).

Fifteen applicants have been interviewed and offers across of a range of salaries for periods between 2-5 years are currently being made for three Project Director positions and five

Project Manager positions. This approach will provide maximum flexibility to manage the number of staff and the expenditure being incurred.

It is intended that all body hire arrangements (except for the Mardi-Mangrove Link project) will be discontinued from the end of October.

The Mardi-Mangrove Link project will call tenders for contact management arrangements during August-September to phase out body hire from those works. Council will consider this matter in November.

CORPORATE RISKS

Nil impact – note report content.

CONCLUSION

This report has been précised for clarity, and in preparation for the anticipated change to future reporting based on Operating Statements (Profit & Loss) presentation of the accounts as WSC prepares for the integrated Planning regime.

Previous disregard of depreciation and other factors in the Management Plan has confused the financial picture and not represented clarity to Council through the methodology of quarterly reports.

The report is the last to deal with the previous management plan style of presenting financial and performance information. Providing a clear view of the financial position has been difficult under these conditions but suffice is to say that the organisation has maintained a satisfactory operating performance in its “cash economy” approach.

Considerable gains have been made during the year in terms of the organisation meeting the challenges imposed by the global financial crisis, waste management issues and widespread increases in costs.

Whilst changes in financial management have been achieved, the new year promises much greater gains as the organisation moves into zero-based budgeting, strategic business planning and the change in management skills that will accompany the change in culture.

It is recommended that Council receive the report from the General Manager on the extend to which the performance targets set by Council’s current Management Plan have been achieved and the advice from the Reponsible Accounting Officer that Council’s financial position is satisfactory.

ATTACHMENTS

1	Review 2009-10 Rolling Works Program		D02299091
2	2009/10 Management Plan Financials - June 2010	Enclosure	D02331588
3	2009/10 Budget Carry-Over Requests	Enclosure	D02331589
4	2009/10 Restricted Budget Adjustments	Enclosure	D02331586
5	2009/10 Interim Financial Statements as at 30 June 2010	Enclosure	D02330942
6	2009/10 Management Plan - June Quarter Review (D02330266 - Enclosure distributed under separate cover)		
7	Confidential Enclosure - Material Risks Financial Impact (D02331937 - Distributed under separate cover)	Enclosure	

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Principal Activity 1 - Better Community		
<i>Community Support & Development</i>		
1.1.7 Community Buildings Construction - Completed		
Tunkuwallin Hall Toilet		These works are linked to the Federal Government's community building funding. The hall toilet will be included as part of the overall works at Tunkuwallin Hall.
<hr/>		
Tunkuwallin Hall Change Rooms		
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1.1.7 Community Buildings Construction - On Track		
Hamlyn Terrace Community Centre		Site works have commenced. Some wet weather delays have been experienced, however project remains on track. It is anticipated that the new Community Centre will be completed by early 2011.
<hr/>		
Cultural Centre		
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Community Buildings Construction - Changes		
Bateau Bay Library Expansion - detailed concept plans	Deferred	The proposed expansion of the library is reliant upon the proposed rezoning of land immediately to the south of the existing library building. Once this occurs, land will be set aside for the expanded library facility. The land to be rezoned has been subject to an Aboriginal Land Claim. Whilst refused, an appeal period still existed until 7 July 2010. The rezoning has been requested to be transferred into the Gateway Process as a Planning Proposal commencing at Section 57(8). It is expected that the proposal will be able to be finalised by December 2010.
<hr/>		
Design of Warnervale Knowledge Centre (library)	Deferred	Both the proposed Warnervale Knowledge Centre (library) and the Warnervale Integrated Child and Family Centre are to be located within the proposed Warnervale Town Centre business precinct. Under the provisions of the current Development Control Plan for the Warnervale Town Centre, these buildings are proposed to be located on land currently owned by Woolworths. Whilst discussions have been ongoing with Woolworths in relation to their land holdings in the town centre, they have not been able to commence detailed masterplanning of the entire extent of their holdings during this financial year. Until such time as the masterplan for the Woolworths site is commenced, the design of these two proposed Council facilities cannot proceed.
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Warnervale Integrated Child and Family Centre	Deferred	As above.
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Public Art commissions	Deferred	Public Art commissions utilising Section 94 funds collected under the Shire-wide Contributions Plan did not proceed during this financial year due to Council's resources being directed to other revenue funded public art works such as the re-instatement of the Watanobbi Community Centre Public Artwork.
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Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Open Space and Recreation		
1.7.4 Floodlight Upgrades - Completed		
Joseph Banks Oval Bateau Bay		
Slade Park Budgewoi		
Kurraba Oval No.1 & 2 Berkley Vale		
Watanobbi Oval No.1 Watanobbi		
Watanobbi Oval No.2 Watanobbi		
Ourimbah Soccer Oval No.1 & 2		
Ourimbah Rugby Oval		
EDSACC Netball Courts No.1 & 2 Bateau Bay		
EDSACC South (Additional)		
1.7.5 Shared Pathways - Completed		
Mannering Park Cycleway		
Shared pathway Extension Buff Point		
Wilfred Barrett Drive from North Entrance to Noraville.		
1.7.6 Open Space Improvements		
Open Space Improvements - Completed		
Disability toilets Saltwater Creek Park Long Jetty		
Bill Sohler Park Field 3 Irrigation Ourimbah		Park upgrade completed ready for use this year.
Ovals and Facilities Construction - Completed		
Magenta Shores refund		Reimbursement of Sec.94 credits in accordance with Deed of Agreement.
Woongarra Sporting Fields Stage 2		
Darren Kennedy Oval design, investigation and construction		
Toukley		
6 Netball courts Baker Park Wyong		
Ovals and Facilities Construction - On Track		
Tunkuwallin Hall Shared path to link school		75% complete. Weather delays. Remaining concrete work expected to be completed by end July.
Mannering Park Oval - access pathway		Will be completed within 2 weeks of end of financial, weather and approvals
Hamlyn Terrace fields and courts		2 year program.
Ovals and Facilities Construction - Changes		
Wadalba Environmental Corridor	Deferred	Land yet to be given to Council.
Footpath between Roberts Rd and Hargraves St Nth Entrance	Deferred	Have not been able to obtain consent from land owner to construct the
Wyong Precinct Sporting complex (Stage 1).	Deferred	
Mannering Park Oval - amenities block	Deferred	Delayed due to approvals and community consultation.
Subsoil and drainage program (in order of priority), Ourimbah Soccer No 1 & 2, Lake Haven Oval No 1 & 2, EDSACC North Oval No 1 & 2, EDSACC South Oval No 1 & 2, Kurraba Oval No 1 & 2, Killarney Vale Athletics, Halekulani Oval No 1 & 2.	Deferred	To be done next growing season (October/November) so as to not to affect competition. Agreed by sports committee and contractor.
Playground Refurbishment - Completed		
Playground at Canton Beach		
Construction at 5 nominated sites including investigation and design costs		This program extends across two financial years. The nominated sites for 2009-10 are Lions Park Long Jetty and Osborne Park Canton Beach.
Provide playgrounds in areas where no S.94 contributions available (from 98/99)		
Ovals upgrading		

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
1.7.9 Beach improvements		
Rebuild and refurbishment of SLSCs - Completed Rebuild and refurbishment of SLSCs, including investigation, design and approval costs.		DA, Designs and investigation completed. Unspent funds to be rolled over to 2010-11 for construction.
1.7.14 Swimming Pools		
Swimming Pool refurbishments - On Track Cyclical maintenance and repairs to Wyong, Toukley and The Entrance		
1.7.15 Public Toilets		
Public Toilets - On Track Halekulani Shopping Centre install toilet/amenities		Will be completed within 6 weeks of end of financial, weather and approvals
Principal Activity 2 - Better Economy		
<i>Employment and Incomes</i>		
2.1.6 Urban Improvement Program		
Urban Improvement Program - On Track Sparks Rd Warnervale Landscaping		
2.1.7 Town Centre Refurbishments		
Town Centre Refurbishments - Completed The Entrance		General works program complete for the year. Further review of condition of pavement tiles indicates additional tile surface treatment to be undertaken in 2010/11.
2.1.12 Coastal Area Improvements		
Coastal Area Improvements - On Track Soldiers Beach works		Carpark to be finish early in 10/11 financial year, weather and design changes have delayed the project.

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Principal Activity 3 - Better Environment		
<i>Water</i>		
3.2.5 Lakes Improvements		
Lakes Improvements - Completed		
Picnic Point Boat Ramp		
Lakes Improvements - On Track		
Upgrade Picnic Shelters Terilbah Reserve		Will be completed early in the 10/11 financial year.
3.2.12 Estuary Management Plan Implementation		
Estuary Management Plan Implementation - On Track		
Stormwater treatment measures in urban areas		
Stormwater treatment measures around lake edges		
Community stormwater pollution education campaigns		
Stormwater treatment measures in coastal areas		
Stormwater treatment measures around Lake Macquarie		
Stormwater in bushland and natural wetlands		
Rivers and creeks		
Boat access to rivers		
Buff Point shared pathway East from Kemp Close		
Estuary Management Plan Implementation - Uncertain		
Lakeside recreation facilities and visual appearance		Approval of the 2009/10 Cluster Plan was achieved in late February 2010 allowing work to recommence under the program, however, due to the extended delay in gaining approval, some works will have to roll over to 2010/11. Still awaiting Land and Property Management Authority (LPMA) sign off for the 2010/11 financial year.
Principal Activity 4 - Infrastructure		
<i>Roads</i>		
4.1.2 Main Roads		
Main Roads - Completed		
Regional Roads Rehabilitation		
Block Grant (Maintenance component)		
RTA funded works undertaken by Council staff on State Roads		
Main Roads - On Track		
Traffic Facilities		
Landscaping maintenance Wyong Rd		

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
4.1.3 Secondary Road Construction		
Secondary Road Construction - Completed		
<u>San Remo Pedestrian Facilities</u>		This project is the completion of the shared pathway.
<u>Mirvac roads refund</u>		Contribution associated with civil works undertaken by Mirvac at Magenta Shores.
<u>Preparation of designs & estimates (all plans)</u>		
Secondary Road Construction - On Track		
<u>Railway Rd Warnervale Stage 1 (Link Rd)</u>		On track for completion October 2010/11.
<u>Bus Shelters</u>		Shelters order awaiting construction.
Secondary Road Construction - Changes		
<u>Warnervale Rd (over culvert) Warnervale</u>	Deferred	A new flood study has been completed which has resulted in significantly higher flood levels than considered in the original design. To continue with the current design would be the creation of a significant hazard to road users during major events and contribute to flooding of nearby properties. The flood study has been validated through a ground survey and identified significant inconsistencies. Work is underway to refine the flood study to enable the design to be completed based on the best available information.
<u>Minnesota Rd Warnervale</u>	Deferred	Stage 1 of the project has been deferred to 2010/11 due to the project stalling at the preliminary design stage due to flooding and ecological issues. Works are being completed by an external design consultant. A revised flood study is currently being formalised for the catchment and the design needs to align with these parameters when completed. Bulk earthworks are also scheduled for the Hamlyn Terrace sporting fields located on Minnesota Road in mid/late 2010 and construction conflict needs to be avoided between these projects. Funds were reallocated to general fund as part of the December 2009 review.
<u>Wyong carparking investigations</u>	Deferred	Deferred until 2010/11.
4.1.4 Secondary Road Rehabilitation		
Upgrade - Completed		
<u>Street Trees</u>		
<u>Bush St, Norah Head Stage 2 (+ kerb & gutter and drainage)</u>		
<u>The Corso, Gorokan Stage 2B (+ kerb & gutter and drainage)</u>		
<u>Wilfred Barrett Dr/Wyuna Ave, The Entrance North (service)</u>		
<u>Brush Rd, Glenning Valley Stage 2</u>		
<u>Mataram Road, Woongarah - Contribution to developer</u>		
<u>Kaye Ave/ Minnamurra, Gorokan (retaining wall)</u>		
Upgrade - Changes		
<u>Chittaway Rd, Chittaway Bay</u>	Deferred	Deferred to 2010/11 - anticipate completion September 2010.
<u>Minnesota Road, Hamlyn Terrace</u>	Deferred	Stage 1 of the project has been deferred to 2010/11 due to the project stalling at the preliminary design stage due to flooding and ecological issues. Works are being completed by an external design consultant. A revised flood study is currently being formalised for the catchment and the design needs to align with these parameters when completed. Bulk earthworks are also scheduled for the Hamlyn Terrace sporting fields located on Minnesota Road in mid/late 2010 and construction conflict needs to be avoided between these projects. Funds were reallocated to general fund as part of the December 2009 review.
<u>School Zone Improvements Craigie Ave, Kanwal School and Brooke Ave</u>	Deferred	Deferred to July 2010 school holidays due to Telstra relocation issues and consultation with the School.

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Renewal - Completed		
<u>Howarth, St Wyong</u>		
<u>Northumberland Dr, Bateau Bay</u>		
<u>Alison Road, Wyong</u>		
<u>Hue Hue Road, Jilliby</u>		
<u>Chittaway Road, Chittaway Bay</u>		
<u>Evans Road, Toukley</u>		
Renewal - Changes		
Cambridge Rd, Bateau Bay	Deferred	Major RTA/Energy Australia works have been undertaken in the vicinity which would impact on the capacity to finish the project. Works have been deferred to 2010/11 to fund Chittaway Road scope of works.
Yates Rd, Ourimbah	Deferred	Major RTA/Energy Australia works have been undertaken in the vicinity which would impact on the capacity to finish the project. Works have been deferred to 2010/11 to fund Chittaway Road scope of works.
Arizona Rd Woongarra	Deferred	Minor road pavement renewal works proposed at intersection deferred on the basis of current private development works adjacent and proposal to incorporate into a larger project along Arizona Road in the future. Funding has been reallocated to Northumberland Drive.
Resealing - Completed		
<u>Regional Roads (3x3 and Block Grant)</u>		
<u>Local Roads</u>		
Heavy Patching - Completed		
<u>Heavy Patching Reseals</u>		
Footpaving - Completed		
<u>Germaine Ave (laneway) Bateau Bay</u>		
<u>Evans Road Toukley</u>		
<u>Main Road Noraville</u>		
<u>Wallarah Road Kanwal</u>		
<u>Moala Ave Charmhaven (additional project)</u>		
Footpaving - Changes		
Robertson Road Killarney Vale	Removed	Issue identified with construction undermining root system of large street trees and ongoing maintenance. Project removed.
Kerb and Gutter Infill - Changes		
Victoria Street, Norah Head	Deferred	Deferred pending availability of funds from Council's Business Unit to contribute to the works - an overall design for improvements to the frontage of Norah Head Tourist Park is being considered.
Liddell Street - east of Bellevue Street (Northern side)	Deferred	Project has been reviewed and is not considered a priority at this time.
4.1.6 Bridge Maintenance & Construction		
Bridge Refurbishment - Changes		
Ourimbah Creek Road, Palmgrove	Deferred	Detailed designs and estimates completed. Culverts delivered onsite. Works scheduled for early 2010/2011.
Palmdale Rd Palmdale	Deferred	Detailed designs and estimates completed. Culverts delivered onsite. Works scheduled for early 2010/2011.
4.1.7 Carpark Construction		
Carpark Construction - Completed		
<u>Charmhaven shops</u>		

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
4.1.9 Road safety		
Road safety - Completed		
Dudley Road Gorakan		
Goorama Ave San Remo		
Programs and operating costs.		
Drainage		
4.2.2 Drainage		
Drainage Construction - Completed		
Network Rehabilitation		
Fortune Crt Lake Munmorah		
Bush St Norah Head (with roadworks)		
Corso Stage 2b (with roadworks)		
Quinalup St Stage 2 Gwandalan		
George Evans		
Roslyn Pl Noraville		
Della Ave Manoa Rd Halekulani		
Drainage Construction - On Track		
San Remo area		Works underway in June 2010 and will carry over into July 2010.
Toowoan Bay Rd / Nivana St / Pacific St		To be carried over to 2010/11.
Drainage Construction - Changes		
Wyong CBD	Deferred	Pending outcome of flood plain management study.
Darri Rd Wyongah	Deferred	Project has been reviewed following the concept design process and is not considered a priority at this time.
Oakland Ave/Ashton Ave The Entrance Stage 5	Deferred	Deferred to 2010/11.
Brisbane St Noraville	Removed	Drainage strategy reviewed - no action required.
Glennings Rd Glenning Valley	Removed	Following detailed investigations, it has been identified that design options are unable to meet design objectives.
Section 94 funded works- Completed		
Refund Industrial land Ourimbah		
Section 94 funded works- On Track		
Preparation of designs & estimates (all plans)		
F3 Rd Pipeline		Works associated with stormwater harvesting scheme. Grant funding sought from Federal Government - proceeding with investigation and design. Construction will be dependant upon successful outcome of grant application.
Section 94 funded works- Changes		
Water Quality B2 land credit refunds to Allam Homes	Deferred	Payment deferred to November 2010.
Water Quality B2 works credit refunds to Allam Homes	Deferred	Payment due 2012/13.
Warnervale Rd Culvert	Deferred	A new flood study has been completed which has resulted in significantly higher flood levels than considered in the original design. To continue with the current design would be the creation of a significant hazard to road users during major events and contribute to flooding of nearby properties. The flood study has been validated through a ground survey and identified significant inconsistencies. Work is underway to refine the flood study to enable the design to be completed based on the best available information.
Minnesota Road Culverts Hamlyn Terrace	Deferred	Stage 1 of the project has been deferred to 2010/11 due to the project stalling at the preliminary design stage due to flooding and ecological issues. Works are being completed by an external design consultant. A revised flood study is currently being formalised for the catchment and the design needs to align with these parameters when completed. Bulk earthworks are also scheduled for the Hamlyn Terrace sporting fields located on Minnesota Road in mid/late 2010 and construction conflict needs to be avoided between these projects. Funds were reallocated to general fund as part of the December 2009 review.

Revisions to Original 2009-10 Rolling Works Programs

STATUS COMMENT

Water Supply**4.3.10 Water Supply****Headworks - On Track**

Mardi High Lift Pump Station AND High Voltage Ring Main
 Preconstruction activities for GCC works associated with Mardi
 Mardi Dam Transfer
 Mardi to Mangrove Transfer System
 Mardi Dam Spillway and Ancillary works
 Mardi Power Supply Upgrade
 Porters Creek Stormwater Harvesting (Drainage)
 Upgrade Fishways at Wyong River
 Water Quality 2010
 Gosford Wyong Wester Transfer Main

Infrastructure (Growth/Effluent Reuse/Stormwater Harvesting) - Completed

Extension of Effluent Reuse- Eastern Road

Infrastructure (Growth/Effluent Reuse/Stormwater Harvesting) - On Track

DSP Works
 Second Supply to Warnervale Employment Zone
 Reclaimed Effluent Plant Upgrades - Toukley DAFF Plant
 Extension of Effluent Reuse- Budgewoi Soccer Club
 Extension of Effluent Reuse- Adelaide Street Oval
 Extension of Effluent Reuse- Killarney Vale Oval
 Project Constructed Under Water Savings Fund - CCWSF
 Project Constructed Under Water Savings Fund - CCWSF
 Project Constructed Under Water Savings Fund - CCSWF
 Project Constructed Under Water Savings Fund - Community

Infrastructure (Growth/Effluent Reuse/Stormwater Harvesting) - Changes

Trunk Watermain Extensions- Kanangra Drive - Chain Valley Bay Link Main	Deferred	Deferred to 2012/13 due to funding constraints.
The Entrance Bridge- Water	Deferred	Delays due to RTA approval and the construction will commence in 2010/2011 Financial Year.
DSP Works	Removed	This work is related to the water main in Pollock Ave which is shown below and this item needs to be removed.
Warnervale Town Centre Water	Deferred	Project is in the design phase and expect to call tenders for construction in September 2010. Construction works will be initiated in time to be ready for development as it progresses.
Warnervale Employment Zone Water Mains	Deferred	Project is in the design phase and expect to call tenders for construction in September 2010. Construction works will be initiated in time to be ready for development as it progresses.

Refurbishment Capital - Completed

Mains (All Types) - McDonangh Road

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Refurbishment Capital - On Track		
Reservoirs		On going.
Mains (All Types) - Pollock Avenue		On going.
Office Equip and small Plant		On going.
Main Adjustments (Relocations)		On going.
Pump Stations		On going.
Refurbishment Non Capital - On Track		
Pump Stations		On going.
Mains		On going.
Telemetry		On going.
Water Treatment Plant Replacements/Renewals		On going.
Treatment General (Mechanical/Electrical)		On going.
Water Meter Refurbishments		On going.
Miscellaneous Works and Services/Prepaid		On going.
Refurbishment Contingencies		On going.
Standards - On Track		
Dismantling pits, Valve Bypasses and Motorised Valves		On going.
Regulatory Based System Improvements		On going.
Fittings and tapings band replacements		On going.

Sewerage**4.4.9 Sewerage****Headworks - Changeas**

Wyong South STP - Inlet Works	Deferred	The project has been deferred to 2011/2012.
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Infrastructure - Changes

B9 Rising Main	Deferred	Project is in the design phase and expected to call tenders for construction in September 2010.
Gavenlock Road Tuggerah Sewer Main	Deferred	Delayed due to construction constraints and deferred to 2011/2012 for construction .
The Entrance Bridge- Sewer	Deferred	Delays due to RTA approval and the construction will commence in 2010/2011 Financial Year.
Warnervale Sewerage Trunk Mains	Deferred	Project is in the design phase and expected to call tenders for construction in September 2010.

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Refurbishment		
Mains Refurbishment - On Track		
Mains Refurbishment/Replacement		On going.
Effluent Disposal Mains Refurbishment		On going.
Pump Station Refurbishment Capital - On Track		
Consultancies for Design		On going.
Refurbish Electrical Equipment		On going.
Refurbish Mechanical Equipment		On going.
Replace/ Upgrade Flowmeters		On going.
Upgrade Telemetry		On going.
Pump Station Refurbishment Capital - Changes		
Upgrade T22, T8, C16, C3, and C6	Deferred	Delays are associated with Design/Environmental issues and expected to call Tenders for construction in September 2010.
Upgrade WS8	Removed	There is no need for the \$0.5M for this project as the scope has been changed and the budget has been adjusted.
Pump Station Refurbishment Non Capital - On Track		
Existing odour control system refurbishment		On going.
Existing diesel generator refurbishment		On going.
Treatment Plant Refurbishment - On Track		
Mechanical/Electrical/Civil Refurbishment		On going.
General Refurbishment - On Track		
Refurbish Telemetry		On going.
Other (minor plant and office equipment)		On going.
Refurbishment Contingencies		On going.
Standards (EPA and OH&S) - On Track		
Upgrade Mannering Park STP Inlet Works - Grit and		On going.
Relining/ Pipe Cracking		On going.
Regulatory Based System Improvements - Security Systems		On going.
Regulatory Based System Improvements - Fencing		On going.
Regulatory Based System Improvements - Lifting Equipment		On going.
Regulatory Based System Improvements - Chemical Closet		On going.
Regulatory Based System Improvements - Roads and		On going.

Revisions to Original 2009-10 Rolling Works Programs

	STATUS	COMMENT
Waste		
4.5.17 Waste		
Waste - Completed		
Construction of new car park and office compound and landscaping		
Upgrade internal road		
Waste - Changes		
Buttonderry Waste Management Facility		
Site development Area 5	Deferred	Funds were required to subsidise scope changes associated with the upgrade of the entry area. Site development of Area 5 deferred until 2010/11.
Concrete dish drain from 4.1 north along eastern side of road, approx 150m	Deferred	A leachate line between ponds 4 and 2 will be installed as a high priority. Funds allocated to the dish drain will be used.
Principal Activity 5 - Organisation		
Finance		
5.2.6 Holiday Parks		
Holiday Parks - Completed		
Toowoomba Bay - Upgrade		Included camp kitchen and landscaping.
Norah Head - Upgrade		Included bunkhouse, pool and waterplay features, landscaping, toilets and camp kitchen.
Canton Beach - Upgrade		Included landscaping.
Budgewoi - Upgrade		Included camp kitchen and landscaping.
Annual Program		

6.3 The Wyong Service Review Report

TRIM REFERENCE: F2010/01146 - D02322492

AUTHOR: Michael Whittaker, General Manager

SUMMARY

This is a report on the results of a comprehensive review of how effectively Council delivers services to our growing community and measures that Council can undertake to enhance service delivery to both internal and external customers. The review has also identified that some basic changes to the structure of Council are desirable in order to best reflect Council's priorities and objectives and to meet the long-term needs of the community in a sustainable manner.

RECOMMENDATION

- 1 That Council approve the attached Wyong Council Service Delivery Review Report for implementation.**
- 2 That Council note that the Organisational Structure has been amended in accordance with the Local Government Act 1993.**
- 3 That Council adopt an implementation budget of \$800,000 for the 2010/11 Service Delivery Program with a corresponding reduction in 2010/11 budgets based on gains or savings arising.**

BACKGROUND

The aim of the Service Delivery Review undertaken by Council's is to improve the level and quality of service provided to our community, Councillors and staff. The process for the Review has involved widespread consultation with staff and was enriched by a process of consultation by the General Manager with Councillors during June and July 2010. The Review process has included a number of workshops, 152 detailed submissions from staff raising 629 issues, many hours of consultation between the General Manager, Directors, Managers and staff, individual interviews between all Councillors and the General Manager followed by a thorough process of analysis and review.

The Review also addresses Council's requirements under section 333 of the Local Government Act 1993 to "re-determine" its corporate structure within 12 months of a Council election. While Council formally met this requirement during 2009, it was acknowledged at that time that this would be further reviewed upon the appointment of a new General Manager.

THE PROPOSAL

As outlined in the attached Report, the Review identified 12 Key Challenges that significantly limit Departments and/or Units in their ability to provide comprehensive service delivery to our internal and external customers. A total of 73 specific actions from Councillors and staff were identified through the Review. Subject to the endorsement of the recommendations

3. Endorse the Report for action. This option provides a comprehensive program of change, addressing the Key Challenges identified by staff and incorporates Councillor input where appropriate. This option must be viewed, not as an end in itself, but rather a catalyst for achieving ongoing continuous improvement and best practice throughout the organisation as a whole.

STRATEGIC LINKS

Annual Plan

The Service Delivery Review process and its implementation are not specifically included in Council's current Annual Plan although it is included in the "Message from the General Manager" on page 7 of the Adopted 2010-11 Annual Plan which states:

"During 2010-11 Council will be adjusting its service delivery model to align with the Shire Strategic Vision so as to establish a sustainable organisation with a focus on the quadruple bottom line. This will ensure we are managing the Shire's infrastructure and environment while supporting our community and making good decisions."

Contribution of Proposal to the Principal Activity

The Service Delivery Review contributes to the proficient governance and operation of Council and establishes a framework under which it can provide sustainable services to the community in the future. It identifies ways to overcome Key Challenges that currently limit the capacity of Council to deliver services to both our internal and external customers and provides specific actions to ensure efficient and consistent delivery of customer service.

Link to Shire Strategic Vision

The Service Delivery Review included evaluation on how to best position Council to deliver the community's 20 year Shire Strategic Vision. Recommendations contained within the Report significantly improve the ability to clearly identify and deliver Council's contribution to the Priority Objectives and Strategies established by the community.

The Review also highlights a number of areas of feedback which are recommended to be incorporated into further reviews of the Shire Strategic Vision to more closely align with the priorities of Council.

Specific responses by the Service Delivery Review to the Vision's eight Priority Objectives are shown in the following table.

Priority Objective	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	The Review recommends the establishment of a Community & Recreation Services Department specifically in response to the SSV's increased emphasis on creating vibrant, caring and connected communities

Priority Objective

Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.

Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.

Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.

Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.

Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.

Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.

How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan

The Review recommends the establishment of an Infrastructure Management Department to better coordinate infrastructure including infrastructure essential for travel within the Shire.

The review addresses Key Challenges arising in the management of assets and facilities to improve community access and sustainably as well as maintaining a diverse range of affordable coordinated facilities.

The proposed organisational structure arising from the Review identifies a new Lifelong Learning Unit with responsibilities for facilitating community education to assist in making Wyong Shire a place where all residents have access to continuing learning opportunities.

The proposed organisational structure arising from the Review identifies a new Economic & Property Development Unit which will facilitate Council's efforts to increase local employment.

The proposed organisational structure arising from the Review creates a centralised Information Management Unit which will be able to better coordinate Council's support for improved information communication technology in our community.

The proposed organisational structure arising from the Review recognises the importance of retaining natural areas expanding the title of the current "Planning Department" to "Environment & Planning Services Department" and clarifying lines of responsibility for natural assets.

The proposed organisational structure will promote the delivery of environmental programs by more closely aligning the respective Units to achieve a more efficient delivery program.

Financial Implications

A review of the likely one-off costs for implementing the actions and structural changes recommended in the Report has identified a nonrecoverable cost of up to \$0.8 million. This funding will be required during the current (2010/11) financial year. These costs will be offset by the \$0.9 million one-off savings arising from both reduced costs and additional sources of revenue identified within the Report.

In addition, there are significant gains to be achieved arising from both the proposed actions and additional special savings identified during the course of the Review. These include:

- | | |
|-------------------------------------|-------------------------------|
| ○ Savings from reduced costs | \$2.6 million annually |
| ○ <u>Increased Revenue</u> | <u>\$1.0 million annually</u> |
| Total "budgetary increase" | \$3.6 million annually |
| ○ Production/Productivity increases | \$4.0 million annually |

These changes will be reflected in the 2011/12 financial year.

Principles of Sustainability

Sustainability forms a major part of the basic framework of the Shire Strategic Vision. In this regard, the Service Delivery Review has included evaluation on how to best position Council to:

- Integrate long-term ecological, social and economic sustainability,
- Support our long-term Vision,
- Protect the environment to maintain healthy ecological systems,
- Apply good governance striving to improve our processes and outcomes,
- Build partnerships by engaging with, and listening to, the community,
- Lead by example in supporting actions for sustainability.

Recommendations contained within the Report significantly improve Council's ability to deliver on these principles and to create clear lines of responsibility for achieving sustainability. Of particular note is the retention of Council's sustainability program as a "Major Project, within the proposed Environment & Planning Services Department.

The report also contains a recommendation arising from the Review to enrich Council's 6 sustainability principles in light of international standards.

CONSULTATION

One of the major highlights and strengths of the Service Delivery Review has been the extent of consultation with staff and their valuable input. This has significantly influenced the outcomes of the Review. A total of 152 submissions were received from staff during the consultation process raising 629 issues and there was enthusiastic staff participation in workshops and meetings. The results of workshops with Senior Management were reviewed by an elected Staff Review Team. A number of individual and group discussions were also conducted between staff significantly affected by the proposals with Managers, and the General Manager.

Additional opportunities for input by staff were provided in the form of an electronic Discussion Board, the creation of 6 Fact Sheets and the posting of early drafts of the proposed structure and the Report on Council's Internet site and Depot noticeboards. The Chairperson of Council's Consultative Committee served on the Project Control Group for the duration of the Review.

The attached Report reflects the collective views of Council's:

- o Executive Team,
- o Senior Management Team and
- o Consultative Committee

and is submitted for Council consideration with their endorsement.

During June and July 2010, the General Manager conducted individual interviews with each Councillor and conducted workshops to discuss issues of concern and directions for their term of office. This process developed views, some of which were not unanimous; however, the outcome of this process produced results that were able to inform and assist the Service Delivery Review and significantly enhance the outcomes. The attached Report incorporates the 70 recommendations of Councillors and identifies where they are linked to recommendations in the Service Delivery Review.

GOVERNANCE

The Service Delivery Review provides for broad reform of policies and procedures over time, but it does not require variation or amendment to specific policies or procedures at this time.

The Service Delivery Review includes a review of Council's structure in accordance with s333 of the Local Government Act 1993 which provides that "the organisation structure may be re-determined by the Council from time to time". This is contained within proposed recommendation 2.

CORPORATE RISKS

Nil impact

CONCLUSION

The Service Delivery Review has been undertaken through an extensive program of consultation with staff. In addition, the Review incorporates many recommendations arising from consultation with Councillors. The attached Report is the culmination of this Review process which has received the endorsement of Management and the Consultative Committee.

The recommendations of this Report to Council seek endorsement of the attached report for implementation and ensure that the proposed organisation restructure complies with the Local Government Act 1993. Surety of employment for Council staff is also confirmed within the recommendations.

6.3 The Wyong Service Review Report (contd)

While Council has been providing service to the community to a high standard for many years, this Review marks the beginning of a period of significant change for the organisation. This change has a clear focus on improved service delivery while better positioning Council to face the challenges ahead.

Change will, however, continue to take place in an endeavour to achieve continued improvement. Therefore this Review must be viewed as not an end, but a catalyst for ongoing change management in an ongoing endeavour to provide good governance which responds to the needs of our community, environment and the business sector.

ATTACHMENTS

- 1 Wyong Council Service Delivery Review (D02330961 - distributed under separate cover) Enclosure

25 August 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

7.1 Minutes of the Wyong Shire Governance Committee - 11 August 2010

TRIM REFERENCE: f2004/07245 - D02126389

AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

A meeting of the Wyong Shire Governance Committee was held on 11 August 2010.

RECOMMENDATION

That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 11 August 2010 and adopt the recommendations contained therein.

A meeting of the Wyong Shire Governance Committee meeting was held on 11 August 2010. The minutes of that meeting are set out below.

WYONG SHIRE COUNCIL

MINUTES OF THE WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 11 August 2010 COMMENCING AT 9:45 AM

PRESENT

Mr David Holmes (Chairperson), Councillors R Graham, W Symington, D Vincent (arrived at 10.25 left at 10.35), and S Wynn, Mr Bruce Turner and Mr Jason Masters (independent members).

IN ATTENDANCE

General Manager, Director Shire Services, Director Corporate Services, Director Shire Planning, Project Director Mardi / Mangrove Link Project, Senior Internal Auditor, Internal Auditor, Internal Ombudsman, Manager Financial Services, Manager Economic / Corporate Planning, Manager Governance and Administration, and two administration staff.

APOLOGIES

There were no apologies.

7.1 Minutes of the Wyong Shire Governance Committee - 11 August 2010 (contd)

1.1 Disclosure of Interest

Mr Bruce Turner disclosed a non pecuniary insignificant conflict of interest regarding matters under consideration at this meeting as a result of him being the Chair of the Audit and Risks Committee for the Department of Premier and Cabinet which has a Division of Local Government as a subset.

Mr Jason Masters disclosed a non pecuniary insignificant conflict of interest regarding matters under consideration at this meeting as a result of him being the Chair for Audit and Risk Committees for both the NSW Ombudsman and the Independent Commission Against Corruption.

COMMITTEE RECOMMENDATION

That the Committee receive the report and note advice of disclosures.

1.2 Minutes of the Wyong Shire Governance Committee - 12 May 2010

COMMITTEE RECOMMENDATION

That the Committee confirm the minutes of the previous Governance Committee Meeting held on 12 May 2010.

BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

1.3 Wyong Shire Governance Committee Action Plan - 12 May 2010

COMMITTEE RECOMMENDATION

That the Committee confirm the action plan of the previous Governance Committee Meeting held on 12 May 2010.

2.1 Internal Audit Report

COMMITTEE RECOMMENDATION

That Council receive the Internal Audit Report.

Key points arising from audit activities were:

- * Internal Audit will focus on the development of an Enterprise Risk Management Strategy across the organisation which will help identify major risks to ensure that they are properly managed. Draft project plan to be presented to the next Committee meeting.
- * Development of a revised audit methodology by the Senior Internal Auditor for remainder of 2010/11 plus a longer term plan for the next three years for the General Manager to consider and provide to the Committee.
- * Legislative compliance will be assisted by the improved risk management process.
- * As a result of the recent DECW investigation a lot of work has been done in Shire Services to strengthen Council's Environmental process.

7.1 Minutes of the Wyong Shire Governance Committee - 11 August 2010 (contd)

- * Role of Internal Auditor needs to be clarified to identify responsibilities – main function is to provide advice and support to the organisation and help identify risks by testing controls currently in place.
- * Engagement model still needs to be enhanced so that Managers don't feel that they are being "investigated" when their procedures are being tested.

2.2 Presentation - Update on Mardi to Mangrove Link Project

COMMITTEE RECOMMENDATION

That the Committee receive the presentation by the Project Director, giving an Update on Mardi to Mangrove Link Project.

Greg McDonald made a presentation on the Mardi to Mangrove Project which covered the following:

- * Value for Money (how Contractors are monitored)
- * Organisation Structure
- * Risks on this Project (No extreme risks but 4 high risks identified)
- * Results of April 2010 Audit (12 recommendations made, 4 completed 8 underway)

He also made a presentation on the formation of the Central Coast Water Corporation which covered the following:

- * Memorandum of Understanding was signed on Monday 9 August 2010
- * Legislation will now be required to be amended for the formation to proceed
- * Formation of an Implementation Team will be by Phased Implementation
- * Governance Structure will consist of Shareholders (both Wyong and Gosford Councils), three independent Board Members plus a representative from each Council, a CEO and staff.
- * Shareholder Control – will be in the hands of both Councils.
- * Phasing:
 - * Phase 1 - Planning
 - * Phase 2 - Strategic Role
 - * Phase 3 - Asset Transfer (joint)
 - * Phase 4 – Asset Transfer (non joint)
 - * Phase 5 – Management of all water and drainage assets.
- * Setting up Project Control Group/Project Manager and staff from both Councils.

Gosford/Wyong Councils' Water Authority Board will be disbanded once the Corporation becomes activated.

2.3 Update on Extreme and High Corporate Risks

COMMITTEE RECOMMENDATION

That the Committee receive the report on the Update on Extreme and High Risks.

Discussion related to the size, location of proposed Performing Arts Centres at both Wyong and Gosford.

2.4 Office of the Internal Ombudsman

COMMITTEE RECOMMENDATION

That the Committee receive the report on Office of the Internal Ombudsman.

The Committee and the Internal Ombudsman were satisfied with the extent of detail contained in the information report.

The Internal Ombudsman advised that the new Government Information Public Information Access Act 2009 (GIPA) required the display of contract information on Council's website. The contract register is currently available however due to the constraints of Council's current web platform could not be uploaded. Council's website is currently being upgraded and will be able to accommodate the register. The Internal Ombudsman has advised the Information Commissioner. The contract information is still readily available to the public during this time.

2.5 Budget Process 2010 - 11

COMMITTEE RECOMMENDATION

That the Committee note the progress on changes being applied to Wyong Shire Council's business planning and budget processes.

The Director Corporate Services, advised that finance planning and management is being restructured as previously indicated. The Service Delivery Review will result in a new structure that will properly permit effective planning and monitoring in accordance with accepted business practices.

He advised that the former Management Plan style of reporting will be discontinued from Q1 2010 -11 and replaced by standard P & L reporting formats.

On the new planning front, the Director advised that WSC would be developing a strategic plan that will incorporate the new requirements of Integrated Planning Guidelines.

The Committee endorsed the progress and opted to continue having this report included as a regular report in the agenda.

The meeting terminated at 12.00 noon.

ATTACHMENTS

Nil

25 August 2010

Board/Committee/Panel Meeting
Report

To the Ordinary Meeting

Corporate Services Department

7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 18 August 2010

TRIM REFERENCE: F2004/06808 - D02141674

AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

Minutes of the Gosford-Wyong Councils' Water Authority Board meeting held on 18 August 2010.

RECOMMENDATION

That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 18 August and adopt the recommendations contained therein.

A meeting of the Gosford-Wyong Councils' Water Authority Board was held on 18 August 2010. The minutes of that meeting are enclosed.

ATTACHMENTS

- 1 Minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 18 August 2010 (distributed under separate cover) Enclosure

8.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02321303

AUTHOR: Maggie Rowland, Administration Assistant

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

Nil.

8.2 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02310224 AUTHORS: Serge Kornev, Construction Manager; Margaret Collins, PA to Manager Contracts and Special Projects

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 July 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	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Perouse Avenue, San Remo Proposed Drainage Improvements - Stage 2	\$975K	05/05/2010	65	65	Sept 2010	This project was initiated to resolve flooding and erosion problems. These works form Stage 2 of the previous drainage upgrading works in Perouse Ave. Works involve construction of an upgraded stormwater drainage system in Perouse Ave, Richardson Rd and Eyre Cr, road reconstruction and kerb and gutter.
Toowoan Bay Rd and Nirvana St Long Jetty Drainage	\$1.5M	23/03/10	90	85	Sept 2010	Major stormwater drainage system upgrade to alleviate localised flooding, road reconstruction and a mini roundabout at the intersection of Toowoan Bay Rd and Nirvana St. Pavement and Drainage works continue along Toowoan Bay Road.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Craigie Ave School Zone Improvement, Footpath & Wall, Kanwal	\$150k	01/07/10	100%	100	23/7/10	Construction of retaining wall, footpath and bus zone to improve pedestrian safety and accessibility across the school frontage. Works completed.

General Maintenance Work

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

	North	South
Drainage Maintenance	Tuggerawong Budgewoi Lake Munmorah	Killarney Vale Long Jetty Berkeley Vale Bateau Bay Chittaway Bay
Replacement of Damaged Foot paving	Lake Munmorah Blue Haven	The Entrance Mardi
Sign Maintenance	Toukley Kanwal Hamlyn Terrace Blue Haven Wadalba Budgewoi Tuggerawong San Remo Canton Beach Wyongah Jilliby Yarramalong Buff Point Gwandalan Summerland Point	Toowoan Bay Berkeley Vale Ourimbah Long Jetty The Entrance Killarney Vale Shelly Beach Bateau Bay Tuggerah Wyong Mardi Chittaway
Shoulder Restoration	Nil	Nil
Heavy Patching	Charmhaven Yarramalong	Nil
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale The Entrance

	North	South
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale Tuggerah
Carpark Maintenance	Nil	Nil
Fencing	Nil	Nil
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty Tumbi Umbi

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
Mardi Suite of Works	\$ 59M	Apr 2006	85	85	Dec 2010	Project is entering the commissioning phase
CPA/127662 Construction of Mardi Transfer System and High Lift Pump Station - includes ancillary dam works and high voltage ring main.	\$45.665M	Jun 2009	92	90	Nov 2010	
CPA/142295 Construction of High Voltage Power Supply to Mardi	\$4.026M	Jan 2009	95	95	Sep 2010	
CPA/115479 The Rehabilitation and Redevelopment of Bateau Bay Landfill	\$17M	Dec 2006	95	95	Fields available for use towards end 2010	Construction works proceeding under Council's direct management. Turf completed to all fields and should be established for use towards end of 2010. Construction of softball fencing to be commenced in August 2010.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/130590 Consultancy for Investigation and Design of Trunk Sewer Mains to Warnervale Town Centre and Wyong Employment Zone	\$720K	Jan 2008	75	88	Oct 2010	Contract awarded to Bonacci Group Pty Ltd. Design finalisation expected in October 2010. 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	Apr 2008	20	95	Sep 2010	Contract awarded to SMEC Australia Pty Ltd. Completion of design and tender documentation expected by end of September 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	\$307K	Aug 2007	70	70	Dec 2010 for this consultancy	Contract awarded to Shirley Consulting Engineers (SCE). This consultancy \$307K including all variations to date. Approval to proceed with reduced cost option resolved by Council at 14 April 2010 meeting. Variation proposal and cost to develop concept into a detailed design received from SCE, and under review.
CPA/135790 Pioneer Dairy – Hydrologic Assessment and Wetland Concept Study	\$370K	1) Feb 2008 2) Mar 2010	90 81	100 66	May 2010 Nov 2010	1) Contract awarded to Storm Consulting Pty Ltd for design of constructed wetland. Design complete. Approvals obtained. 2) Stage 2 works to start in Spring 2010. Work to be undertaken on northern section with future funding.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	70	75	Dec 2010 (RAP & concept design)	Preliminary site investigation and detailed site investigation completed. (cost \$162K). Tenders for remedial action plan (RAP) & concept design close in August. Anticipated completion December 2010.
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	65	70	Dec 2010 (RAP & concept design)	Preliminary site investigation completed. Further site investigation undertaken following recommendation from EPA Site Auditor, delaying progress on tenders for remedial action plan (RAP). Anticipated completion of RAP in December 2010.
CPA/136486 Investigation, Design and Documentation of Toukley Sewage Treatment Plant Inlet Works Upgrade	\$164K	Apr 2008	100	99	Sep 2010	Contract awarded to Maunsell Australia Pty Ltd. This consultancy will continue to provide input during construction phase. Estimated project cost \$2.05M, with this consultancy costing \$164K.
CPA/137501 Streambank Rehabilitation Wyong River Reaches 36, 61, 81 & 104	\$730K	Mar 2010	50	98	Aug 2010	Bush regeneration works yet to be completed on 2 sites. Works will be completed within allocated budget.
CPA/138216 Streambank Rehabilitation Ourimbah Creek Reaches 41 & 45	\$800K	Feb 2010	60	98	Aug 2010	Bush regeneration works are yet to be completed on one site. Works will be completed within allocated budget.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	50	70	Aug 2010 (Detailed investigation)	Preliminary investigation completed (\$30K). Contract for detailed site investigation (CPA/173290) awarded to SMEC Australia Pty Ltd. Draft report received and with Site Auditor for review. The cost of this consultancy is \$55K. Remedial action plan (RAP) will follow.
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$122K	Nov 2008	50	80	Sep 2010	Contract awarded to Cardno (NSW) Pty Ltd. Preparation of design and tender documentation has been slow but is nearing completion. Predicted construction cost is \$2.43M.
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)	\$775K from EMP \$250K from Fed grant \$25K Greenspace grant	Nov 2007	99	80	Aug 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 opp. Nacooma Rd near complete – August. Future completion to Sonoma Road will require approx \$300K.
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	Oct 2008	80	98	Sep 2010	Contract awarded to Cardno (QLD) Pty Ltd. Final design documentation is under review. Odour control unit has been added to scope. Estimated project cost \$11M, with this consultancy costing \$190K.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/147230 - Consultancy for Investigation and Design of T8 Sewer Pump Station upgrade – Norah Head	\$118K	Nov 2008	75	80	Oct 2010	Contract awarded to Cardno (NSW) Pty Ltd. Preparation of design and tender documentation has been slow but is nearing completion. Delays due to coastal hazard work requiring relocation of pump station. Consultant concentrating on completing CPA/144772, then finishing this contract. Project construction cost \$1.32M.
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	\$148K	Jan 2009	88	99	Aug 2010	Contract awarded to GHD Pty Ltd. Detail design completed. This consultancy will continue to provide input during construction phase. Construction will commence in February 2011 and be completed June 2011. Estimated project cost \$3M, with this consultancy costing \$148K.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	Oct 2009	30	75	Sep 2010	Contract awarded to Process Engineering Technologies Pty Ltd. Construction commenced February 2010.
CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven	\$180K	Mar 2009	70	85	Sep 2010	Contract awarded to SMEC Australia Pty Ltd. Consultant has been slow but recently submitted final draft design and tender documentation which are currently under review. Predicted Project construction cost \$1.32M.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/157337 – Pre-Construction Documentation and Construction of 150mm diameter Water main Upgrade along Pollock Avenue	\$366K	Apr 2010	5	20	Feb 2011	Documentation preparation in hand to seek approvals and for construction tenders to be called.
CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek	\$630K	May 2009	75	75	May 2013	Hunter Land Management has achieved the first funding milestone for works completed at 31 March 2010. Bush regeneration works continue.
CPA/159848 Reservoir Lining – Tuggerah 1 and Ridgeway	\$350K	Oct 2010	8	23	Nov 2010	Contract awarded to Glindeman Industrial Coatings on 26 July 2010 with on site work to occur in October after reservoir drained.
CPA/160330 Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	\$470K	Feb 2010	90	98	Aug 2010	Contract awarded to Smada Electrical Services Pty Ltd. All floodlights erected and operational. Minor site rehabilitation works and supply of operational manuals outstanding. Practical completion planned for 9 August 2010.
CPA/160331 Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	\$790K	Feb 2010	98	98	Aug 2010	Contract awarded to Master Electrical Contractors Pty Ltd. All floodlights erected and operational. Minor site rehabilitation works and supply of operational manuals outstanding. Practical completion planned for 9 August 2010.
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	Mar 2009	65	65	Aug 2010	Contract let to Trehy Ingold Neate Pty Ltd. Vegetation clearing to be completed end of August 2010. Target date for cleared land to be available for sale is August 2010. Consultancy value \$95K.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/160794 Construction of the Northern Section of the Link Road	Construction cost \$9.5M	Mar 2009	65	75	Nov 2010	Traffic will be switched to the northern side of Sparks Road during August to allow reconstruction work on the southern side of Sparks Road. Signal work commencing on the intersections at Sparks Road and Albert Warner Drive. Project has incurred large number of variations including ground conditions and leaking water main. Scope changes required to reduce works to control total costs.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	Oct 2009	85	95	Aug 2010	Construction by contractor Robson Civil Projects Pty Ltd. Contract progressing on revised schedule amended for weather delays. Further significant wet weather extensions have been approved for July and into August. Installation of cell lining system and drainage layer 95% complete. Completion expected end August 2010.
CPA/164637 (awarded) Toukley Landfill (Sewage Treatment Plant and Transfer site) Remediation – Investigations only	\$250K (two contracts)	Dec 2009	100	100	Complete (Preliminary works)	Draft report on preliminary investigations has been submitted for review by EPA Auditor. Tenders for detailed site investigation to be called in August 2010.
CPA/164957 Saltmarsh Rehabilitation – Consultancy for the preparation of a detailed rehab plan, REF and mosquito management plan for 10 sites	\$80K	Aug 2009	95	95	Sep 2010	Contract awarded to Umwelt Pty Ltd. Report has been completed and submitted to Council. Some minor issues need to be addressed before contract finalisation.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/170570 – Toowoon Bay Holiday Park Resort Pool	\$521K	April 2010	51	55	Sep 2010	Works on site have been significantly effected by wet weather. Pool shell works now complete. Pool pump shed construction now commenced.
CPA/171026 Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields	\$287K	Feb 2010	10	5	Nov 2010	Contract was awarded to Green Horticultural Group Pty Ltd. 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/171824 Warnervale Subdivision Land Clearing	115K	July 2010	0	25	Aug 2010	Contract awarded to Newcastle Earthmoving. Clearing vegetation has commenced. Works delayed due to wet weather. Original contract sum has increased due to asbestos discovery at the site. Anticipated completion date end of August 2010.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$8.3M	Apr 2010	4	5	Jun 2011	Works have been significantly affected by delays due to recent wet weather. Site excavation now underway, but saturated ground has lead to complications with site materials.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$350K	N/A	15	5	Apr 2011 (Detailed design)	Expressions of Interest (EOI) for design (CPA/173286) have closed. A panel of consultants for detailed design was selected from the EOI. Tenders for design (CPA/181554) are being prepared for invitation. Expected to report to Council in October 2010 for determination. Detailed design will follow.
CPA/177219 Amenities Block at Tenth Avenue, Budgewoi	\$100K	Dec 2009	25	75	Aug 2010	Building fabrication complete. Sewer and water connection complete. On site installation nearing completion.
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	10	25	Oct 2010	Contract awarded to Air Conditioning Industries on 21 July 2010. Calculations to size new equipment currently underway. On site work to occur in August and September 2010.
CPA/184446 – Shelly Beach SLSC Construction &	\$5m	Oct 2010	0	0	Sep 2011	Construction tenders for new SLSC buildings due to close mid Aug 2010
CPA/184454 – Soldiers Beach SLSC Construction			0	0	Sep 2011	
F2008/01053 Saltmarsh Rehabilitation – construction of LM7 & LM8 in Lake Munmorah	\$380K	May 2010	75	70	Aug 2010	Earthworks almost complete. High lake levels and wet weather are delaying completion of earthworks. Planting will commence immediately after civil works. Sites require 4 weeks of dry weather to complete.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
F2008/02335 Colongra Bay Shared Pathway	\$200K	Nov 2009	3	30	Initial target Jun 2010 Revised Target Nov 2010	Survey and design complete. Delays in preparing REF and approvals due to work priorities mean anticipated completion now November 2010. REF submitted in July with construction to commence once approvals obtained.
F2009/02299 Investigations for Osborne Pk shared pathway, Toukley.	\$50K	Nov 2009	30	90	Approvals initially required by Jun 2010 – anticipate completion by Aug 2010	Surveys complete. Environmental assessment complete and REF submitted in July for approval.
F2009/02444 Tunkuwallin (Oval to Primary School) Shared Pathway. (investigation, designs, approvals and construction)	\$170K, revised to \$120k	Nov 2009	99	99	Target Jun 2010 – due to rain delays revised target Aug 2010.	Concrete work complete, chicanes & signage to be installed. Completion planned for end August.
Design, Documentation and Investigative works for Streambank Rehabilitation of Ourimbah Creek and Wyong River	\$240K	Oct 2009	95	95	Aug 2010	Designs and REF's completed and Part 5 approvals sought for Ourimbah Creek and Wyong River Streambank Rehabilitation Projects.
Design, Documentation and Investigative works for Stormwater Treatment and Streambank Rehabilitation Projects (2009)- various	\$345K	Dec 2009	95	95	Aug 2010	First funding milestone for works completed at 31 March 2010 achieved. Part 5 approvals sought for five projects.
Design, Documentation and Investigative works for Stormwater Treatment Projects (2007) - various	\$100K	Dec 2009	90	90	Aug 2010	Part 5 Applications have been lodged with Council.

8.2

General Works in Progress (contd)

Item Description	Est Cost (excl. GST)	Start Date	% Spent	% Comp	Est Comp Date	Comments
Contract 2408 Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill	Potential for return to Council	May 2010	25	25	Aug 2010	Approval for the methane gas extraction system and power plant has been issued. Installation of wells has commenced and the underground connection to the grid is completed. It is anticipated the power plant will be operational by end of August 2010. The Deed of Agreement provides for Royalty payments to Council of 15% from the sale of electricity generated.

CONTRACTS STILL IN DEFECTS LIABILITY PERIOD			
Contract No	Contract Description	Contract Status	% Completed
CPA/117144	Toukley Reclaimed Effluent WTP Augmentation Works	Practical Completion 20 August 2009	85
CPA/137264 to CPA/144340	Design, Documentation and Construction work for Stormwater Treatment Works in Saltwater Creek	Practical Completion Construction Contracts: Reach 11 – 24 August 2009 Reach 10 – 30 June 2009 Reach 9 – 22 April 2009 Reach 4 – 31 July 2009 Reach 1 – 24 August 2009 Construction contract continues for Reach 2.	95
CPA/140816	The Entrance Community Facility Stage 2 – Construction	Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor	100
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 1–85 Portion 2-75 Portion 3- 65
CPA/153765 to CPA/153784	Year 3 Upgrade Works to all Holiday Parks	Practical Completion for all contracts was approx 30 September 2009.	83
CPA/157278	Replacement of 600 metre length of 250mm water main – McDonagh Rd	Practical completion 22 January 2010	60

8.2 General Works in Progress (contd)

Contract No	Contract Description	Contract Status	% Completed
CPA/159880	Construction of Mannering Park Sewage Treatment Plant Inlet Works	Practical Completion 17 June 2010	5

ATTACHMENTS

Nil.

8.3 Traffic Congestion Priority List

TRIM REFERENCE: F2004/06580 - D02312848 AUTHOR: Steven McDonald, Transportation Engineer Future Planning; Bob Burch, Senior Transportation Engineer Future Planning

SUMMARY

Reporting on the top ten traffic congestion locations within the Shire using the Roads and Traffic Authority (RTA) 2010 travel time surveys.

RECOMMENDATION

That Council receive the report on Traffic Congestion Priority List.

History

At the Ordinary Meeting held on 28 April 2010 Council resolved as follows:

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

- 1 That Council in consultation with the RTA prepare a priority listing of the 10 worst traffic jam locations in the Shire judged on a set of objective criteria.*
- 2 That Council consider a report on the listing as soon as practical.*

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

RTA Travel Time Surveys

In March 2010 the RTA engaged consultants ARUP Pty Ltd to undertake travel time surveys on all classified (State) roads within the Wyong and Gosford Local Government areas.

Travel times along the various routes were recorded over three working days (Tuesday, Wednesday and Thursday) during the morning and afternoon peak periods and were completed simultaneously in both directions. The results were tabulated to extract travel times between selected nodes along each route. Attachment 1 provides information from the travel time surveys.

Top Ten Traffic Congestion Locations Within The Shire

The travel time surveys form the basis of the objective criteria used in this report to establish the list of top ten traffic congestion locations within the Shire.

Attachment 1, as well as showing information from the travel time surveys, also identifies possible treatments.

The 10 worst traffic congestion locations, in order of priority, have been identified below.

The order of priorities is not necessarily based on the average speed but on the overall benefit to the community that would be achieved by the possible treatments.

1. Wyong Road - morning peak - Kingsford Smith Drive to Chittaway Road (northbound)
2. Wyong Road - afternoon peak - Beckingham Road to Tumbi Creek Road (eastbound)
3. Wyong Road - afternoon peak - Pacific Highway to Chittaway Road (southbound)
4. Wyong Road – afternoon peak – Gavenlock Road to F3 Freeway (westbound)
5. Wyong Road – afternoon peak – Cornish Avenue to Tumbi Road (westbound)
6. Wyong Road – morning peak - Bryant Drive to Pacific Highway (westbound)
7. Pacific Highway – morning peak – Britannia Drive to Church Street (southbound)
8. Pacific Highway - afternoon peak - Lakehaven Drive to Goorama Avenue (northbound)
9. Central Coast Highway – morning peak – Wyong Road to Oakland Avenue (southbound)
10. Central Coast Highway – afternoon peak – Oakland Avenue to Wyong Road (northbound)

Wyong Road

The results of the Travel Time Surveys generally indicate that Wyong Road between Tumbi Umbi and Tuggerah suffers the highest level of delay to the movement of traffic in the Shire during peak times. The upgrading of Wyong Road at its intersections with Enterprise Drive, Tumbi Creek Road, Tumbi Road and Pacific Highway would provide the most benefit to the community as it would not only benefit passenger car and freight users, but would establish the basis for a more efficient public transport service through bus priority lanes, and hence attract a higher travel mode shift toward public transport. Funding has been allocated this financial year to complete the detailed design of the F3 Freeway interchange and commence design on the Pacific Highway Wyong Road intersection at Tuggerah. No funding has been allocated for the design of upgrading the remaining intersections on Wyong Road.

Pacific Highway

Planning for the upgrading of Pacific Highway through the Wyong township is well advanced and it is anticipated that the RTA's preferred option will be publicly exhibited in the later part of 2010. This, however, is dependent upon the progress of the Department of Planning's Tuggerah Town Centre Planning Strategy. Council will continue to negotiate with the RTA for improved efficiency along the Highway whilst maintaining convenient access from both the eastern and western sides of the Highway and an acceptable provision of parking to support local businesses.

The RTA has recently confirmed that \$4 million has been allocated in the State Government 2010-11 Budget for construction of additional lanes on the Pacific Highway at San Remo. These works are to provide two travelling lanes in each direction between Goorama Avenue and Costa Avenue. This should also address the issue of internal congestion within the Coles development by permitting dual right turn lanes exiting the site.

The RTA is currently preparing concept designs and anticipates commencing construction in early 2011 with the works being completed by June 2011.

8.3 Traffic Congestion Priority List (contd)

Central Coast Highway

In 2009 traffic congestion on the Central Coast Highway through Long Jetty attracted significant media and community attention. As a result, the RTA has commenced investigations to determine the most appropriate alignment and corridor width for upgrading the Highway to two travelling lanes in each direction.

Council will continue to work closely with the RTA to ensure that the proposed future road corridor will deliver the most beneficial outcome to the community.

ATTACHMENTS

- | | | |
|----------|--|-----------|
| 1 | Top Ten Traffic Congestion Council Report 25 August 2010 - Attachment
1 | D02313647 |
|----------|--|-----------|

Attachment 1

Location	Peak Time	Direction	Distance (km)	Average Time (min)	Average Speed (km/h)	Queue Length (Metres)	Treatments
Wyong Road - Kingsford Smith Drive to Chittaway Road	AM	Nth'bound	0.91	5	11.35	900	Construct Traffic Signals at the intersection of Wyong Road, Chittaway Road and Enterprise Drive, including additional turning lanes and bus priority to improve efficiency.
Wyong Road - Beckingham Road to Tumbi Creek Road	PM	Eastbound	0.68	2.8	13.6	690	Construct Traffic Signals at the intersection of Wyong Road and Tumbi Creek Road including additional turning lanes and bus priority to improve efficiency.
Wyong Road - Pacific Highway to Chittaway Road	PM	Sth'bound	2.4	8.9	16	1500	Construct Traffic Signals at the intersection of Wyong Road, Chittaway Road and Enterprise Drive, including additional turning lanes and bus priority to improve efficiency.
Wyong Road - Gavenlock Road to F3 Freeway	PM	Westbound	0.75	5	9	750	Upgrade the existing Freeway interchange to include traffic signals and additional turning lane capacity.
Wyong Road - Cornish Avenue to Tumbi Road	PM	Westbound	0.64	2.7	12.8	300	Construct Traffic Signals at the intersection of Wyong Road and Tumbi Road including additional turning lanes and bus priority to improve efficiency.
Wyong Road - Bryant Drive to Pacific Highway	AM	Westbound	0.52	1.5	17.3	500	Construct Traffic Signals at the intersection of Wyong Road and Pacific Highway including additional turning lanes and bus priority to improve efficiency
Pacific Highway - Brittonia Drive to Church Street	AM	Sth'bound	2.1	7.6	16.2	1000	Advocate with the State Government for the acceleration of funding for the upgrading of the Pacific Highway through the Wyong Township.
Pacific Highway - Lakehaven Drive to Goorama Avenue	PM	Nth'bound	3.1	6.3	28.2	1300	Upgrade Pacific Highway at San Remo to 4 travelling lanes.
Central Coast Highway - Wyong Road to Oakland Avenue	AM	Sth'bound	2.63	4	37	1100	Upgrade Central Coast Highway to dual carriageway between Tuggerah Parade and Oakland Avenue.
Central Coast Highway - Oakland Ave to Wyong Rd	PM	Nth'bound	2.63	4	37	1100	Upgrade Central Coast Highway to dual carriageway between Tuggerah Parade and Oakland Avenue

8.4 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02313954 AUTHOR: Vanessa Trzcinka, Technical Operations Engineer
Water and Sewerage Operations

SUMMARY

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

RECOMMENDATION

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

WATER SUPPLY

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

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Yates Rd & Cambridge Cir, Ourimbah	38,000	29/7/10	50	75	27/8/10	<p>Work is underway to lower and replace approximately ten water services under Yates Rd and Cambridge Circuit in order for Roads and Drainage to carry out resurfacing works.</p> <p>This work is being funded by the Roads and Drainage Capital Works Program.</p>
Toowoan Bay Rd Long Jetty	75,000	2/8/10	35	25	10/9/10	<p>Work has commenced to replace numerous stop valves, hydrants and fittings on the 375mm and 250mm water trunk mains and 100mm water distribution main.</p> <p>The valves and fittings are being replaced to improve water supply operations in the area.</p> <p>This work is being funded by Water and Sewerage Capital Works Fitting Replacement Program.</p>

8.4

Works in Progress - Water Supply and Sewerage (contd)

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Hakone Rd Woongarrah	15,000	9/8/10	50	75	27/8/10	<p>Work has commenced to complete 2 water main connections to provide water supply to the new residential subdivision.</p> <p>This work is being funded by the developer.</p>
Weonga PI San Remo	10,000	12/8/10	50	70	27/8/10	<p>Work has commenced to relocate and replace approximately 12m of 100mm AC water main with 100mm OPVC class 16 water pipe in order for Roads and Drainage to carry out drainage work at the intersection of Weonga PI and Yuruga Ave San Remo.</p> <p>This work is being funded by the Roads and Drainage Capital Works Program.</p>
Dash Rd Charmhaven, Ruttley's Rd Doyalson North	15,000	16/8/10	50	50	3/9/10	<p>Work has commenced to replace stop valves and fittings to improve water quality and operations in the area.</p> <p>The work is being funded by the Water and Sewerage Capital Works Fitting Replacement Program.</p>

SEWERAGE

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

Location	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Killarney Vale Berkeley Vale Bateau Bay Long Jetty Blue Haven Budgewoi Gorokan	150,000	1/7/10	20	20	30/6/11	<p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is funded by the Water and Sewerage Operations and Maintenance Program.</p>
Pacific St Long Jetty	3,500	10/8/10	85	85	27/8/10	<p>Work has commenced to replace 225mm AC sewer pipe with an equivalent sized PVC pipe.</p> <p>This work is being funded by the developer.</p>
Howarth St Wyang	3,000	11/8/10	50	75	27/8/10	<p>Work has commenced to lower a section of sewer main and carry out manhole adjustments to accommodate for additional car parking spaces for the netball courts at Baker Park.</p> <p>This work is being funded by the developer.</p>

PROCESS**Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 to 31 July 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 31 July 2010 has met Environmental Protection Authority Licence requirements.

WATER STORAGE

Monday, 16 August 2010				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	52,605	27.7	Down 18 ML
Mardi Dam	7400	5,030	68.0	Up 421 ML
Mooney Dam	4600	3,130	68.0	Down 13 ML
Total	202000	60,765	30.1	Up 390 ML
CURRENT WORKS:				
<ul style="list-style-type: none"> • Upgrade works essential for the long term secure operation of Mardi Dam and Central Coast water supply system are being undertaken. The works include the construction of a new intake tower, two pump stations and new pipelines at Mardi Dam. • These works have been timed to coincide with the seasonal drop in the Mardi Dam. Levels will return to normal once the work is complete. • Mardi Dam filling has commenced and its storage level is increasing. 				
STORAGE:				
<ul style="list-style-type: none"> • Total stored water volume has increased by 1.1% since last month. • This day last year the volume stored as a percentage of total capacity was 2.0% higher. 				
HUNTER TRANSFERS:				
<ul style="list-style-type: none"> • Hunter Water Corporation supplied 75.8 ML last week due to works at Mardi, increasing this years supply to 1040 ML. • Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this year's supply to 5.6ML. 				
GROUND WATER BORES:				
<ul style="list-style-type: none"> • Groundwater Bores supplied 1.7ML last week increasing this years supply to 124.6ML 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	494	9	16	8
Previous week	486	21	30	16
Current week last year	476	2	2	2
This year to date	16,180	775	78	63
Same period last year	15,702	858	1	3
			58	48
			3	7
<p style="text-align: center;">Week to date consumption was 494 ML, 3.8% more than the same week last year and 1.6% more than the previous week.</p> <p style="text-align: center;">Consumption this year to date is 16,180 ML, 3.0% more than the same period last year.</p> <p style="text-align: center;">Level 3 Water Consumption Target for the week ending Monday, 23 August 2010 is 525 ML</p>				

ATTACHMENTS

8.4 Works in Progress - Water Supply and Sewerage (contd)

Nil.

8.5 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02315287 AUTHOR: Jane Doyle, Senior Administration Support Officer
Shire Planning Administration

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of July 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	14	523,560	13	19,102,052
Industrial	2	121,000	3	1,379,100
Residential	85	10,680,165	84	11,040,833
Other	22	1,215,000	20	1,869,520
Total	123	12,539,725	120	33,391,505

Note: Included in the number of development applications determined in the "Commercial" category was the GP Super Clinic at Woongarra valued at \$15m.

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	1	1
Residential	5	6	8	74
Rural	1	-	-	-
Total	6	6	9	75

Note: Included in the number of Subdivision applications determined in the "Residential" category were two residential subdivisions for a 27 lot subdivision and a staged 43 lot residential subdivision located at Kanwal and Wadalba.

Net Median Turn-around Time

The net median turn-around time in working days for development applications determined during the month was 20 days. There were no priority applications determined during the month.

Other Approvals and Certificates

Type:	Number Determined:
Trees	27
Section 149 D Certificates	12
Construction Certificates	72
Complying Development Certificates	15

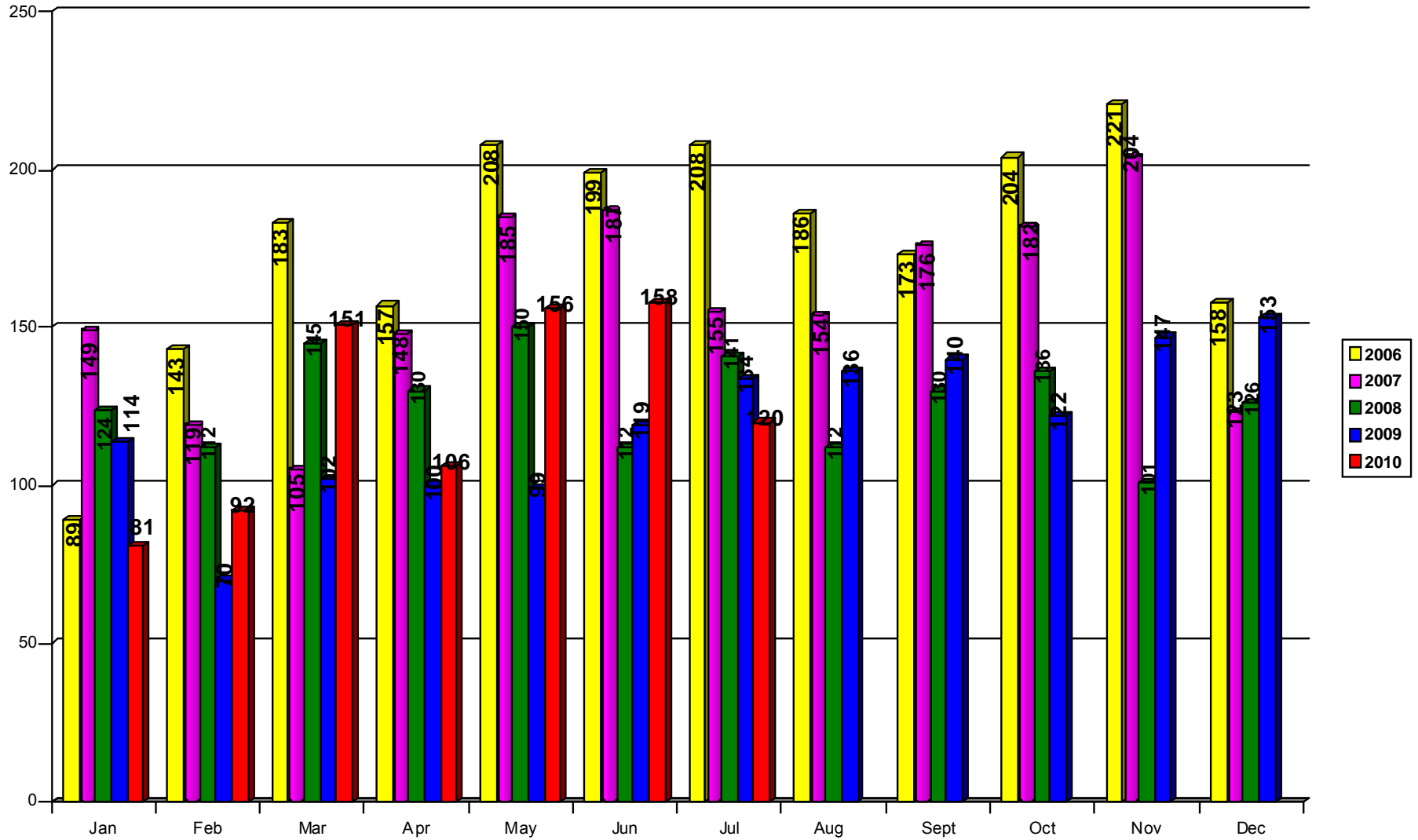
State Environmental Planning Policy No 1

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

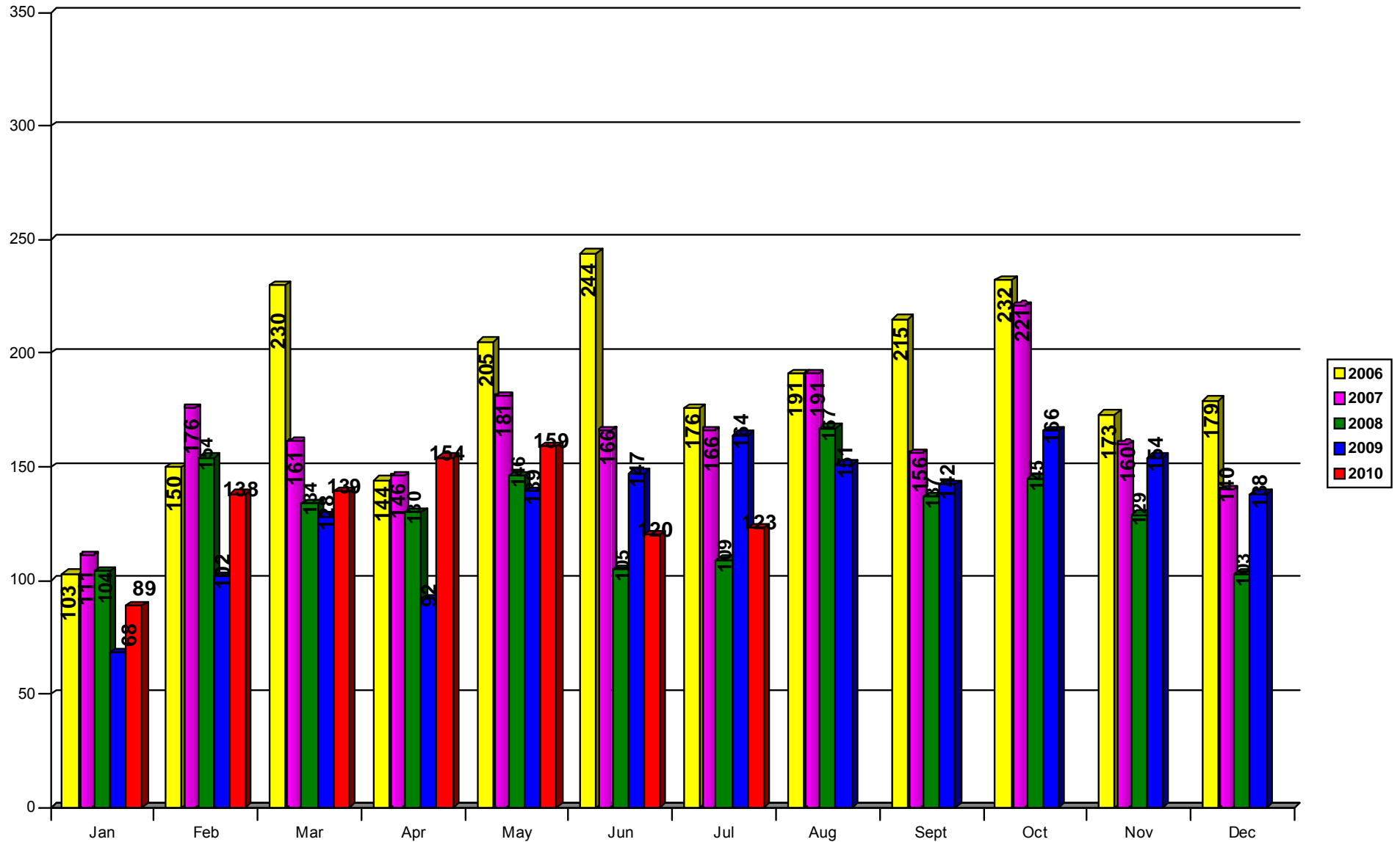
ATTACHMENTS

- 1 Graphs - Development Applications Lodged, Development Applications Determined and Construction Certificates Determined D02315507

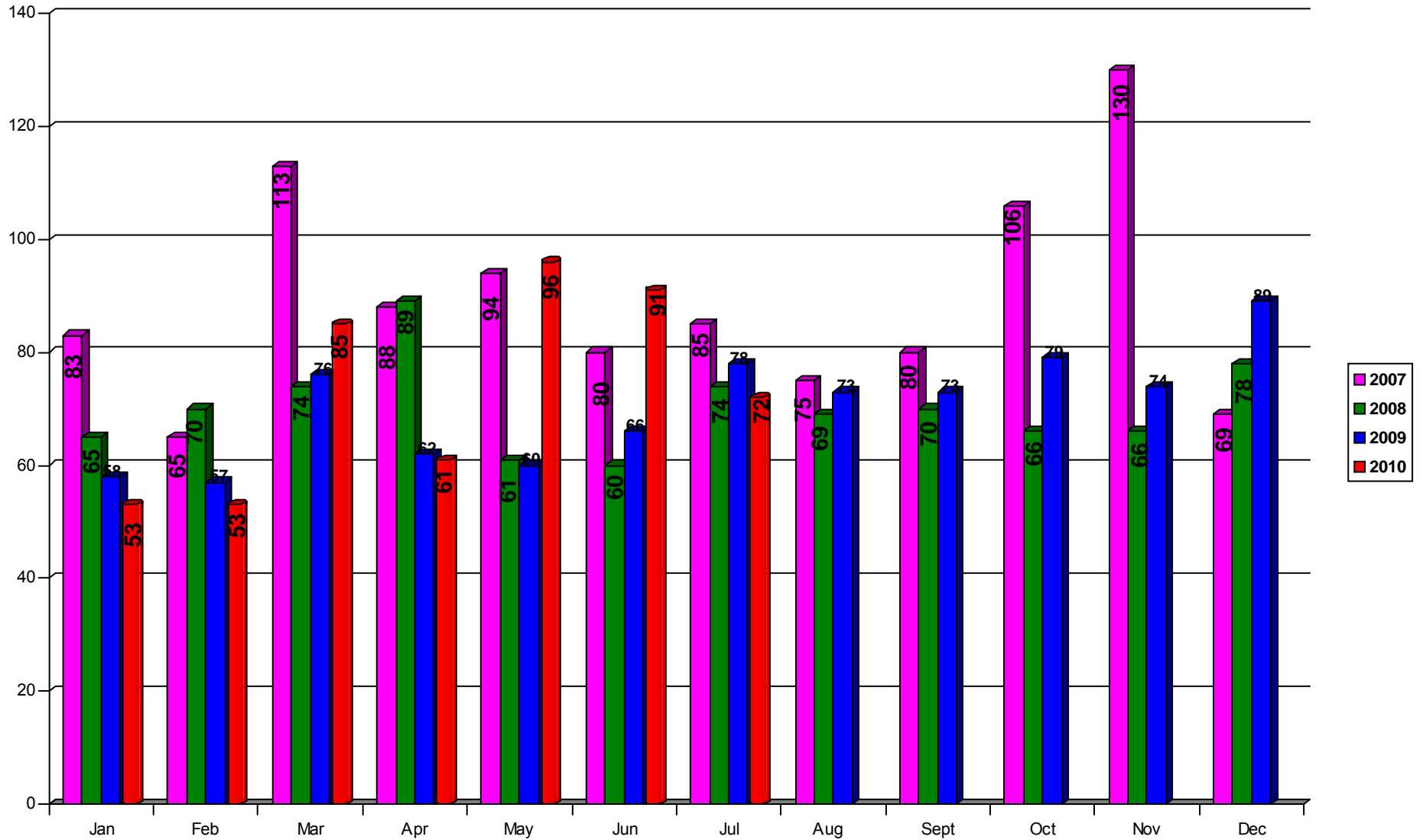
DAs DETERMINED



DAs LODGED



CCs DETERMINED



8.6 Mardi to Mangrove Link Project Status

TRIM REFERENCE: f2007/01120 - D02317286

AUTHOR: Claire Cam, Engineer Water & Waste

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
- Lower Wyong River Weir, Fishway and Gauging

CURRENT STATUS

Expenditure to date	\$50.7m
Project Estimate	\$120.6m

Construction Status

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1:		17 January 2011	
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		27%
Work Package 2 – Wyong River Pump Station	19 February 2010		24%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		10%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		65%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		17%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		
Milestone 2:		31 January 2011	
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		12%
Milestone 3:		25 April 2011	
Commissioning	1 February 2011		

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	17 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	25 April 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

Land Matters

- A Landholder Release and Close-Out Process has been developed. John Holland Group will not be entitled to the 85% construction payment claim until Landholders have certified completion of restoration works, as per WS-SPEC, unless Council considers the landholder is acting unreasonably by not certifying completion of restoration.
- The Property Team is working closely with Landholders and John Holland Group to facilitate land access, to minimise disturbance to landholders particularly with stock management, and to ensure Property Management Plans are being complied with.
- The Property Team has secured agreements with a number of landholders to obtain additional work areas for John Holland and agree minor variations to the pipeline route.

Stakeholder Liaison**Community**

- The broad community is being updated via the media on progress and key project elements as opportunities arise.
- A major update of the existing website content is underway to provide more real time information. Much of the existing content is dated from before construction began.
- Three photographic shoots have been taken to provide new images for the website update.
- A new photographic display will also be developed for the Springtime Flora Festival using the new images.

- Traffic message boards along Yarramalong Road are being moved and updated as required to accommodate road works and community sensitivities.
- Traffic updates are provided to local emergency services, schools and bus companies every week. The updates are also uploaded to the Mardi-Mangrove Link (MML) Project pages of the GWCWA website and issued to the media.
- Traffic information and project updates are regularly provided in Councils' ShireWide News column every fortnight. General project information is also running in the Gosford Council news column approximately once per month.

Landholder

- The regular traffic update is being overhauled with one landowner expressing concern that the weekly updates did not provide enough detail. Traffic and works updates go out each Monday to help keep the community informed of any possible impact of the project.
- Detailed response letters are being written to reply to landholder issues as the construction phase gathers momentum.
- Direct landholder liaison is continuing as required.

Government

- NSW Minister for Water Phil Costa, Member for Wyong and Parliamentary Secretary for the Central Coast David Harris and Member for Gosford Marie Andrews, attended an inspection and site visit of the Mardi Dam project with Wyong Mayor Bob Graham and Gosford Mayor Chris Holstein. The visit was undertaken following the signing of the MOU for the Central Coast Water Corporation.

Incidents

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

Major Achievements / Issues

- Approximately 3.3km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid as of 16 August 2010.
- Two hundred (200) metres of pipeline for the Wyong-Mardi Rising Main (Work Package 3) has been laid as of 16 August 2010.
- Restoration of the construction corridor for both the Wyong-Mardi Rising Main and Mardi-Mangrove Transfer Main has commenced.
- Construction of the access bridge at Chainage 16400 (McPherson) is complete. The access bridge at Chainage 7600 was lifted into position on 17 August.
- Excavations for the pump wet well at Wyong River Pump Station are complete and the mass concrete plug has been poured.
- Detailed excavations for the footings of Mardi Mangrove Transfer Pump Station have commenced. John Holland Group will take control of the access road to the Pump Station on 31 August.

ATTACHMENTS

Nil.

8.7 Results of Water Quality Testing for Beaches and Lake Swimming Locations

TRIM REFERENCE: F2004/06822 - D02317349
Environmental Protection

AUTHOR: Jon Scorgie, Senior Environmental Health Officer

SUMMARY

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire for the month of July 2010.

RECOMMENDATION

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

Primary Recreation Water Quality Monitoring Program

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

Wyong Shire Council has been in partnership with the Department of Environment, Climate Change and Water (DECCW) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

Council at its meeting held on 9 June 2010 resolved as follows:

"RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:

1 That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and

Floodplain Management Committee being:

a That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.

b That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes in water quality and the results of such testing be submitted to the Estuary Management Unit.

8.7 Results of Water Quality Testing for Beaches and Lake Swimming Locations (contd)

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

AGAINST: COUNCILLORS BEST AND EATON"

As a result of the above resolution 22 monitoring locations are now sampled once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and 5 lake swimming sites in the Tuggerah Lakes catchment.

Beachwatch have updated their program to bring it in line with NHMRC (2008), which are based on the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments*, 2003. The new guidelines, NHMRC (2008), have lead to a change in acceptable faecal indicator levels and how they are reported as part of the Beachwatch partnership program.

The acceptable level for the faecal indicator *enterococci* has now been elevated to 200cfu/100mL, compared with 33cfu/100mL (Nb: cfu= colony forming units). This change is based on studies conducted by the WHO and relates to a health based risk of contracting an illness due to swimming in potentially contaminated waters.

Another change that has been brought in by Beachwatch is that Star Ratings are now reported weekly, based on one result. This is a big difference to NHMRC (1991), as that guideline recommended that the star rating be based on five previous results with a star rating being given for the month. This now means that each site can be rated weekly with the results being placed on the Beachwatch website.

During the winter season the Beachwatch program becomes inactive, sampling is conducted once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination further investigations are triggered to determine the source of its origin.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the DECCW "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), DECCW's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period in NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

Summary of results for July 2010 (Winter Program)

For the month of July a total of 54 samples were taken from across the 22 sites. During this period there was only one instance of a site being unsuitable for swimming. At all other times the 22 ocean beach and lake swimming sites recorded a Beachwatch Star rating of 3 or higher.

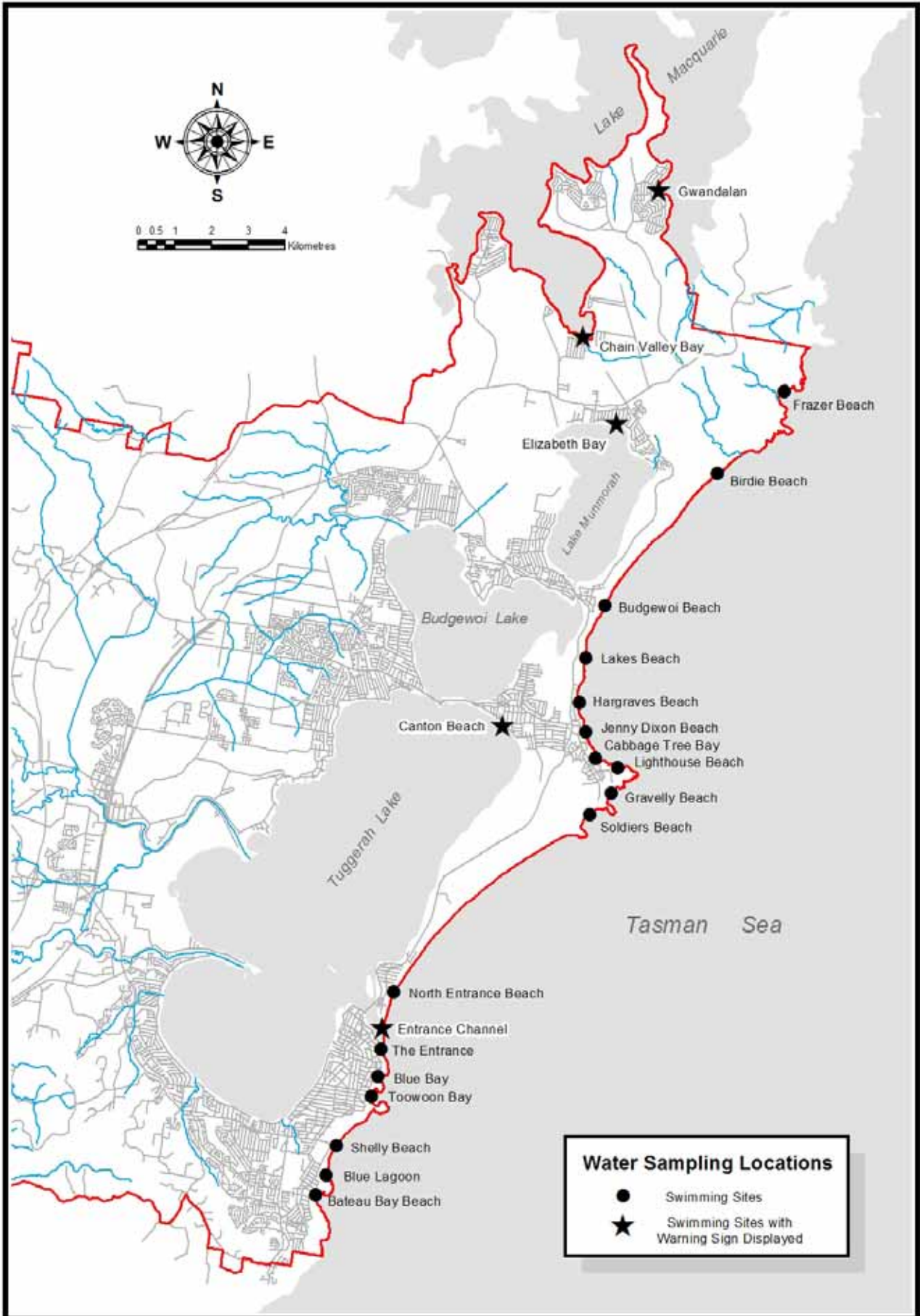
The Jenny Dixon Beach site recorded a star rating of 2 for the sample that was taken for July. A Beachwatch Star Rating of 2 means that the water quality is unsuitable for swimming at those times (Table 1). This result coincided with high rainfall at the site during sampling. Historically, locations that have been subjected to high amounts of rainfall during sampling at times record instances where swimming at the site is not recommended. This can be linked to the influx of nutrient enriched stormwater at the site.

Table 1: NHMRC Star Rating Interpretation

Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

ATTACHMENTS

- 1 Map - Water Sampling Locations D02326198



8.8 Investments for July 2010

TRIM REFERENCE: f2004/06604 - D02321853

AUTHOR: Hannah Pulham, Finance Officer

SUMMARY

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

RECOMMENDATION

That Council receive the report on Investments for July 2010.

BACKGROUND

Conservative management of Wyong Shire Council's (WSC) investment portfolio throughout the last financial year continued to provide a sound defence against the world financial crisis. The "hold to maturity" strategy of Council's managed funds has proven to be appropriate and resulted in

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, the Ministerial Investment Order issued in August 2008 (Division of Local Government, formerly Department of Local Government), and Department of Premier and Cabinet Division of Local Government Investment Policy Guidelines May 2010.

CURRENT STATUS

In July 2010, the total net return was \$0.90 million consisting of interest earnings \$0.50 million and capital gains of \$0.40 million. Council's total investments as at July 2010 are summarised in Table 1 and detailed in Attachment 1.

Table 1 Investment Portfolio by Risk Category

	July 2010 \$ '000	Year-to-Date Returns		
		Total %	Interest Only \$ '000	Interest Only %
Cash at Call	14,477	4.65	99	4.65
Term Deposits	71,053	6.07	387	6.07
Cash Plus Funds	15	N/A	0	0.00
Cash Management Funds	12,092	38.36	19	1.98
Enhanced Income Funds	14,389	7.71	0	0.00
Total Investments	112,026	9.44	505	5.20

Returns of 9.44% (total) reflect WSC's capital recovery and compare favourably with the year-to-date UBSA Bank Bill Index of 5.08%.

WSC's investments have regained \$0.40 million in value in July 2010 – total recovery being equivalent to 21% of the carried forward paper losses from the 2009-10 financial year.

8.8 Investments for July 2010 (contd)

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

Table 2 Portfolio Performance

	July 2010 \$m	Year to Date 2010-11 \$m
<i>Movement in Assets</i>		
Opening Balance	126.39	126.39
Capital Gain/Loss – (see below)	0.40	0.40
Net Cash/Investments(Withdrawals)	(14.76)	(14.76)
Closing Balance	112.03	112.03
<i>Trading Position</i>		
Capital Gain/(Loss) Realised	-	-
Capital Gain/(Loss) Unrealised	0.40	0.40
Interest Earnings	0.50	0.50
Total Return for Period	0.90	0.90

Interest Returns

Interest returns as at the end of July are below budget by \$.015 million reflecting timing of interest flows on managed funds, in July the lower interest return is due to minimal interest distribution from managed funds.

Table 3 Interest Only Performance at 31 July 2010

Investment Source	YTD Budget \$ '000	YTD Actual \$ '000	Var. \$ '000
General Fund	303	240	(63)
Water	230	160	(70)
Sewerage	120	105	(15)
Total	653	505	(148)

Workcover require that Council deposit \$9.89 million with TCorp. The return from this investment of 4.70% in July is below WSC's overall return. However the alternative is a bank guarantee which will cost WSC more than the opportunity cost of the lower return. The interest rates on deposits in the month range from 5.70% to 6.50% and these rates all exceed the Union of Switzerland Australia (UBSA) Bank Bill Index for July which was 5.08%.

Black Rock Care and Maintenance Fund

The estimated return for the month of July is an overall gain of \$0.30 million.

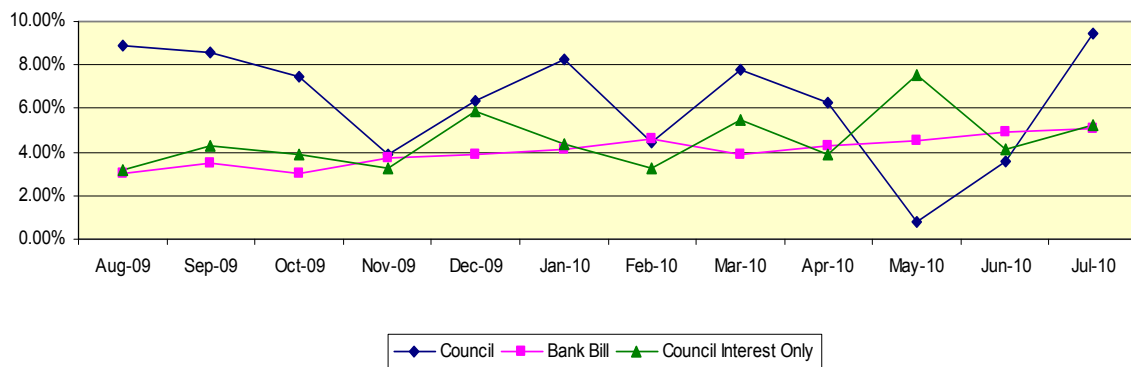
Regular close monitoring of the status of this investment continues and, over time, the "hold to maturity" strategy is seeing positive gains as markets have improved.

Benchmark - Monthly Returns (Annualised)

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

A graph detailing the monthly return on a 12 monthly basis is as follows:

Table 4 Monthly Annualised Returns (Interest and Capital Movements)
Portfolio Performance Comparison to UBSA Bank Bill Index



Council: Council Total Return (Interest and Capital)
Bank Bill: UBSA Bank Bill Index
Council Interest Only: Council Interest Earnings

INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 July 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 the challenge now is to restructure Council’s investments within the legislative constraints on new acquisitions.

In light of the ongoing restrictions on investments and Council’s future investment directions Council resolved on the 11 August 2010 to bring the management of Council’s investments inhouse under the control of the General Manager and Responsible Accounting Officer.

ATTACHMENTS

- 1 Summary of Investments by Type as at 31 July 2010 D02321856

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

FUND MANAGER	MATURITY	PORTFOLIO BALANCE \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:				
ANZ High Yield Cash Account (AA)	Daily	14,476,842	98,733	
Total Cash At Call		14,476,842	98,733	
TERM DEPOSITS & BONDS				
T-Corp (WorkCover NSW)	02/09/2010	9,896,000	39,503	4.70
NAB Term Deposit	05/07/2010	-	4,110	6.00
Bank of Qld Term Deposit	12/07/2010	-	10,357	6.30
SunCorp Term Deposit	19/07/2010	-	16,918	6.50
CitiBank Term Deposit	24/08/2010	5,000,000	26,669	6.28
BankWest Term Deposit	06/09/2010	4,000,000	19,534	5.75
BankWest Term Deposit	20/09/2010	5,000,000	24,205	5.70
CitiBank Term Deposit	22/09/2010	5,000,000	24,248	5.71
BankWest Term Deposit	12/10/2010	5,000,000	25,479	6.00
ANZ Term Deposit	19/11/2010	5,000,000	25,479	6.00
SunCorp Term Deposit	26/11/2010	2,000,000	10,701	6.30
SunCorp Term Deposit	06/12/2010	3,000,000	15,670	6.15
ANZ Term Deposit	06/12/2010	3,000,000	15,160	5.95
Westpac Term Deposit	21/12/2010	5,000,000	24,970	5.88
BankWest Term Deposit	20/01/2011	5,000,000	25,267	5.95
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	27,178	6.40
SunCorp Term Deposit	22/06/2011	5,000,000	26,966	6.35
Westpac Deposit Bond	24/09/2012	4,157,316	24,429	5.13
Total Term Deposit & Bonds:		71,053,316	386,843	
CASH PLUS:				
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	15,012	-1,309	
Total Cash Plus		15,012	-1,309	
CASH MANAGEMENT FUNDS:				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,866,292	307,684	
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	4,225,479	19,458	
Total Cash Management Funds		12,091,771	327,142	
ENHANCED INCOME:				
Macquarie Income Cash Plus (A)	Open Ended	14,388,872	89,006	
Total Enhanced Income		14,388,872	89,006	
TOTAL		112,025,813	900,415	

8.9 Contract Variations and Finalisation - July 2010

TRIM REFERENCE: D02313254

AUTHOR: Greg Peterson, Contract Systems Coordinator

SUMMARY

This paper reports on variations, proposed variations or finalisations to contracts with a value greater than \$150,000 (excl GST).

The report covers contract variations and finalisations processed in July 2010.

RECOMMENDATION

- 1 That Council note the Contract Variations and Finalisation July 2010 report (Attachment 1).**
- 3 That Council note the additional expenditures requested are within approved program budgets.**

BACKGROUND

Contracts entered into by Wyong Shire Council (WSC) are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 (s.55) requires that contracts of an estimated value greater than \$150,000.00 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

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.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, normally 10% of the contract value, but varies between 5% and 30%, or expressed as a specific dollar value.

The need to vary contracts (explained above) arises out of differences in estimating strategies where two extremes denote a range of risk that offers WSC a choice of budget/estimate methodology.

WSC estimates on the basis of known costs of assessment, design and construction - an approach which allows budgets to maximise the number of works in an annual program at the optimal risk level of programs being materially curtailed as unforeseen needs arise.

Budgets for projects are established within the Annual Plan. When tenders are called, specific approvals are sought from Council in accordance with s.55 of the Act. It is not uncommon for additional approvals to be sought within the approved project budget as unforecast (from the tender approval) changes occur in the works.

THE PROPOSAL

The report for the July period includes a requirement to seek Council's formal approval for additional funding to ensure compliance with s.55 of the Local Government Act.

Summary for July period.

Contracts reported for July 2010	7
Contracts requiring increase to the contract budget estimate	0
Contract where current funds are sufficient to complete	7
Contracts finalised in period	0

OPTIONS

Council may either approve or reject the additional expenditure above resolved estimates for this contract. Rejecting the additional expenditure will affect the progress of the contracts as detailed for the contract in Attachment 1.

Approval of the additional expenditure above resolved estimate is recommended to ensure the continuation of the contracts.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

Financial Implications

Nil Impact.

Principles of Sustainability

This proposal applies good governance improving WSC processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Nil Impact.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act.

CORPORATE RISKS

This report contributes to the mitigation the following risks identified in WSC Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations.
Legislative Requirements WSC non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly reporting of variations. - Local Government Act requirements in relation to Tenders.

CONCLUSION

Variations detailed in this report are driven by “normal” contract issues.

The contracts are within their planned expenditure in terms of coverage quantity and quality albeit some may exceed the time frames originally calculated for the schedule estimates.

Expenditure will remain consistent with Annual Plan budgets concerned.

ATTACHMENTS

- 1 OM 25-08-2010 Attachment 1 Contract Variations for July 2010 D02315446

Toukley Sewage Treatment Plant Inlet Works Augmentation

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	Expenditure to Date
			\$	\$	\$	\$	\$	Actual Contract Value \$		\$
154562	14/10/2009	Process Engineering Technologies Pt Ltd	1,640,427.00	1,886,427.00	26,710.00	26,033.00	52,743.00	1,693,170.00	Management Plan, Line 4.4.9 Sewerage Infrastructure	1,001,069.71
										Value
										\$
Variation 4: Scope change These variations are related and were required to modify switches and control cabling to improve control of the operating plant by the operators. The changes also allow for collection of more accurate flow readings from all flow meters.					4,495.00	Variation 6: Scope change This variation involved replacement of existing valves and seals that were found to be in poor condition at the inlet works during execution of the contract works. While there was still some life remaining in these components, it was determined during construction that there was a limited opportunity to replace these fittings while access to the inlet works was available. Replacement of these components during the refurbishment was more economical, less disruptive to the future operation of the plant and enhanced the reliability of the refurbished inlet works.				16,613.00
Variation 5: Latent condition The bearing capacity of the soil found at the base for the flow meter pit required improvement to provide adequate support. This variation is for the improvements undertaken by the placement of mass concrete.					2,890.00	Variation 7: Scope change This variation was directed to modify cabling and amend various electronic componentry controlling the new screens to provide improved operational control.				2,035.00

Work under the contract is estimated at 70% complete.

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

Excavation and Lining of Cell 4.2B at Buttoderry Waste Management 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 Actual Contract Value \$	Source of Funds	Expenditure to Date \$
164633	14/10/2009	Robson Civil Projects Pty Ltd	4,198,468.64	5,000,000.00	(-151,856.68)	49,907.72	(-101,948.96)	4,096,519.68	Management Plan, Line 4.5.13 Waste Facilities	3,323,542.01
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 6: Scope change This variation includes earthworks and rockwork beside the access road to the new cell to modify the existing site stormwater system, together with installation of a pipe culvert to direct runoff water under the access road to the existing sediment dam. The work will separate sediment-carrying site stormwater runoff and divert it to sediment dam for treatment. This work is a requirement of the DECCW operating licence conditions for the landfill. In the original scope of works this additional work was to be directed by Council's staff using other equipment and contractors. It was identified that there was an opportunity to minimise additional contractor mobilisation, site establishment and on-site supervision costs and complete the work using the existing contract before the extended area was placed under traffic accessing the new cell. The variation price was assessed as reasonable, based on current rates for plant, labour and materials.					49,907.72					

Work under the contract is estimated at 95 % complete.

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

Construction of Link Road - Sparks Road to Lakes Grammar Senior School, Warnervale

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	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
160794	14/10/2009	Robson Civil Projects Pty Ltd	7,919,245.88	8,711,245.88	Nil	51,953.25	51,953.25	7,971,199.13	Section 94 Developer Contributions & Federal Government Grant (\$5.5M)	5,780,545.73
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 1: Scope change Engagement of an ecologist to prepare environmental report for the extension of the road embankment to the south of Link Road. This procedure was carried out in compliance with the environmental requirements.					2,628.61	Variation 5: Scope change The contract allowed for certain soil compaction testing and survey work to be undertaken at the Contractor's cost. Additional geotechnical investigation, lab testing and surveying works were undertaken on Council's behalf for: 1. Unsuitable ground - to accurately assess foundation conditions 2. Backfilling of new pipe crossings, including at the Sparks Road intersection where major water main repairs were required. These costs were incurred by the Contractor at Council's direction and are to be recouped as allowed under the contract.				15,223.08
Variation 2: Scope change Additional work associated with the relocation of a threatened frog species from the existing creek in order to comply with environmental provisions as detailed in the ecologist report.					3,449.36	Variation 6: Scope change Undertake further investigations and analysis into issues identified by the geotechnical engineer during site inspections. The investigation includes testing of the foundation below the proposed embankment to determine the extent of the unsuitable material and assess the best treatment options for the area of works affected.				2,802.80

<p>Variation 3: Scope change</p> <p>The original contract scope provided for a manproof fence around an exclusion zone for protected flora. It was later found that the adjacent school had a requirement for an ecologist to access the fenced area to measure groundwater levels. Fabricated double gates were required for access, together with 520m of concrete edging as a planning requirement after award of tender to prevent fauna from burrowing under the fence.</p>	16,012.07	<p>Variation 7: Scope change</p> <p>Deflection testing was directed for the new works on the Link Road and on the existing bitumen on Albert Warner Drive. The testing was undertaken to ensure that there was no deflection and that the quality of the new road pavement conformed with RTA standards.</p>	6,517.80
<p>Variation 4: Scope change</p> <p>Removal of two trees to accommodate the widening of Sparks Road in response to RTA requirements to lengthen the merging lane. The works include additional clean up and provision of traffic control associated with the removal of trees. This RTA requirement was not known until after award of contract.</p>	5,319.53		

Work under the contract is estimated at 80% complete.

With the information currently available, the contract budget as approved by Council is considered sufficient. No increase to the contract budget is therefore sought at this time. However, there are a large number of variations that are currently under assessment. As they are reviewed there may be further adjustments required to the budget and these will be brought to Council for consideration and approval.

Documentation Concept and Detailed Design Mardi High Lift Pump Station

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	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
108619	25/10/2006	Dept. of Services, Technology & Administration	321,400.90	530,975.00	94,574.00	18,803.00	113,377.00	434,777.90	50/50 Wyong & Gosford Councils	395,114.78
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 15: Scope change Detailed review of initial tenders received in 2008 for construction contract. Without this review it would have been very difficult to accurately assess the value and correctness of the three tenders for the construction contract.					9,256.00	Variation 16: Scope change Review of tender issues in 2009 for construction contract. The original tenders in 2008 were heavily qualified and Council approval was obtained to allow negotiations of the qualifications with each tenderer. This variation was for work additional to the initial tender review, and involved extra review and advice during the extended negotiation process as part of the Early Contractor Involvement process. Without this review it would have been very difficult to accurately assess the value and correctness of the three tenders for the construction contract.				9,547.00

Work under the contract is estimated at 98% complete. There were delays outside Council's control in assessing and submitting these variations to Council for approval.

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

Wyong Coastline Management Plan

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) + Original Contract Value Actual Contract Value	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
2328	28-01-2009 (Revised scope) 26-11-2003 (Original scope)	Umwelt Pty Ltd	549,509.43 (As revised by Council) Original Value 245,712.30	648,570.3	372,858.00	13,500.00	386,358.00 (Includes all variations over original contract value)	632,070.30	50/50 Council & DECCW	574,612.63
Individual Variations For Reporting Period										
Description									Value	
									\$	
Variation 2: Scope change Additional work to define geotechnical hazards lines where they overlap with the hazard lines for beach erosion. The consultancy has also been of a developmental nature in that the scope of work is being developed to take into account the impacts of climate change and the incorporation of a digital terrain model based on the LiDAR survey data, so that hazard analyses can more easily be repeated in future every five years or so.									13,500.00	

Work under the contract is estimated at 95% complete.

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

The Provision of Consultancy Services to Design the Wyong Shire Cultural Centre

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 Actual Contract Value	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
159128	09/12/2009	Tonkin Zulaikha Greer Architects	1,080,746.00	1,188,821.00	Nil	9,700.00	9,700.00	1,090,446.00	Land Sales & Section 94 Contributions	98,183.00
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 1: Scope change Feasibility Study to increase the seating capacity of the main theatre from 450 to 500 seats. The proposal to increase capacity is to align with commercially viable thresholds for travelling theatre productions / performances.					9,700.00					

Work under the contract is estimated at 30% complete.

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

Toukley Reclaimed Effluent Treatment Plant Augmentation

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 Actual Contract Value	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
117144	23/1/2008	Water Treatment Australia Pty Ltd	2,231,214.36	2,454,914.36	38,074.73	8,052.00	46,126.73	2,277,341.09	Management Plan, Item 4.3.10 Sewer Treatment Plants	2,259,289.10
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 8: Scope change This variation was required to rearrange the orientation of the ultraviolet reactor and related cabling adjustments to allow improved access for future maintenance activities. A steel shed erected by others to cover the new plant was found to have a steel column in a position that would interfere with future maintenance of the reactor. Repositioning the equipment was the most cost-effective option to resolve the issue.					8,052.00					

Work under the contract is estimated at 99% complete.

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

8.10 Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council

TRIM REFERENCE: F2006/01523 - D02329181 AUTHOR: Mike Long, Manager Contracts and Special Projects

SUMMARY

This report provides a further interim update on actions taken to implement the Resolutions in the report to Council on "Body Hire" services tabled at the Ordinary Meeting held 26 May 2010.

RECOMMENDATION

- 1 That Council receive the report on Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council.**
- 2 That Council endorse the process to phase out the use of General "Body Hire" contractors by 31 October 2010 and Mardi to Mangrove Link contractors by 30 November 2010.**

BACKGROUND

At the Ordinary Meeting held 28 July 2010 updated information was provided on the progress of various actions required for the phasing out of "Body Hire" arrangements within Council, and the greater engagement of staff under fixed term employment contracts or the Award. At that meeting it was resolved unanimously on the motion of Councillor GRAHAM and seconded by Councillor EATON:

- "1 That Council receive the report on Update Report on Future Directions for Body Hire Services for Wyong Shire Council.*
- 2 That a further report be provided to Council on the implementation of corrective actions from the 26 May 2010 meeting in September 2010.*

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

AGAINST: NIL"

This report provides a further interim update on progress towards implementing Council's resolutions.

CURRENT STATUS

At the Ordinary Meeting of 26 May 2010 it was resolved unanimously on the motion of Councillor EATON and seconded by Councillor GRAHAM:

- "1 That Council endorse the proposed corrective actions to:
- a Phase out the current "Body Hire" arrangements and only use a public tender process and/or the tendering exempt State Contract Control Board and Local Government Procurement contracts for any new temporary professional services.
 - b As a matter of urgency, advertise to recruit specialist Project Managers as staff under fixed term employment contracts or the Award.
 - c As a matter of urgency, ensure project management services contracts for specific projects or groups of projects are on a fixed time and price basis by either open public tender or tender exempt Crown entities.
- 2 That Council decline to accept any of the tender/s dated 3 September 2009 for contract CPA/166101 – Provision of Temporary Professional Services and cancel the proposal for the contract.
- 3 That Council report to the Department of Local Government on its actions associated with the current "Body Hire" arrangements.
- 4 That a further report be provided to Council on the implementation of the corrective actions in July 2010.
- 5 That Council reaffirm its position of preferring standard wage based employment and avoiding so called "Body Hire" arrangements.

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

AGAINST: NIL"

Further actions taken in response to meeting the Resolutions from the Ordinary Meeting of 26 May 2010 are detailed below.

Resolution 1a – PHASING OUT OF CONTRACTORS

No further temporary "Body Hire" contractors have been sought from external providers. To manage the smooth transition of projects to new Council staff, and to minimise the potential impacts on significant projects, the current engagements of "Body Hire" contractors within Council (with the exception of the Mardi to Mangrove Link project – see below) will cease by 31 October 2010.

Resolution 1b – ADVERTISING FOR STAFF

Interviews have been held for new Project Director (PD) and Project Manager (PM) positions within the Contracts and Special Projects Unit. Offers are being made to three applicants for the PD positions and five applicants for the PM positions. It is anticipated that those applicants to be appointed under limited term contracts or temporary engagements should commence work with Council progressively from late September/mid October 2010, depending upon individual arrangements.

Council's largest infrastructure project, the Mardi to Mangrove Link (MML) project, has a number of key positions currently undertaken under "Body Hire" arrangements. These will be publicly tendered in September 2010 in specialist areas including property management, project management and accounting services. A report to Council on the recommended engagements for the duration of the MML project is expected by the end of November 2010.

Resolution 1c – PROJECT MANAGEMENT SERVICES CONTRACTS

No further change to previous status.

Resolution 2 – CANCEL CPA/166101

No further change to previous status.

Resolution 3 – ADVICE TO DEPARTMENT OF LOCAL GOVERNMENT

No further change to previous status.

Resolutions 4 and 5

Actioned

Review of Procurement Processes

It is noted that an engagement has now been entered into with an independent external consultant, Deloitte, sourced through the NSW Government Pre-Qualification Scheme: Performance and Management Services. As previously advised, this engagement will provide an independent review of Council's contracting and tendering arrangements. A report is now expected by the end of October 2010 which will provide a gap analysis on current procurement systems and processes compared to an appropriate benchmarked process. This will allow a continuous improvement program for procurement to target priority improvement initiatives.

The phasing out of "Body Hire" contractors and their replacement by staff Project Directors and Project Managers may result in a net reduction in capacity, depending upon the success of the recruitment drive. Should Council be unsuccessful in attracting sufficient Project Directors and Project Managers to staff positions, it may be necessary to adjust the rolling works program to match the proposed work to Council's project management capacity. This will be covered in a future report should this be necessary.

ATTACHMENTS

Nil.

8.11 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02323768

AUTHOR: Monica Redmond, Administration Assistant

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
Q89/10 - Valhalla Development Chain Valley Bay	Shire Planning	14 July 2010 Cr Wynn	A response will be submitted to Council's meeting in September 2010.
Q91/10 - Winter Lifeguard Trials	Shire Services	28 July 2010 Cr Symington	A response will be submitted to Council's meeting of 8 September 2010.
Q93/10 - Northern Graffiti Forum	Shire Services	11 August 2010	A response will be submitted to Council's meeting of 22 September 2010.

Notice of Motion	Department	Meeting Resolved	Status
326 National Natural Disaster Funding	Shire Planning	8 August 2007 Cr Eaton / Cr Best	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. A report will be submitted to Council once the project plan for the Coastline Management Plan has been finalised.

8.11 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
298 The Long Jetty Commercial Options Initiative	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. The Masterplan project is expected to commence in 2011/2012.
9.2 Notice of Motion – Community Gardens	Shire Planning	22 July 2009 Cr Wynn / Cr Graham	A report will be prepared for Council's consideration once community consultation has been completed. The Policy is being drafted. Under review prior to formal referral to Council in September.
8.1 Notice of Motion – Energy Reduction Targets	Shire Planning	9 September 2009 Cr Wynn / Cr Best	This report has not been finalised due to other earlier priorities such as Climate Change requiring an additional resource. A secondment from Shire Services has now commenced. A draft report has been prepared, however taking into account the broad 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. The report will be prepared for September.
8.2 Notice of Motion – Possibility for the Establishment of an environmental Committee	Shire Planning	9 September 2009 Cr Wynn / Cr Best	This item is being considered as part of the Committee Review.
8.4 Notice of Motion – Proposed Additional Development Policy	Shire Planning	11 November 2009 Cr Best / Cr Webster	The drafting of this policy has been placed on Legal and Policy Works program for 2010/2011. Commencement of drafting this policy will occur when current projects are completed.
5.1 Notice of Motion – Planning Disputes Mediation Process Trial	Shire Planning	10 February 2010 Cr Eaton / Cr Graham	This item has been included in the Legal and Policy Works Program to be commenced mid 2010.

8.11 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
5.2 Notice of Motion – Elected Council Independent Legal Advisor	Legal and Policy	10 February 2010 Cr Eaton / Cr Graham	Actioned. Council to employ internal legal Counsel which has been endorsed by Council.
9.5 Notice of Motion – Sea Level Rise Notification	Legal and Policy	24 February 2010 Cr Eaton / Cr Graham	Legal advice received. Meeting to be held with communications.
9.2 Notice of Motion – Economically and Environmentally sustainable Living – Demonstration House	Shire Planning	24 February 2010 Cr Best / Cr McNamara	Report will go to council on 13 th October Ordinary Meeting.
10.1 Notice of Motion – LDO Coal Chain Valley Bay Colliery	Shire Planning	10 March 2010 Cr Wynn / Cr Vincent	A letter has been issued to the LDO informing it of the Council resolution. A letter was forwarded to Department of Planning in relation to Resolution 4. 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.
10.4 Notice of Motion – Amendment to General Manager's delegations	Shire Planning	10 March 2010	A Councillor briefing is scheduled to be held on 8 September 2010 to discuss the Climate Change Policy.
8.4 Notice of Motion – Public Access to Coast via Tuggerah Lakes Golf Course	Corporate Services	14 April 2010 Cr Eaton / Cr Best	A report will be prepared for Council's consideration once legal advice has been received.
7.3 Notice of Motion – Warnervale Road Commencement		28 April 2010 Cr Eaton / Cr Best	Item expected completion date the beginning of 2011.
7.2 Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)	Shire Services	12 May 2010 Cr Wynn / Cr Vincent	Consultation to occur with community groups on the matching fund guidelines prior to submitting a report to Council by the end of 2010.
7.6 Notice of Motion – Warnervale Town Centre Viability	Shire Planning	12 May 2010 Cr Eaton / Cr Best	Consultants have been engaged to provide a viability assessment and once the results are available they will be provided to Council.

8.11 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
U18/10 Solar panels – Action Sheet Motion of Urgency – Installation of Solar Panels on Council Buildings	Shire Planning	12 May 2010 Cr Eaton / Cr Wynn	Report needs to be put to Council 2 nd meeting in September 2010.
9.3 Notice of Motion – Central Coast Tourism Annual Funding	General Manager's Unit	26 May 2010 Cr Webster / Cr Graham	The Finance Section has been advised to include an additional \$55,000 expenditure in the budget during the September Budget Review (as this resolution was after the adoption of the 2010-11 Annual Plan). A Memorandum of Understanding for 2010-11 has been drafted addressing funding, reporting and implementation of the Destination Management Plan. Central Coast Tourism advised on 18 August 2010 that they are reviewing the draft document.
9.1 Notice of Motion – Department of Housing Expansion	Shire Planning	9 June 2010 Cr Best / Cr Eaton	The Department of Housing has been contacted and Council is awaiting a response from the Department on a suitable briefing date.
8.1 Notice of Motion – Clause 14 Fund Improving Conservation Outcomes	Shire Planning	14 July 2010 Cr Wynn / Eaton	A response will be submitted to Council's meeting in September 2010.
8.3 Notice of Motion – Council's Opposition to Commercial Whaling	Shire Services	14 July 2010 Cr Best / Wynn	A date for the report will be advised after the commencement of Council's Event Coordinator in late August 2010.
8.1 Notice of Motion – Priority Region for NBN – National Broadband Network	Corporate Services	28 July 2010 Cr Best / Eaton	A response will be submitted to Council's meeting of 8 September 2010.
7.1 Notice of Motion - Broadcasting Ordinary Council Meetings on Local Community Radio	Corporate Services	11 August 2010	This item is currently being investigated for feasibility; a report will be prepared for October 2010.
7.2 Notice of Motion - Lakes Contamination	Shire Planning	11 August 2010	A response will be submitted to Council's meeting in October 2010.

8.11 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
U21/10 Motion of Urgency - Proposed State Environmental Planning Policy (SEPP)	Shire Planning	11 August 2010	<p>Letters issued as requested.</p> <p>Communications department are currently preparing a media release for Council's website.</p> <p>Following this, local news resources, such as the Express Advocate, Lakes Mail and local radio (2GO, CFM, Star FM) and ABC Central Coast, will be utilised.</p> <p>Resources, such as the Newcastle Herald and Newcastle radio, may also potentially form part of the media campaign.</p>

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
Q88/10 Management of Fox Infestation at Lake Munmorah and North of Doyalson	14 July 2010	Response is included in this Business Paper.
Q90/10 Council's Call Centre Activities	14 July 2010	Response is included in this Business Paper.
Q92/10 Quality of Shirewide July 2010 edition	28 July 2010	Response is included in this Business Paper.
7.1 - Notice of Motion Traffic Jams Priority List	28 April 2010	Report is included in this Business Paper.

ATTACHMENTS

Nil.

9.1 Answers to Question Without Notice

TRIM REFERENCE: F2004/06940 - D02311802 AUTHOR: Paul Marynissen, Noxious Weeds and Pest Species Officer open Space and Recreation

9.1 Q88/10 Management of Fox Infestation at Lake Munmorah and North Doyalson

The following question was asked by Councillor Wynn at the Ordinary Meeting on 14 July 2010:

“Could Council contact the State Government body responsible for the management of feral animals and ask them to explain to Wyong Shire Council the program that is in place for the control and management of foxes in the Lake Munmorah and areas north of Doyalson, as the areas have been named as being fox infested, with one small land holder at Lake Munmorah told that the property could be supporting up to 150 foxes?”

Council's Noxious Weeds & Pest Species Officer contacted the District Ranger at the Livestock Health and Pest Authority (LHPA) on 30 July 2010 and was given the following information:

Foxes (*Vulpes vulpes*) are not a declared feral pest in NSW. Landholders are not legally required to control Foxes on their property and there is no governing body that oversees this pest, hence, there is no control program in place for this area.

If landholders wish to control Foxes on their properties, it is recommended that they form a local group and approach the LHPA or a suitably trained and qualified contractor for assistance in a control program. Properties treated for Foxes in isolation usually result in poor control outcomes.

ATTACHMENTS

Nil.

9.2 Answers to Question Without Notice

TRIM REFERENCE: C2010/05339 - D02311639

AUTHOR: Cynthia Manickum, Project Officer Customer & Community Services

9.2 Q90/10 Council's Call Centre Activities

The following question was asked by Councillor Best at the Ordinary Meeting on 14 July 2010:

"We are very mindful of the need for Council to present a professional image when dealing with its ratepayers.

It is with this understanding that I have been reviewing our call centre activities and note of the 116,672 calls received at Council's call centre over 2009/10, 80% were answered within one minute. This is an outstanding result and I for one, and also on behalf of my Council colleagues, would request that you pass on our sincere appreciation to the department's frontline operators and indeed their management for the initiatives that have resulted in these outcomes. Thank you."

The Manager, Customer and Community Services has written a letter of appreciation to the Customer Services Section staff. The letter informed Customer Services staff of Councillor Best's and colleagues' commendation of an excellent result in achieving and maintaining outstanding service levels.

ATTACHMENTS

Nil.

9.3 Answers to Question Without Notice

TRIM REFERENCE: C2010/05333 - D02322046 AUTHOR: Marine Brieger, Manager Communications

9.3 Q92/10 Quality of Shirewide July 2010 Edition

The following question was asked by Councillor at the Ordinary Meeting on 28 July 2010:

"Mr General Manager,

I, along with many of my fellow Council colleagues, have been approached by residents, ratepayers and community groups alarmed at the quality of Council's flagship publication "Shirewide" July 2010 edition. On behalf of the residents and ratepayers, I would like to formally be advised as to how this embarrassing situation was allowed to occur. I have spoken to the printers in question, Forms Xpress, and may I ask,

- 1 *Is it the practice of the Communication Department to proofread a sample copy of such documents before distribution?*
- 2 *Can staff confirm as to whether the printer advised us at any time of a fault prior to distribution?*
- 3 *What steps have been taken to avoid a repeat? and*
- 4 *Why is this brochure printed in Melbourne when Council has a policy to buy local where possible?*
- 5 *Was this publication tendered out?"*

Answer to Q092/10

Is it the practice of the Communication Department to proof-read a sample copy of such documents before distribution?

Yes, it is standard practice. In this case, the proof-reading was of electronic copy and had occurred up to nine or ten times- not abnormal. The final reading only required WSC staff confirmation of a very minor change to the front page – the remainder of the document having been cleared. Neither the printer nor WSC staff noticed that the inadvertent format change had impacted two articles the centre pages.

Can staff confirm as to whether the printer advised us at any time of a fault prior to distribution?

The printer did not advise staff of the error prior to a member of the community reporting the issue.

What steps have been taken to avoid a repeat?

Procedures are in place that meet the need and generally, changes are not required. All final-proofing will now be on hard-copy only to ensure the error is not repeated. This action will lengthen lead-times for material and reduce flexibility for late changes, nevertheless, staff have been requested/reminded to ensure the whole document is checked on the last proof-read.

Why is this brochure printed in Melbourne when Council has a policy to buy local where possible?

WSC uses the Geelong Company on the basis it won a tender for the correlation, printing and delivery of 240,000 rates notices each year. The **Shirewide** insert, "piggy-backed" on the rates notice circulation.

In 2009 the WSC Communications Team made a conscious decision to use the rate notice distribution as a key mechanism for getting community messages out to ratepayers. It has proven a very effective means of communication and at the instigation of the Communications Manager in July 2009, replaced significantly more expensive newspaper inserts and mail drops that were far less effective or frequent.

Using the rates notice distribution as a means of informing the community, does mean that critical time and quality parameters are created and when inserts are requested, they must be programmed to suit the assembly and despatch of the Rates Notices.

Extra inserts have been quoted by various suppliers when required. Staff have found the best outcome occurs when the rates notice contractor is used instead of other, perhaps cheaper print runs. A previous experience in combining another printer with the Rates printing company resulted in pallet loads of inserts arriving in Brisbane and the entire rates run delayed requiring considerable damage control.

The risk involved of co-ordinating printers out-weighs print cost differences.

Councillors were also notified of this reason by way of an email to a ratepayer that was copied to Councillors on July 23rd 2010. It read in part:-

"Shirewide was printed and supplied with your rates notice, by a Victorian company that specialises in secure mailing systems for large automated runs. Council has been using this company for two years (2008) and they were selected at the best of three quotations at the time, based on both price and quality of service.

There are only a few companies in the market eastern/southern Australian seaboard who can perform this work or whom have a reputation for the performance that Council needs. We test their quotations annually.

The dominant requirement in our arrangement is the accurate production and distribution of confidential rates notices and accounts to individual ratepayers. Insertions such as Shirewide are additions and commonly included with the rates notice every quarter.

Until now the process has been effective and trouble free. "

Was this publication tendered out?"

No - no tender was required. Councillors were advised of the reasons why placement of documents with the Rates Notice printer is preferred for quality, accuracy and economic reasons.

On the purchase of *Shirewide* for the occasion in question, we did not seek competitive quotes on the basis that the key factor is the efficient marriage of the insert with the Rates Notice process.

An alternate printer may have given us a cheaper price (which from past markets tests, would be unusual) but we run considerable risk from delays to delivery of the inserts to Geelong , and consequent delays to collecting our primary income.

ATTACHMENTS

Nil.

25 August 2010

Councillor

To the Ordinary Meeting

10.1 Notice of Motion - University Parking solutions

TRIM REFERENCE: F2010/00500 - D02325698

Councillor Eaton has given notice that at the Ordinary Meeting to be held on Wednesday 25 August 2010 he will move the following Motion:

“That Council staff in conjunction with Ourimbah University report on the current parking situation at the University and solutions to ensure adequate parking now and in the future to cope with student and staff growth.”

10.2 Notice of Motion - San Remo Xtreme Sports Park

TRIM REFERENCE: f2010/00500 - D02325702

Councillor Vincent has given notice that at the Ordinary Meeting to be held on 25 August 2010 he will move the following Motion:

- “1 That Council consult with the community and potential stakeholders to develop a sustainable management mode of operation for the Xtreme Sport Park to determine the model for ongoing activation of this valuable community asset.*
- 2 That following initial community consultation, that Councillors conduct an on-site meeting to understand the potential for the site.*
- 3 That staff report the outcome of the above, including the financial and recourse implications to Council.”*

25 August 2010

To the Ordinary Meeting

Councillor

10.3 Notice of Motion - Coastwide Coal Poll on Longwall Coal Mine by Kores

TRIM REFERENCE: F2004/07706 - D02326489

Councillors G P Best and S A Wynn have given notice that at the Ordinary Meeting to be held on 25 August 2010 they will move the following Motion:

- "1 That Council recognise the strong support of both our State and Federal Local Representatives in opposing this Nation's largest Longwall Coal Mine now proposed by the Korean Coal Company Kores.*

- 2 That due to the profound impacts this mine represents intergenerationally and on every level, from health to the environment, Council, on behalf of its residents and rate-payers, respectfully call upon the State Government not to approve such a significant project in their final six months in office.*

- 3 That due to the significance of this issue and that both State and Federal Government pride themselves on the value of genuine community consultation, Council request a coast-wide poll be conducted in conjunction with the upcoming March State Elections thereby providing a definitive voice on this critical issue."*