



Council recently recycled the materials in the base of the road to upgrade a section of Chittaway Road in Chittaway Bay. This innovative and sustainable approach to roadworks halved the costs, allowed Council to finish the road quicker with less disruption to traffic and saved energy and resources.

Business Paper

ORDINARY MEETING

28 July 2010



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MEETING NOTICE

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

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

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

2 PLANNING REPORTS

2.1	DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North	25
2.2	DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah	35
2.3	DA/790/2009 Proposed Boundary Adjustment at Wyong Creek.....	45
2.4	DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre	48

3 CONTRACT REPORTS

3.1	Contract Variations and Finalisation - June 2010.....	75
-----	---	----

4 GENERAL REPORTS

4.1	Warnervale Town Centre Project Team	91
4.2	Proposed Councillors' Community Improvement Grants	104
4.3	Minutes - Wyong Shire Seniors Citizens Council meeting - 24 June 2010.....	107
4.4	Payment of Industrial Special Risk Insurance Policy	114
4.5	Community Twenty20 (T20) Cricket.....	117

5 GENERAL MANAGER'S REPORT

5.1	Provision of Temporary Cleaning Services for The Entrance Town Centre	125
-----	---	-----

6 INFORMATION REPORTS

6.1	Information Reports	128
6.2	Exhibition Periods for Policies and Strategies.....	129
6.3	Proposed Liquor Outlet Norah Head and Toukley	134

6.4	Bicycle Racks on Buses	137
6.5	Results of Water Quality Testing for Beaches and Lake Locations	142
6.6	Activities of the Development Assessment Unit.....	147
6.7	Investments for June 2010	152
6.8	Works in Progress - Water Supply and Sewerage	157
6.9	Update Report on Future Directions for Body Hire Services for Wyong Shire Council.....	161
6.10	Mardi to Mangrove Link Project Status	164
6.11	General Works in Progress	167
6.12	Drug and Alcohol Clinic, Canton Beach	181
6.13	Outstanding Questions Without Notice and Notices of Motion	183
7	ANSWERS TO QUESTIONS WITHOUT NOTICE	
7.1	Q87/10 Fees payable by Central Coast Triathlon and Multi Sports Club for use of Council facilities.....	188
8	NOTICES OF MOTION	
8.1	Notice of Motion - Priority Region for NBN - National Broadband Network	190
9	QUESTIONS WITHOUT NOTICE ASKED	

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosure of Interest

TRIM REFERENCE: F2010/00009 - D02298568

AUTHOR: Sonia Witt, Team Leader

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

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

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

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

RECOMMENDATION

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

1.2 Proposed Inspections

TRIM REFERENCE: F2010/00009 - D02298593

AUTHOR: Sonia Witt, Team Leader

SUMMARY

There were no Inspections scheduled for 4 August 2010 at the time of printing the business paper.

RECOMMENDATION

That Council receive the report on Proposed Inspections.

1.3 Address by Invited Speakers

TRIM REFERENCE: F2010/00009 - D02298573

AUTHOR: SW

SUMMARY

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

RECOMMENDATION

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

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2010/00009 - D02298554

AUTHOR: Monica Redmond, Administration Assistant

SUMMARY

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

RECOMMENDATION

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

ATTACHMENTS

1 Minutes Ordinary Meeting - 14 July 2010 D02296055

WYONG SHIRE COUNCIL

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

PRESENT

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

IN ATTENDANCE

General Manager, Director Shire Planning, Acting Director Shire Services, Director Corporate Services, Acting Manager Future Planning, Manager Development Assessment.

Executive Manager Shire Services, Manager Contracts and Special Projects, Manager Legal & Policy, Manager Governance and Administration, Manager Customer and Community Services, Cultural Planner, Senior Transportation Engineer, Transport Engineer, and two administration staff.

Councillor Eaton introduced three young visitors from China who were in the Public Gallery.

The General Manager read an acknowledgment of country statement and delivered the opening prayer.

The Mayor, Councillor Graham, declared the meeting open at 5.03 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 2.2 and 2.4 , 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

2.4 DA/93/2010 SINGLE STOREY DWELLING AT 1B COORANGA ROAD, WYONGAH

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through CCGT, as he is the General Manager of CCGT left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

2.4 DA/93/2010 SINGLE STOREY DWELLING AT 1B COORANGA ROAD, WYONGAH

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the owner is a trainee of CCGT Ltd and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only an honorary chair not part of management."

5.5 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that Tracey Maguire runs a business in Mannering Park and is known to her and she has also been working with the staff on graffiti at the San Remo Neighbourhood Centre 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 knowledge has not influenced my decision to support this application."

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

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

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

AGAINST: NIL

1.2 Inspections - 7 July 2010

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

That Council receive the report on Inspections - 7 July 2010.

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

AGAINST: NIL

1.3 Address By Invited Speakers

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

That Council receive the amended report on Invited Speakers.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 June 2010.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 Local Government Shires Association Sustainable Choice Program

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

- 1 That Council accept in writing the LGSA's invitation to join the Sustainable Choice program.**
- 2 That Council endorse and implement the Sustainable Choice procurement policy principles as set out in Attachment 1.**
- 3 The Staff provide a further report to Council outlining options for the funding of sustainability initiatives including the means of implementing a Sustainability Revolving Fund.**

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

AGAINST: NIL

2.2 DA/790/2009 - Proposed Boundary Adjustment at Wyong Creek

Mr Anthony Cornwell, Applicant/Owner, addressed the meeting at 5.07 pm, answered questions and retired at 5.35 pm.

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.**
- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: COUNCILLORS VINCENT AND WYNN

2.3 DA/44/2010 Proposed Boundary Adjustment at Dog Trap Road, Ourimbah

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 with an indication that based on the information available to it, Council favours approval subject to appropriate conditions.

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

AGAINST: NIL

2.4 DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through CCGT, as he is the General Manager of CCGT left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the owner is a trainee of CCGT Ltd and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only an honorary chair not part of management."

Mr William Porter, Applicant/Owner, addressed the meeting at 5.40 pm, answered questions and retired at 6.01 pm.

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

- 1 That Council indicate its approval in principle subject to the imposition of**

appropriate conditions.

- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: NIL

2.5 DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.**
- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: NIL

2.6 Purchase of Land at Fountaindale

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

- 1 That Council authorise the purchase of Lot 5 DP 563244 Brush Road, Fountaindale for a purchase price of \$200,000.00 (excl. GST).**
- 2 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of the land by Council.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition of the land by Council.**
- 4 That following purchase, Council classify Lot 5 DP 563244 Brush Road, Fountaindale as Community Land – Bushland.**

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

AGAINST: NIL

3.1 Easement for Electricity Purposes over Lot 48 DP 261539 and Lot 1 DP 210419 Benalla Close, Killarney Vale

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

- 1 That Council grant an easement for electricity purposes over Lot 48 DP 261539 and Lot 1 DP 210419, Benalla Close, Killarney Vale to EnergyAustralia to accommodate the relocation of the electricity supply for an amount of compensation payable as assessed by a qualified valuer.**
- 2 That Council authorise the termination of the existing easement.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 4 That Council authorise 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, WEBSTER AND WYNN

AGAINST: NIL

4.1 Contract CPA/177882 Supply and Delivery of Domestic Water Meters

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

- 1 That, Council agree to the contract between Hunter Councils Inc. and Elster Metering Pty Ltd for the supply and delivery of Domestic Water Meters, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 2 That Council authorise the estimated expenditure on Domestic Water Meters for Wyong Shire at \$240,000 (ex GST) for the contract period.**
- 3 That Council note that while the estimated annual expenditure against this contract is \$80,000 (ex GST), actual expenditure may vary significantly with fluctuations in demand.**

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

AGAINST: NIL

4.2 Contract CPA/159848 Reservoir Lining - Tuggerah 1 and Ridgeway 1 & 2

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

- 1 That Council accept the tender from Glindemann Industrial Coatings Pty Ltd in the lump sum and extended schedule of rates amount of \$274,652.90 (excl GST) for Contract CPA/159848 – Reservoir Lining - Tuggerah 1 and Ridgeway 1 & 2.**
- 2 That Council approve for Contract CPA/159848 a contract budget of \$315,652.90 (excl GST) that provides for a contingency amount of \$41,000 (excl GST) representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

4.3 Contract CPA/179982 - Replacement of Pope Air Conditioning Equipment in Wyong Civic Centre

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

- 1 That Council accept the tender from Air Conditioning Industries Pty Ltd in the lump sum and extended schedule of rates amount of \$203,792.00 (excl GST) for Contract CPA/179982 – Replacement of Pope Air Conditioning Equipment in Wyong Civic Centre.**
- 2 That Council approve for Contract CPA/179982, a contract budget of \$224,171.20 (excl GST) that provides for a contingency amount of \$20,379.20 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**
- 3 That Council approve the reallocation of \$12,000.00 within the existing Waste and Sustainability Improvement Grant to provide sufficient budget for the replacement of the Pope air conditioning.**

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

AGAINST: NIL

5.1 Establishment of Alcohol Free Zone - Wadalba

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

- 1 That Council propose the establishment an Alcohol Free Zone in Wadalba until 30 June 2013 at the following location:**

Wadalba: in the area opposite the Dam Hotel along Figtree Blvd from the Pacific Highway going south along Van Stappen Road to the Wadalba Sports Facility.

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.**

- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.**

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

AGAINST: NIL

5.2 Establishment of Alcohol Free Zone - San Remo

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

That Council formally adopt the proposal to establish an Alcohol Free Zone at the following location for a period up to 30 June 2013:

San Remo: The whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway.

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

AGAINST: NIL

5.3 ICTC Society Conference attendance

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

- 1 ***That Council authorise interested Councillors to attend the 11th International Cities, Town Centres and Communities Society Conference.***
- 2 ***That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.***

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

AGAINST: NIL

5.4 Payment of Public Liability Professional Indemnity Insurance Policy

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

- 1 ***That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2010 to 30 June 2011.***
- 2 ***That Council approve the premium payment of \$476,900 ex GST.***

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

AGAINST: NIL

5.5 Proposed Councillors' Community Improvement Grants

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that Tracey Maguire runs a business in Mannering Park and is known to her and she has also been working with the staff on graffiti at the San Remo Neighbourhood Centre 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 knowledge has not influenced my decision to support this application."

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

- 1 ***That Council allocate an amount of \$9,409.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.***
- 2 ***That Council allocate an amount of \$5,799.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.***

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

AGAINST: NIL

**5.6 Formation of Berkeley Vale, Chittaway Bay, Chittaway Point
Community Precinct Committee**

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

That Council agree to the formation of the Berkeley Vale/ Chittaway Bay/ Chittaway Point Community Precinct Committee.

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

AGAINST: NIL

5.7 Establishment of Policies

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

That Council adopt the policy for the Establishment of Policies in Wyong Shire Council.

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

AGAINST: NIL

5.8 Access from F3 Freeway to Hue Hue Road

Councillor Wynn left the chamber at 6.26 pm and returned to the chamber at 6.27 pm during consideration of this item.

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

1 That Council receive the report on Access from F3 Freeway to Hue Hue Road.

2 That Council consider a report identifying the benefits of such an interchange.

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN

5.9 Wyong Shire Cultural Centre

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

- 1 That Council endorse changing the name of 'Wyong Shire Cultural Centre' to the 'Central Coast Arts and Conference Centre' in the interim until the public competition is decided.
- 2 That Council endorse the centre concept design including a 500 seat theatre venue with construction and design cost estimates as approximately \$18.0M (building only cost approximately \$11.7M) for Stage 1 and approximately \$24.0M (building only cost approximately \$15.5M) for Stages 1 and 2.
- 3 That Council note there is likely to be an estimated annual gross recurrent cost to Council of approximately \$2.0M (including, staffing, running costs, maintenance and depreciation).
- 4 That Council endorse the implementation of the Fund Raising and Promotional Strategy outlined within this report to secure funds to construct Stages 1 and 2.
- 5 That Council undertake a public competition to name and create a logo for the new Centre.
- 6 That Council aim to achieve a 6 star NABERS (National Australian Built Environment Rating System) rating for the building.
- 7 That Council consider a report with regards to the Wyong Town Centre Car Parking Arrangements.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER 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 number 6.4 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

6.2 Disclosure of Interest Returns - 1 April to 30 June 2010

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

That Council receive the report on Disclosure of Interest Returns - 1 April to 30 June 2010.

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

AGAINST: NIL

6.3 Traffic Gridlock San Remo

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

That Council receive the report on Traffic Gridlock San Remo.

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

AGAINST: NIL

6.4 F3 Freeway Traffic Management

Councillor Vincent left the chamber at 7.09 pm and returned to the chamber at 7.10 pm during consideration of this item.

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

- 1 That Council receive the report on F3 Freeway Traffic Management.**
- 2 That Council write to the State Minister for Roads and the opposition spokesperson for roads advocating for the government to set a performance standard for the RTA for the operation of the F3 Freeway to include for instance a maximum delay of two hours for traffic accidents.**
- 3 That Council request that a breach of such standard should result in compensation to affected motorists similar to consumers affected by significant electrical outages.**
- 4 That Council submit a Notice of Motion to the Local Government Association Conference in support of this matter.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN.

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

6.5 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

6.6 Australian Local Government Association Conference 2010

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

That Council receive and note the report.

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

AGAINST: NIL

6.7 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL

8.1 Notice of Motion - Clause 14 Fund improving conservation outcomes

Councillor Best left the chamber at 7.15 pm and returned to the chamber at 7.17 pm during consideration of this item.

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

That staff investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.

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

AGAINST: NIL

8.2 Notice of Motion - Energy Efficient Street Lighting

Councillor Webster left the chamber at 7.25 pm and returned to the chamber at 7.27pm during consideration of this item.

It was MOVED by Councillor WYNN and seconded by Councillor EATON:

That Council lobby the Federal Minister for Climate Change, Energy Efficiency and Water to legislate for the compulsory installation of energy efficient street lighting to replace the current light fittings, which do not meet best practice, within a five year period, and specifically to support a standard of energy efficient luminaries such as the compact fluorescent and LED.

The cost of the change over should not be borne by Wyong Shire Council.

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

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

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

8.3 Notice of Motion - Council's Opposition to Commercial Whaling

Ms Nikki Freeburn, resident, addressed the meeting at 7.32 pm, answered questions and retired at 7.46 pm.

Councillor McNamara left the chamber at 7.39 pm and returned to the chamber at 7.40 pm during consideration of this item.

Councillor Matthews left the chamber at 7.50 pm and returned to the chamber at 7.51 pm during consideration of this item.

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

- 1 That Council reaffirm its strident opposition to the prospect of the reintroduction of commercial whaling, in particular the recent push to include humpbacks in the cull in the Antarctic Marine Sanctuary.**
- 2 That Council thank the Federal Government and our Federal local members for their strong opposition to this outrageous activity and further commend the Federal Government's initiative of legal action in the international courts.**
- 3 That Council also congratulate the organisers and supporters of this year's Community Whale Dreamers Festival held at the Norah Head lighthouse on Sunday 4 July for their highly successful and outstanding community event.**
- 4 That Council consider a report, compiled in conjunction with the organisers of the Whale Dreamers Festival key stake holders including the Norah Head Lighthouse Reserve Trust, outlining key issues, costs and administrative activities associated with Council considering this event in Council's community calendar of events.**
- 5 That Council formulate a suitable resolution supporting whale conservation for inclusion at the upcoming State and National Local Government Association Conferences.**

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Best sought leave to introduce a motion of urgency concerning the proposed Drug And Alcohol Clinic At Canton Beach which, residents have advised, is currently being readied for operation.

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

That Council consider a motion of Urgency regarding the Proposed Drug and Alcohol Clinic at Canton Beach which, residents have advised, is currently being readied for operation.

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

AGAINST: NIL

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

U20/10 Proposed Drug and Alcohol Clinic at Canton Beach

Councillor McBride left the chamber at 8.09 pm and returned to the chamber at 8.11 pm and as a result took no part in voting.

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

- 1 ***That further to Council's resolution 9 June 2010 Item 9.6, Council now as a matter of urgency and in response to local rate payers' concerns investigate reports by local residents that the premises are being readied for occupancy/use by the proposed Drug and Alcohol Clinic.***
- 2 ***That Council, subject to staff confirming the above and the intention of the applicant regarding occupation, staff move expeditiously to commence legal action to prevent any occupancy/use without the appropriate DA application and due processes.***
- 3 ***That Council consider a report on their findings to the next round of Council.***
- 4 ***That, if the investigation by staff provides evidence of an unauthorised occupancy/use of the premises, then Council take immediate action to stop this illegal use.***

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

Q88/10 Management of Fox Infestation at Lake Munmorah and North of Doyalson

Councillor Sue Wynn

F2004/06940

“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?”

Q89/10 Valhalla Development Chain Valley Bay

Councillor Sue Wynn

DA/2338/2005

“Could Wyong Shire Council explain the situation of the expansion and extension of the Valhalla development at Chain Valley Bay?”

Q90/10 Council's Call Centre Activities

Councillor Greg Best

C2010/05339

“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 MEETING closed at 8.15 pm.

2.1 DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North

TRIM REFERENCE: DA/66/2010 - D02297982

AUTHOR: Stephanie Van Dissel, Development Planner

SUMMARY

An application as been received for the erection of a two storey dwelling-house at 26 Stewart Street, The Entrance North. The application is reported to Council in accordance with Council's resolution of 14 July 2010 giving an 'in principle' approval to the proposal subject to appropriate conditions.

Applicant	Pretech Pty Ltd
Owner	Urusa Pty Ltd
Application No	DA/66/2010
Description of Land	Lot 8 DP 18519 (26) Stewart Street, The Entrance North
Proposed Development	Two Storey Dwelling and Demolition of Existing Structures
Site Area	580.60m ²
Zoning	2B Multiple Dwelling Zone
Existing Use	Single storey dwelling
Employment Generation	N/A
Estimated Value	\$220,000

RECOMMENDATION

That Council approve the proposed dwelling incorporating a floor level of 2.7m AHD in accordance Council's resolution of 14 July 2010 subject to the recommended conditions of consent.

INTRODUCTION

Council at its meeting held on 14 July 2010 resolved as follows:

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.*
- 2 That Council consider a report on appropriate conditions at the next Council meeting.*

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

AGAINST: NIL"

2.1 DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North (contd)

Following Council's resolution giving an 'in principle' approval of the application, draft conditions have been prepared by Council Officers in accordance with Council's resolution for endorsement by Council.

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Director's Report to 14 July 2010 Ordinary Meeting | Enclosure | D02265493 |
| 2 | Recommended Conditions of Consent | | D02298706 |

RECOMMENDED CONDITIONS OF CONSENT

- 1 The development taking place in accordance with the approved development plans reference number DA/66/2010 Drawing NO. A01, A02, A03, A04, A05 & A06, Issue A dated January 2010 drawn by *Pre-Tech Pty Ltd* except as modified by any conditions of this consent, and any amendments in red.

Prior to Release of Construction Certificate:

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

Certificates/Engineering Details

- 2 The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.
- 3 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 4 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Principal Certifying Authority for the reinforced concrete footings, slabs and piers prior to the issue of a Construction Certificate.

Flooding

- 5 The design of the development must comply with Council's Flood Prone Land Development Policy No F5 and the NSW flood Plain Development Manual, and in particular:
 - In accordance with the NSW Floodplain Development Manual, where a safe low hazard escape route is unavailable for the designated flood (1% AEP flood event for Wyong Shire) the Possible Maximum Flood level is to be considered for protection works. Therefore, Council will require the provision of a satisfactory structural certificate from a qualified Engineer as to all proposed structures and buildings stability in relation to all loadings associated with flooding up to and including the possible maximum flood level of 2.7m AHD.
 - The minimal habitable floor level is 2.7m AHD.
- 6 All electrical outlet and fixtures will require the protection of a "residual current device" (safety switch) to protect against flood waters. Storage of hazardous or toxic materials is to be 0.5m above the identified flood level of 2.2m AHD.

Erosion and Sediment Control – Building Sites

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

Roads

- 8 The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate.

Prior to Commencement and During Works:

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

Approved Plans

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

Acoustic

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

Monday to Saturday 7.00 am to 5.00 pm.

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

Building Code of Australia

- 11 The WC, bathroom or laundry must be provided with artificial light and a system of mechanical ventilation in accordance with the requirements of Part 3.8.5 of the Building Code of Australia, should natural light or ventilation not be readily available.
- 12 The door to the fully enclosed sanitary compartment must open outwards, slide or be readily removable from the outside of the compartment unless there is a clear space of at least 1.2 metres between the closet pan and the nearest part of the doorway.
- 13 The balustrade is to be at a minimum height of 1.0 metre above the finished floor level and be constructed so that any opening does not permit a 125mm sphere to pass through it in accordance with Part 3.9.2 of the Building Code of Australia. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade must not facilitate climbing. A wire balustrade must be constructed so that it complies with the tension and deflection requirements of Table 3.9.2.1 of the Building Code of Australia.

- 14 Stair construction must comply with Part 3.9.1 of the Building Code of Australia.

Construction

- 15 Any excavation below the level of footings of buildings on adjoining allotments requires the preservation and protection of the buildings from damage, and if necessary, underpinning and support of the building in a manner certified by a Practising Structural Engineer. In circumstances where the excavation could result in damage to the adjoining property, underpinning works shall be undertaken immediately after excavation works are completed. Alternatively, the approved retaining walls shall be constructed. The owner of the adjoining property must be given written notice of the intention to excavate and provided with details of the proposed work at least seven (7) days prior to excavation. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

Demolition

- 16 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 17 Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.
- 18 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Dilapidation

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

Erosion and Sediment Control

- 20 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 21 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

- 22 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 23 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 24 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

General

- 25 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Flooding

- 26 Building materials used or located below 2.2m AHD are to be flood compatible.
- 27 No filling greater than 100mm is permitted without Council approval.

Home Building Act

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

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

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

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

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

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

Plumbing and Drainage

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

Site Requirements

- 31 The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.
- 32 The provision of a metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) in accordance with the requirements of DCP 2005, Chapter 100 – Quality Housing, on site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. **Note: On the spot fines may be imposed by Council for pollution incidents.**
- 33 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.
- 34 Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.
- 35 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 36 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.

- 37 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

Prior to Release of Occupation Certificate:

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

BASIX

- 38 Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

Building Code of Australia

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

Dilapidation

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

Erosion and Sediment Control

- 41 The provision of a single all weather access way incorporating a vehicle shake down device within the property, extending from the kerb and gutter to the building under construction, so as to provide appropriate access to the site which will reduce the potential for erosion to occur and for materials to be tracked onto the road by vehicles. A diversion drain is to be installed to divert runoff from the accessway into a silt fence. These works are to be in accordance with the requirements of Council's Policy E1 - Erosion and Sediment Control from Building Sites. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 42 The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

External Materials

- 43 The construction of the building in appropriately coloured materials of a low reflective quality, or of materials that are painted or similarly treated with appropriately coloured paint or pigment of a low reflective quality, which merge with the landscape of the site and its surroundings.

Flooding

- 44 A flood evacuation plan is to be provided that incorporates the requirements of the Wyong Shire Local Flood Plan and the State Emergency Service. Reference to the flood evacuation plan is to be included on the title for the property.
- 45 Prior to the issue of the Occupation Certificate the surcharge gully for the development must be at a minimum level of RL1.75 metres above Australian Height Datum (when adjacent to Tuggerah Lake) and all plumbing and waste fixtures must be at a minimum level of RL1.9 metres above AHD (when adjacent to Tuggerah Lake). Irrespective of the above a minimum of 150mm must be maintained between the gully and the lowest waste fixture.
- 46 Prior to the issue of an Occupation Certificate, the applicant must create a restriction as to user under Section 88E of the Conveyancing Act 1919 with the Council having the benefit of the covenant and having the sole authority to release, vary or modify the covenant indicating that Development Consent No 66/2010 will expire 40 years from the date of issue of the consent ie; 28 July 2010.

Landscaping

- 47 Prior to the issue of an Occupation Certificate, the provision and maintenance of turf to the front setback area in accordance with the provisions of Council's Development Control Plan 2005, Chapter100 - Quality Housing. Erosion and Sediment Control fencing must remain in place until the turf is established.

Plumbing and Drainage

- 48 The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2.
- 49 The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.
- 50 All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.
- 51 The prevention of any obstruction of surface drainage which could result in the disruption of the amenity, or drainage or deterioration to any other property.
- 52 All toilet cisterns, showerheads and taps on bathroom and kitchen hand basins must achieve compliance with the Water Efficiency and Labelling and Standards Scheme (WELS).

- 53 The sewer surcharge gully is to be relocated clear of the proposed building to facilitate access.

Roads

- 54 All foot paving and gutter crossing works must be approved by Council prior to issue of the Occupation/Subdivision Certificate.

Stormwater

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

Vehicle Access and Parking

- 56 Prior to release of the Occupation Certificate the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. All works must be approved by Council under the Roads Act.
- 57 The design and construction of a non-slip finish driveway with a decorative finish in the location shown on the approved plans. All works are to be completed prior to release of the Occupation Certificate.

Water and Sewer Services/Infrastructure

- 58 All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.

Approved Plans

- 59 Once the development has started in accordance with the approved plans it must be continued and completed to the satisfaction of the Consent Authority.

Ongoing Operation:

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

Time Limited Consent

- 59 In accordance with Section 80A(1)(d) and 80A(1)(e) of the Environmental Planning and Assessment Act 1979, this consent will expire 40 years from the date of issue of the consent, i.e. on 28 July 2050.

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

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

2.2 DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah

TRIM REFERENCE: DA/93/2010 - D02298179

AUTHOR: Stephanie Van Dissel, Development Planner

SUMMARY

An application as been received for the erection of a single storey dwelling at 1B Cooranga Road, Wyongah. The application is reported to Council in accordance with Council's resolution of 14 July 2010 giving an "in principle" approval to the proposal subject to appropriate conditions.

Applicant	Mr W C Porter
Owner	Mr W C Porter
Application No	DA/93/2010
Description of Land	Lot 2 DP 1068060 (1B) Cooranga Road, WYONGAH
Proposed Development	Single Storey Dwelling
Site Area	765.2m ²
Zoning	2A Residential Zone
Existing Use	Vacant
Employment Generation	N/A
Estimated Value	\$194,750

That Council approve the proposed dwelling incorporating a floor level of 3.0m AHD in accordance Council's resolution of 14 July 2010 subject to the recommended conditions of consent.

INTRODUCTION

Council at its meeting held on 14 July 2010 resolved the following:

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.*
- 2 That Council consider a report on appropriate conditions at the next Council meeting.*

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

AGAINST: NIL"

Following Council's resolution giving an "in principle" approval to the application, draft conditions have been prepared by Council Officers in accordance with Council's resolution for endorsement by Council.

ATTACHMENTS

- | | | | |
|---|--|-----------|-----------|
| 1 | Director's Report to 14 July 2010 Ordinary Meeting | Enclosure | D02265489 |
| 2 | Recommended Conditions | | D02298812 |

RECOMMENDED CONDITIONS OF CONSENT

- 1 The development taking place in accordance with the approved development plans reference number DA/93/2010 Ref 8709 dated 29.01.10 drawn by *Allworth Constructions Pty Ltd* except as modified by any conditions of this consent, and any amendments in red.

Certificates/Engineering Details

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

Prior to Release of Construction Certificate:

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

Acid Sulphate Soils

- 3 Submission to the Consent Authority of an Acid Sulphate Soil Investigation and Management Plan, prepared by a suitably qualified person, prior to issue of the Construction Certificate.

Certificates/Engineering Details

- 4 The submission of details to Council confirming the location and depth of the sewer main and connection point in relation to the floor level prior to issue of a Construction Certificate, to demonstrate that appropriate connection and fall to the sewer can be achieved.
- 5 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Principal Certifying Authority for the footings and slab of the dwelling prior to the issue of a Construction Certificate.
- 6 In accordance with the provisions of Planning for Bushfire Protection Guidelines, the building has been assessed as BAL29 construction to the requirements of AS3959-2009. Full construction details demonstrating compliance with the required level of construction shall be provided to the Principle Certifying Authority for consideration and approval prior to the issuance of the Construction Certificate.

Flooding

- 7 All fill material must be contained wholly within the building envelope via drop-edge beam construction. No fill is permitted external to the building.
- 8 Prior to the issue of the Construction Certificate the submission to the Principal Certifying Authority of the following information;
 - The 1% AEP flood level is RL 2.5 metres AHD
 - The provision of certification from a practising structural engineer that all sections of the approved structure which are subject to the force of water or debris due to a 1% AEP flood, have been designed to resist the stresses thereby induced. An

appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.

- All building materials used or located below the 1% AEP flood level must be flood compatible.
- The minimal habitable floor level is 3.0 metres AHD.

Plans and specifications shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Roads

- 9 The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to the issue of a Construction Certificate.

Stormwater

- 10 The submission to and approval by the Principal Certifying Authority/appropriately Accredited Certifier of stormwater drainage details in accordance with AS/NZS3500.3 specifically identifying and addressing the requirements of Section 5 prior to the issue of a Construction Certificate.

Prior to Commencement and During Works:

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

Approved Plans

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

Acid Sulphate Soils

- 12 On completion of excavation works, submit documentary evidence to the Principal Certifying Authority to demonstrate compliance with the requirements of the Acid Sulphate Soils Management Plan.

Acoustic

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

Monday to Saturday 7.00 am to 5.00 pm.

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

Dilapidation

- 14 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways,

water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.

Erosion and Sediment Control

- 15 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 16 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 17 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 18 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 19 The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance Certificate for the frame cannot be issued until the stormwater drainage system is installed.**

Flooding

- 20 The minimum floor level of all habitable rooms is to be RL3.0 metres AHD. A Certificate prepared by a Registered Surveyor certifying that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the dwelling reaches floor level stage. **Note: The building frame cannot be constructed until this certification is received.**

General

- 21 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Home Building Act

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

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

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

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

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

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

Other Authorities

- 24 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

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

- 29 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to the Principal Certifying Authority/appropriately Accredited Certifier unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 30 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated PCA.

Waste Management

- 31 During construction, building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the application.

Prior to Release of Occupation Certificate:

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

BASIX

- 32 Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

Building Code of Australia

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

Dilapidation

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

Erosion and Sediment Control

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

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

External Materials

- 37 The construction of the building in appropriately coloured materials of a low reflective quality, or of materials that are painted or similarly treated with appropriately coloured paint or pigment of a low reflective quality, which merge with the landscape of the site and its surroundings.

Filling and Haulage

- 38 All fill placed on site must be contained wholly within the building envelope via drop-edge beam construction. No fill is permitted external to the building and the level of the land external to the building is to remain in accordance with the levels shown on Survey Plan Ref: 209449/Z by *Tattersall Surveyors Development Consultants* dated 28/10/2009. This will ensure that surface water will not be diverted to adjoining land and that the inter-allotment drainage system will not be obstructed.

Flooding

- 39 All electrical circuits below the 1% flood level are to have a residual current device installed.
- 40 All rainwater storage tank(s) must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.
- 41 Prior to the issue of an Occupation Certificate, the applicant must create a restriction as to user under Section 88E of the Conveyancing Act 1919 with the Council having the benefit of the covenant and having the sole authority to release, vary or modify the covenant indicating that Development Consent No 93/2010 will expire 40 years from the date of issue of the consent ie. 28 July 2050.

Landscaping

- 42 Prior to the issue of an Occupation Certificate, the provision and maintenance of turf to the front setback area in accordance with the provisions of Council's Development Control Plan 2005, Chapter 100 - Quality Housing. Erosion and Sediment Control fencing must remain in place until the turf is established.

Plumbing and Drainage

- 43 The hot water installation must deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks and laundry tubs. AS/NZS 3500 Part 4.2 C1.1.6.2.

- 44 The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads

- 45 All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council prior to issue of the Occupation/Subdivision Certificate.
- 46 All foot paving and gutter crossing works must be approved by Council prior to issue of the Occupation/Subdivision Certificate.

Stormwater

- 47 Roof water from the building and the overflow from the water is to be disposed of into the existing stormwater disposal system.

Vehicle Access and Parking

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

Water and Sewer Services/Infrastructure

- 49 All water and sewer works for the development must be approved by Council prior to the issue of an Occupation Certificate.

Bushfire

- 50 The building shall comply with the requirements of AS3959-2009 Construction in Bushfire Areas, BAL29 Construction. All work is to be satisfactorily completed prior to the Occupation of the building.

Ongoing Operation:

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

Time Limited Consent

- 59 In accordance with Section 80A(1)(d) and 80A(1)(e) of the Environmental Planning and Assessment Act 1979, this consent will expire 40 years from the date of issue of the consent, i.e. on 28 July 2050.

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

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

2.3 DA/790/2009 Proposed Boundary Adjustment at Wyong Creek

TRIM REFERENCE: DA/790/2009 - D02298498

AUTHOR: Mark Greer, Senior Development Planner

SUMMARY

An application as been received for a two lot boundary adjustment at Wyong Creek. The application is reported to Council in accordance with Council's resolution of 14 July 2010 giving an 'in principle' approval to the proposal subject to appropriate conditions.

Applicant	Chase Burke Harvey
Owner	A & C Cornwall
Application No	DA/790/2009
Description of Land	Lot 54 DP 5987, Lot A DP 100173 Yarramalong Road, Wyong Creek
Proposed Development	Boundary Adjustment
Site Area	Lot 54 DP 5987 11.36ha zoned Rural 1(a)
Zoning	Lot A DP 100173 1,075m2 zoned Rural 1(a)

RECOMMENDATION

That Council confirm its approval of the application subject to the conditions attached to the report.

INTRODUCTION

Council at its meeting held 14 July 2010 resolved the following:

- "1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.*
- 2 That Council consider a report on appropriate conditions at the next Council meeting.*

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

AGAINST: COUNCILLORS VINCENT AND WYNN"

Following Council's resolution giving an 'in principle' approval of the application, draft conditions have been prepared by Council Officers in accordance with Council's resolution for endorsement by Council.

ATTACHMENTS

- 1 Council Report dated 14 July 2010 Enclosure D02265225
- 2 Draft Conditions of Consent D02298776

Date: 15 July 2010
Responsible Officer: Mark Greer
Location: 105 Yarramalong Road, WYONG CREEK NSW 2259, 89
Yarramalong Road, WYONG CREEK NSW 2259
Lot A DP 100173, Pt Lot 54 DP 5987
Owner: Mr A J R Cornwell and Mrs C V Cornwell
Applicant: Chase Burke & Harvey
Date Of Application: 31 July 2009
Application No: DA/790/2009
Proposed Development: Boundary adjustment
Land Area: 114675.00

PROPOSED CONDITIONS

- 1 The development taking place in accordance with the approved development plans reference number 20090742 prepared by Chase Burke and Harvey Sheet 2 dated 14 July 2009 except as modified by any conditions of this consent, and any amendments in red.

Prior to Release of Construction Certificate:

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

No Conditions

Prior to Commencement of Works:

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

No Conditions

Prior to Release of Occupation Certificate:

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

Certificates/Engineering Details

- 2 An application for a Subdivision Certificate must be submitted to and approved by the Council/Principal Certifying Authority prior to endorsement of the plan of subdivision.

Ongoing Operation:

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

No Conditions

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre

TRIM REFERENCE: DA/127/2010 - D02237734

AUTHOR: Adam Dean, Development Planner

SUMMARY

An application has been received for the use of Unit 1 No. 7 Enterprise Drive, Berkeley Vale as a gymnastics and movement centre. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report. The application is reported to Council due to the number of submissions received.

Applicant	Ms K A Ryan
Owner	K & L Parnell
Application No	DA/127/2010
Description of Land	Lot 1 SP 57842 (1/7) Enterprise Drive, Berkeley Vale
Proposed Development	Use of unit 1 as a Gymnastics and Movement Centre
Site Area	6,963m ²
Zoning	4(b) Light Industrial
Existing Use	Five unit light industrial complex
Employment Generation	Three (3) full time and two (2) part time

RECOMMENDATION

- 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, refuse the application subject to the reasons for refusal attached to the report.*
- 2** *That Council advise those who made written submissions of its decision.*
- 3** *That Council assist the applicant to locate another suitably zoned property for the purpose of conducting the proposed use.*

PRECIS

- In January 2010, a gymnastics and movement centre was established within an industrial unit at 1/7 Enterprise Drive, Berkeley Vale without the development consent of Council. The use continues to operate without development consent.
- The application seeks approval to continue using unit 1 as a gymnastics and movement centre.

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

- The site is zoned 4(b) (Light Industrial Zone) under the provisions of Wyong Local Environmental Plan 1991 (WLEP). The proposal is defined as a “recreation facility” and is permissible with consent.
- The proposal is incompatible with the objectives of the 4(b) (Light Industrial Zone).
- The proposal does not provide adequate parking and will result in safety issues for pedestrians and motorists within the site.
- The proposal is located within 100m of an approved brothel.
- The proposal is having and is likely to continue to have a detrimental economic impact upon the approved brothel at No. 5 Enterprise Drive, Berkeley Vale.
- There is sufficient appropriately zoned land within the Wyong Shire Local Government area which is better suited to the proposal.
- The development application is recommended for refusal.
- Owners consent from the Body Corporate to the lodgement of the application is required and has not been provided.

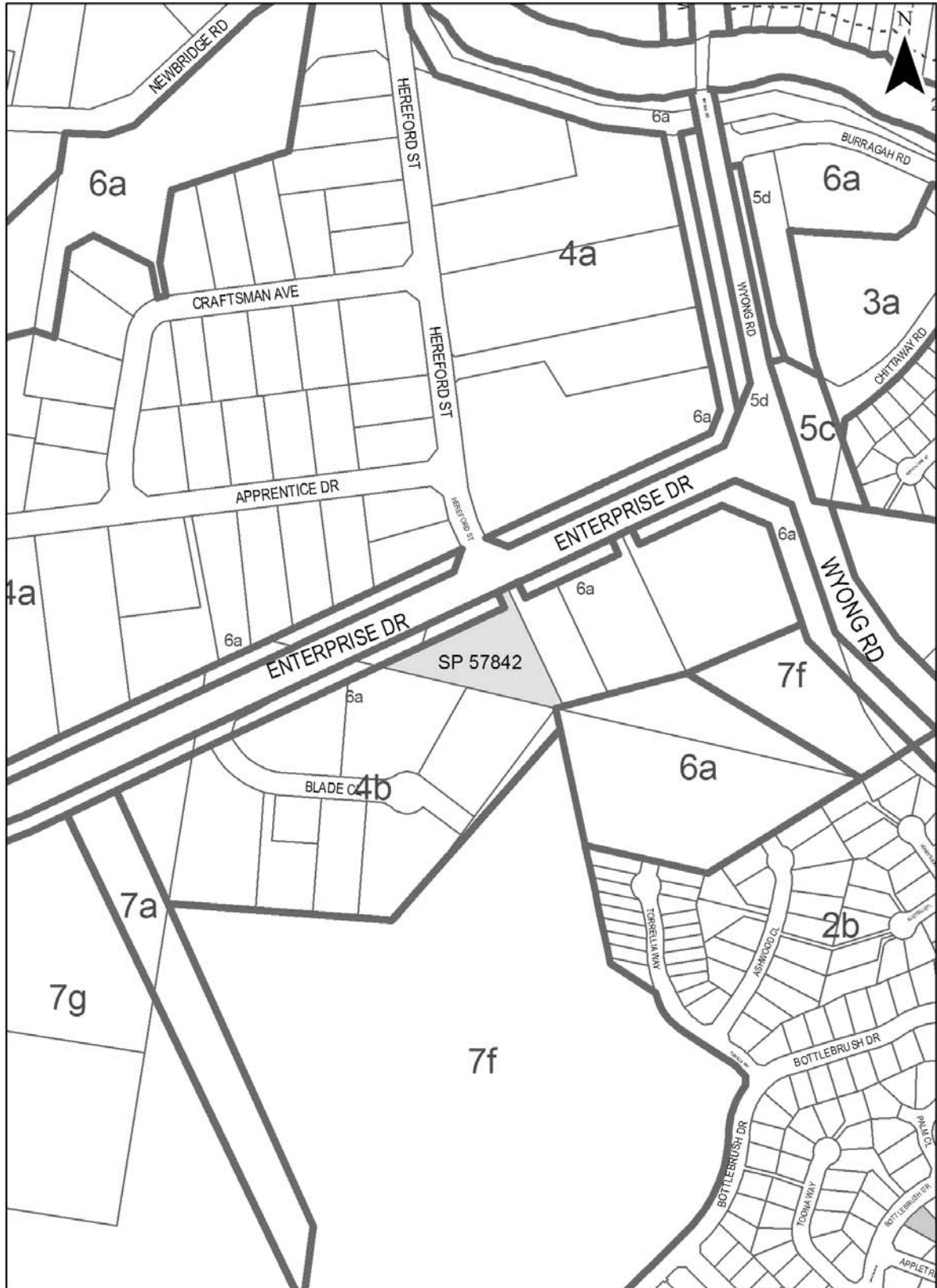
INTRODUCTION

The Site

The site is known as No. 7 Enterprise Drive, Berkeley Vale. It has an area of 6,963m² and is located on the southern side of Enterprise Drive approximately 300m west of the intersection of Wyong Road and Enterprise Drive. The site immediately to the east contains an approved brothel. The subject site comprises an existing five unit light industrial complex. Unit 1 is the eastern most unit and is the subject of this application. The remaining units are occupied by an electrical wholesaler, video store, surf clothing manufacturer and metal fabrication company.



Locality Plan



The Proposed Development

The proposal is for the use of unit 1 as a gymnastics and movement centre which is currently operating without development consent.

The development as described by the applicant comprises:-

- Very small parent/ child groups between 9am and 1pm.
- Classes for school children between 4pm and 6pm.
- One adult class per week on a Thursday evening between 6pm and 7pm.
- A maximum of 40 children on site at anyone time.
- Employment of five staff of which two are casual.
- All children will be dropped at the door and picked up by parents/ guardians when their class is finished.
- All children will attend with a parent/ guardian. None are left unsupervised.
- Erection of a flush wall sign on the façade of the unit measuring 10.2m x 1.8m.

The Statement of Environmental Effects describes the proposal as a “*children’s gymnasium*”, including a new thirteen (13) space “*overflow*” car parking area at the rear of the property adjacent to the southern property boundary, and changes to the vehicle circulation routes around the building and associated line marking.

The Parking Assessment Report prepared by the applicant’s traffic consultant describes the development as follows:-

- *“A children’s gymnasium which provides after school and weekend activities for school aged children.*
- *After school activities typically occur between 4pm-6pm, whilst weekend activities typically occur after 2pm.*
- *There is little, if any activity on the site during regular business hours (other than 1 or 2 staff), given that the centre focuses on after school hours activities for school aged children.”*

Summary

Full details of the proposed land use have not been provided and as such, it is difficult to undertake a complete assessment of the proposed development. In this regard, the following information has not been submitted:-

- The days and times each class is held.
- Staffing requirements for each class.
- The number of participants in each class.
- How many parents are expected to stay on site during children’s classes.
- How many parents are expected to drop off children and collect them after a class has finished.
- How classes will be managed so that there is no overlap i.e. all children and parents have left the property prior to the commencement of the subsequent class.

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

- Full details of all activities proposed to be undertaken on site. It is noted that the existing signage erected on the unit façade advertises “Holiday Gym/ Vacation Care” and “Birthday Parties” however no mention of these activities is made in the application.

Other inadequacies with the application include:-

- Sufficient car parking to suit the proposed development is not available on site to cater for the demand generated by the proposal.
- Works are proposed on common property. Owners consent from the Body Corporate to the lodgement of the application is required and has not been provided,
- Full size scale drawings have not been provided and as such an assessment of traffic and parking matters such as access to loading docks, turning circles and sight distance cannot be properly assessed.
- Hours and days of operation detailed in the application conflict with those specified at the Kimnastix website, (see Attachment 2).
- The development caters for disabled persons but does not provide disabled car parking or amenities.
- Child safety/ car park operation.
- The gymnasium is located adjacent to an approved brothel.
- The economic impact on an adjoining brothel.

The above issues warrant refusal of the application.

VARIATIONS TO POLICIES

Policy	Wyong Council DCP Chapter 61 – Parking
Clause 3.0 Requirements	Car Parking Spaces Required for Gymnasiums
Standard	7 spaces/ 100m2 Gross Floor Area total of 28 car spaces required.
Departure basis	100% as no is available on site. The variation is not supported

HISTORY

Between 1 and 10 February 2010 Council staff received twenty five (25) complaints alleging that a children’s gymnastics and movement centre was operating from Unit 1 No. 7 Enterprise Drive, Berkeley Vale without having obtained development consent. Subsequent investigations confirmed that the use had been established and was operating from the premises without any approval.

On 9 February 2010, the Applicant lodged a development application seeking consent for the continued use of unit 1 as a Gymnastics & Movement Centre.

Following a preliminary assessment of the development application, Council staff wrote to the Applicant advising that the proposal was unsatisfactory and unlikely to be supported.

The Applicant was requested to withdraw the application and was issued with a Notice of Intention to Serve an Order requiring the cessation of the unauthorised use.

To date, the use continues to operate unlawfully.

PERMISSIBILITY

The subject site is zoned 4(b) (Light Industrial Zone) pursuant to WLEP 1991. In accordance with Clauses 7 and 13, the use is defined as a “recreation facility” which is permissible with the consent of Council.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- Wyong Local Environmental Plan, 1991 (WLEP 1991)
- DCP 2005 - Chapter 50 – Advertising Signs
- DCP 2005 - Chapter 61 – Parking
- DCP 2005 - Chapter 71 – Location Criteria for Brothels
- DCP 2005 - Chapter 75 – Industrial Development

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to Ecologically Sustainable Development (ESD) principles and is considered to be consistent with the principles.

ASSESSMENT

Having regard to the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements and relevant Council’s policies, the assessment has identified the following key issues, which are elaborated upon for Council’s information.

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

- Wyong Local Environmental Plan, 1991

(i) Permissibility

The subject site is zoned 4(b) (Light Industrial Zone) pursuant to WLEP 1991. Pursuant to the provisions of Clause 10, of WLEP 1991 a “recreation facility” is permissible with consent.

Although permissible, the proposal is not supported in the location proposed for the reasons detailed in this report.

- Chapter 61 – Parking

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

The objectives of *Chapter 61 – Parking* are as follows:

- “1 *That offstreet carparking provisions are consistent with the nature and scale of associated developments;*
- 2 *That carparking design facilitates the safe and ready access of all users; and*
- 3 *That the impacts of a carparking upon the amenity of the locality are not detrimental”*

The table to clause 3.0 requires that gymnasiums provide seven car spaces per 100m² of gross floor area. The gross floor area of unit 1 is 401m² and as such, 28 car parking spaces are required to be provided outside.

Furthermore, clause 5.0 requires that access for the disabled be provided to and within the building and parking for disabled persons be provided on site.

The proposal fails to meet the above objectives and requirements and is considered unsatisfactory for the following reasons:

The entire site has 32 car spaces which are shared by all five units. The table below details the number of car parking required by each existing business.

Unit No.	Current Use	Gross Area	Floor	Parking Rate	Number of Car Spaces Required
2	Electrical Wholesaler	392		1 space/ 300m ²	1.3
3	Surf Clothing Manufacturer	413		1 space/ 75m ²	5.5
4	Video Store	428		6.1 spaces/ 100m ²	25.2
5	Metal Fabrication Company	321		1 space/ 75m ²	4.3
					Total 36 spaces

There is insufficient on-site car parking available for the gymnasium. Accordingly, the proposal should not be supported. The safety of the operation for children is unsatisfactory. The problem is exacerbated by the circulation of vehicles generated by the adjacent Civic Video store and mixture of industrial uses on the site.

The above table indicates that when all adjoining businesses are operating at the same time, based on Council’s DCP requirements, there is no available landscaping for the proposed gymnasium.

It is recognised that there will be times when more than one space is available, however, given the application is not accompanied by a clear statement identifying the proposed hours/ days of operation, class sizes or a Traffic and Parking Study, a complete assessment of the parking availability cannot be carried out.

A site inspection was conducted on 23 February 2010 during which time parents attended the gymnasium and dropped off children. The following was observed:-

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

- i. Parents parking outside of designated car parking spaces including in areas line marked "no parking" and within circulation aisles used by both cars and heavy vehicles. The offending vehicles were left unattended ultimately impeding pedestrian movement and impacting on the ability of other motorists to manoeuvre through the carpark.
- ii. Children running around in the carpark area not under the control or supervision of parents.

The existing building, car parking area and circulation aisles have been designed to accommodate industrial uses which do not typically attract high volumes of pedestrians, in particular, children.

Children cannot move safely between the car parking spaces and unit 1 without potentially coming into conflict with cars and heavy vehicles. This situation is worsened by the limited site distance available to heavy vehicles travelling from the rear of the site in an anti-clockwise direction past unit 1, and further exacerbated when parents cars are parked within non-designated parking spaces.

(ii) Clause 10 - Zone Objectives and Development Control Table

Clause 10(3) provides:-

"(3) Except where otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless, in the opinion of the Council, the proposed development is compatible with the objectives of the zone within which the development is proposed to be carried out."

Objective (b) of the 4 (b) (Light Industrial Zone) states:-

"(b) to restrict commercial, retail or other development except where it is ancillary to the use of land within this zone for light industrial, service and storage purposes"

The above objective seeks to restrict any development, irrespective of whether it is permissible, which does not assist or give support to the operations of any existing light industrial, service or storage uses within the 4 (b) (Light Industrial Zone).

The gymnasium, which predominantly caters for children, does not assist or support the business operations of the light industrial, service or storage use on the site within in the 4 (b) (Light Industrial Zone) in which it is located. The proposed use is not considered to be an ancillary use to a light industrial, service or storage use. The extent of the zone comprises Nos. 1 – 7 Enterprise Drive and Nos. 1 – 7 Blade Crescent, Berkeley Vale.

Accordingly, the proposal is considered incompatible with objective (b) of the 4 (b) (Light Industrial Zone) and in accordance with clause 10(3), Council should not grant consent to the development.

As indicated in the above table when all adjoining businesses on the site are operating at the same time there is a shortfall of some four (4) spaces based on the carparking requirements under the DCP.

In response to concerns raised in relation to the provisions of on-site carparking, the Applicant commissioned a Parking Assessment Report. The Report describes the proposal as:-

- I. *"a children's gymnasium which provides after school and weekend activities for school aged children who are dropped off and picked up by their parents. After school activities typically occur between 4pm-6pm, whilst weekend activities typically occur after 2pm."*
- II. *"There is little, if any activity on the site during regular business hours (other than 1 or 2 staff), given that the centre focuses on after-school hours activities for school-aged children."*
- III. *"Children are usually dropped-off by parents in groups of 2 or 3 children per vehicle, as the children and parents are usually known to each other, through school or other local community and social circles."*
- IV. Peak parking demand for Kimnastix occurs *"outside regular business hours when most of the other units on the site are closed"*.

The report concludes that between 7 and 12 car spaces are required for Kimnastix during peak operation and that there are more than 30 vacant car parking spaces on site during this time. The report concludes *"that the parking demands generated by the Kimnastix can be fully accommodated on site"*.

The report relies upon inaccurate information. In this regard the following is noted:

- I. The development described in the Report differs greatly to that on the Kimnastix website, and
- II. The stated car occupancy rate of 2 – 3 children per car is not what has been observed by Council staff during the operation of Kimnastix. The observed occupancy rate is generally 1 child per car.

A site inspection was conducted on 23 February 2010 during which time parents attended the gymnasium and dropped off children. The following was observed:-

- i. Parents parking outside of designated car parking spaces including in areas line marked "no parking" and within circulation aisles used by both cars and heavy vehicles. The offending vehicles were left unattended ultimately impeding pedestrian movement and impacting on the ability of other motorists to manoeuvre through the carpark.
- ii. Children running around in the carpark area not under the control or supervision of parents.
- iii. Approximately 50% of the parents remained on site while the class was underway.

The existing building, car parking area and circulation aisles have been designed to accommodate industrial uses which do not typically attract high volumes of pedestrians, in particular, children.

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

Children cannot move safely between the car parking spaces and unit 1 without potentially coming into conflict with cars and heavy vehicles.

Accordingly, it is considered that the Application has not demonstrated that sufficient car parking is available on site to cater for the demand generated by the proposal and the safety of the operation for children is totally unsatisfactory.

The application includes an amended plan providing for:-

- I. A new thirteen (13) space "overflow" car parking area at the rear of the property adjacent to the southern property boundary, and
- II. Changes to the vehicle circulation routes around the building and associated line marking.

The proposed works are located on common property. Owners consent from the Body Corporate to the lodgement of the application is required and has not been provided. Furthermore, full size scale drawings have not been provided and there is a lack of sufficient detail to permit an assessment of traffic and parking matters such as access to loading docks, turning circles, sight distances and pedestrian access routes to unit 1. The proposed "overflow" carparking area is likely to impact on present /future access and egress to the loading docks of Units 1,2 and 3.

- Chapter 71 – Location Criteria for Brothels

Clause 1.8 Section 2 – *Location Criteria* provides:

"In Wyong Shire, Council will not consider or will determine as refusal any development application for a brothel (whether or not the use is permissible in the zone) on the basis of the location criteria in this plan."

Clause 2.3 – *Separation Distances from Certain Uses* provides:

"(b) Access to or exit from a brothel shall not be provided within 100 metres of the property boundary of any land used for or reserved for a church, school, child care centre, or any place frequented by children for cultural activities or structured recreation.

For the purposes of this plan, this distance is measured (from door to the nearest point on the affected property boundary) along the most direct established pedestrian route between the premises"

An approved brothel is situated on the immediate adjoining property to the north of the subject site.

The intent of the above clauses is to ensure brothels are not located in close proximity to sensitive land uses including places frequented by children. Should an approved brothel already be situated in a certain location, it would not be appropriate to locate any business frequented by children in close proximity.

Given the gymnasium is a form of structured recreation which specifically targets children and is located within 100 metres of the entry door to the brothel at No. 5 Enterprise Drive,

which is legally operating on the site, it is considered that the location of the gymnasium is inappropriate and inconsistent with the separation distances outlined within Chapter 71.

- Chapter 75 – Industrial Development

The chapter contains specific controls relating to child care centres/ recreation facilities in industrial areas encouraging them to be incorporated into new purpose built developments for the use of employees and their children and discouraging them as refits of existing units as provided below:

“Clause 3.29 – *Child Care Centres and Ancillary Uses*

Objective

The provision of employer based child care centres (or crèches) and commercial recreation facilities (such as indoor sporting centres) are encouraged as a component of purpose built industrial development. Such facilities should be located and signposted so that they are predominantly for the use of employees of the industrial development.

Performance Criteria

Child care centres will not be supported as refits of existing factory units”.

The clause aims to have recreation facilities/businesses specifically accommodating children incorporated into new purpose built developments for the use of employees and their children and not as refits of existing units. Although the proposed use is not a “child care centre” the principles contained within the DP should be applied in the circumstances.

A development of the type envisaged by the above controls would be required to provide adequate car parking and clearly defined pedestrian pathways separate to vehicle circulation areas thereby minimising the likelihood of pedestrian/ vehicle conflict.

The proposal is contrary to the intent of the clause posing a very real risk to the safety of children, parents and other users of the industrial complex.

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

The relationship to the regional and local context and setting.

Incompatible with local context.

The access, transport and traffic management measures.

This issue is extensively addressed elsewhere in this report.

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

No issues to report.

The impact on utilities supply.

No issues to report.

The effect on heritage significance.

No issues to report.

Any effect on other land resources.

No issues to report.

Any impact on the conservation of water.

No issues to report.

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

No issues to report.

Any effect on quality of air and microclimate conditions.

No issues to report.

Any effect on the flora and fauna.

No issues to report.

The provision of waste facilities.

No issues to report.

Whether the development will be energy efficient.

No issues to report.

Whether the development will cause noise and vibration.

No issues to report.

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

No issues to report.

Any risks from technological hazards.

No issues to report.

Whether the development provides safety, security and crime prevention.

Safety of children is a very real concern which is covered in this report.

Any social impact in the locality.

Chapter 71 of DCP 2005 deals with this issue and is discussed elsewhere in this report.

Any economic impact in the locality.

The operator of the brothel on the adjoining site has submitted information indicating that since its inception, the gymnasium has had, and is continuing to have, a negative economic impact upon the operation of the brothel.

Unit 1 No. 7 Enterprise Drive, Berkeley Vale has historically been used for light industrial purposes, most recently a kitchen manufacturer. This previous land use did not attract a significant number of customers compared to the gymnasium and as such, the possibility of brothel staff/ customers being seen entering/ exiting the brothel from the car park area immediately in front of the gymnasium was relatively low.

The ability of the brothel to operate discretely has been compromised by the proposed gymnasium. The brothel operator has advised that this has directly led to staff being unable to work and customers unable to attend the brothel as they can no longer enter and exit the premises in the discreet manner to which they are accustomed.

The brothel owner has provided written evidence showing that since the gymnasium opened, a number of staff have resigned fearing that they may be recognised by parents of the children attending the gymnasium. Other staff have advised that they would not attend work again while the gymnasium is operating.

In *Alphatex Australia v The Hills Shire Council (No 2)* [2009] NSWLEC 1126 at paragraphs 109 – 118 Senior Commissioner Moore considered the economic impact of a proposed business upon adjoining unrelated businesses. Evidence was given by a two (2) adjoining businesses that the mere possibility of the proposed business operating from the adjoining premises had already resulted in existing customers leaving and potential customers indicating that they would not attend these businesses if the proposal were to be approved next door.

The Senior Commissioner found that the proposed business (a brothel) was already impacting on the financial viability of an adjoining business and would, if approved, continue to do so concluding that the impact was unacceptable and, in its own right, warranted refusal of the proposal. At paragraphs 109 – 118 of the judgement, the Senior Commissioner states:-

“109. It is therefore appropriate to consider the extent to which I should regard the impacts that have already occurred and the extent to which I consider that further impacts are probable in my assessment of this proposed brothel.

110. In this context, it is appropriate to note that a fear, no matter how honestly or conscientiously held, does not provide any basis for refusing or contributing to the refusal of a development application unless there is some genuine likelihood of the fear being realised resulting in an adverse impact or it having already crystallised with an adverse impact being caused as a result. If these latter circumstances apply, then the nature and extent of the impact are appropriate to be considered in the planning assessment of the proposal.

2.4 DA/127/2010 - Use of Unit 1 as a Gymnastics and Movement Centre (contd)

111. *It is clear that not merely is there a realistic fear of an adverse impact on surrounding non-competing and unrelated businesses but that, to some extent, that fear has already been realised. Evidence of the conveyancing business is that the brothel has already commenced impacting on the clients of this business merely because of the proposal to locate the brothel next door.*
112. *Flowing from that, the owner of the premises rented by the conveyancing business, the proprietor of the adjacent real estate agency, is also already impacted by the proprietors of the conveyancing business seeking a lower rental for the premises because of the impact that the proposed brothel will have on their business.*
113. *These impacts are precisely the type envisaged in Kentucky Fried Chicken as being relevant and appropriate, in a planning sense, in assessing the economic or social impact of a proposal.*
114. *Such impacts on noncompeting and unrelated businesses are unacceptable. Whilst the mere fear of such an impact would not give rise to a basis for refusal, in this instance the impact has already been evidenced to the conveyancing business (with a flow-on impact on the landlord of those premises). In addition, it is, in my view, reasonable to accept that such an impact might also, to some extent, also flow on to other businesses such as the other real estate agents in the vicinity who have given evidence of the family orientation of their clientele.*
115. *On the uncontradicted evidence of Ms Castor, such a fear should be considered irrational.*
116. *However, the fact that the fear exists and is having, on the uncontradicted evidence of two of the objectors, a demonstrated and adverse affect on businesses in the vicinity is sufficient to engage the question of an adverse social or economic impact on those unrelated businesses. The impacts on the customers and prospective customers of these businesses (and, consequently on the proprietors and employees of these businesses) are not merely impacts that are feared but unlikely to come to fruition. The impacts, on the evidence available to me, have already commenced and I have no reason to assume that they will not continue if the premises were to be approved to be used as a brothel.*
117. *Although, on Ms Castor's evidence (which I accept), there is no rational basis for these fears, the impacts caused by those fears have already commenced and are likely to continue.*
118. *That adverse impact, in no sense at the fault of the proprietor of either of the impacted businesses, is unacceptable and, in its own right, warrants refusal of the proposal."*

The Senor Commissioner found that the proposed brothel was causing an unacceptable economic impact upon existing adjoining business'. The circumstances of the case and the current application are not dissimilar.

The point of distinction between the above decision and the application before Council is that this is not a situation where the gymnasium is proposed and the brothel owner holds a fear that an economic impact may be realised, rather the gymnasium by its very nature is in operation and already impacting on the financial viability of the adjoining existing brothel.

Furthermore, there is a genuine likelihood that this adverse impact will continue if the gymnasium is permitted to operate.

Roseth SC in *Martyn v Hornsby Shire Council* [2004] NSWLEC 614 published a Planning Principle known as *brothels*. In part the Principle states “*the exposure of impressionable groups like children and adolescents to the existence of brothels is undesirable*” and “*brothels should not adjoin, or be clearly visible from schools, educational institutions for young people or places where children and adolescents regularly gather.*”

On 28 June 2010 a Supplementary Statement of Environmental Effects was submitted stating that a screen had been installed on the dividing fence with the brothel for the purpose of screening views of the brothel’s driveway entry. A subsequent site inspection revealed that green shade cloth had been attached to the chainwire boundary fence between the two properties.

As established earlier in this report the increased surveillance of the brothel’s driveway entry by customers of the gymnasium has given rise to an unacceptable economic impact upon the brothel.

The shade cloth which has been erected is transparent and does not serve to sufficiently screen views of the brothel staff/ clients or their vehicles as they enter/ exit the premises.

For this reason it is considered that the ongoing use of the premises as a gymnasium for children will continue to cause an unacceptable economic impact upon the adjoining brothel.

*Any impact of **site design and internal design**.*

The design of the car parking area requires children and parents to cross heavy vehicle circulation aisles. The internal circulation of vehicles and conflict with the users of the gymnasium is a consequence of the design of the existing development namely for predominately industrial purposes. The high usage of the video shop is generally outside the hours of other industrial users on the site.

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

No issues to report.

Any cumulative impacts.

No issues to report.

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

Whether the proposal fits in the locality.

The gymnasium is a form of structured recreation that specifically targets children and is located immediately adjacent to a brothel at No. 5 Enterprise Drive. For this reason the proposal is considered to be an inappropriate use that is out of character of the locality.

Whether the site attributes are conducive to development.

Existing site development comprised a purpose built light industrial development principally containing warehousing and factory uses. Each unit has a loading dock, the circulation aisles are designed for trucks and there are a limited number of car parking spaces which is consistent with the anticipated future land uses at the time of construction.

The design of the building and its surrounds are not conducive to the development proposed for the following reasons:

- Insufficient car parking is available for the use.
- Disabled parking and amenities are not available.
- The safety of patrons to the premises is in jeopardy.
- Children cannot move safely between the car parking spaces and unit 1 without potentially coming into conflict with cars and heavy vehicles.
- Limited sight distance is available to heavy vehicles travelling from the rear of the site in an anti- clockwise direction past unit 1.
- Children cannot move safely between the car parking spaces and unit 1 without potentially coming into conflict with cars and heavy vehicles.
- The unit is located immediately adjacent to a brothel.

While the subject site is not considered suitable for the development proposed, it is noted that there are sufficient appropriately zoned parcels of land within the Wyong Shire local government area where Recreation Facilities (gymnasiums) are permissible:-

- 3 (a) (Business Centre Zone)
- 3 (b) (Centre Support Zone)
- 3 (d) (Tourist Business Zone)
- 4 (a) (General Industrial Zone)
- 4 (b) (Light Industrial Zone)
- 4 (c) (Business Park Zone)
- 7 (b) (Scenic Protection)

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

Any submission from the public.

The application was advertised in accordance with DCP 2005 Chapter 70-Notification of Development Proposals with 14 letters objecting to the proposal received during the formal notification period. Following the closure of the notification period a further 83 submissions were received comprising four objecting to the development and 79 supporting the development.

The issues raised in the submissions have been addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the EP&A Act 1979. A summary of the submissions objecting to the proposal are detailed in the table below.

Summary of Issues	Response
The gymnasium is for children, it should not be located next door to a brothel.	The proposed continued operation of the gymnasium is not supported for the reasons detailed in this report. This issue warrants refusal of the application.
The gymnasium has plans to expand into the adjoining unit.	No evidence has been submitted to substantiate this claim.
The sign on the front of the building states that they will also be conducting "vacation care, after school care, birthday parties and after school activities". None of this is mentioned in the development application.	Full details of the proposed land use have not been provided and as such a complete assessment cannot be undertaken.
The setting up of a child friendly gym next door to a brothel breaches the Children & Young Persons Care Act 1998 and Children Service Regulation 2004	The proposal does not breach the Young Persons Care Act 1998 or Children Service Regulation 2004.
If the child friendly gym is allowed to proceed it will set a precedent in the Wyong Shire where brothels can be placed next door to child care centres and vice versa.	The continued operation of the gymnasium beside the brothel is not supported.
Children cannot at all times, be adequately supervised by parents collecting and dropping off children. Children are likely to be hit by trucks.	This issue warrants refusal of the application.
Council's policy on brothels requires they be located 100m from child friendly businesses. Common sense would mean that the opposite applies also. The children's gym is within 100m of a brothel.	The gymnasium is not supported in the location proposed. This is issue warrants refusal of the application.
There is not enough car parking onsite for the gymnasium. Parents attending the gym regularly park outside the linemarked spaces, blocking the driveway areas.	The lack of adequate carparking on site warrants refusal of the application.
There are often unsupervised children in the car park area.	The design of the circulation aisles and parking area are not conducive to the use of the land as a children's gymnasium. There is a high likelihood of unsupervised children coming into conflict with vehicles.
For a brothel to operate successfully, its staff and clients must be able to enter and exit the site in a discreet manner. The entry driveway to the brothel is highly visible from the car parking area at the front of the gymnasium. The number and frequency of people attending the gymnasium means that the staff/ clientele of the brothel are always under surveillance. This situation is having an economic impact upon the staff and owner of the brothel and a social impact upon its clientele.	This issue warrants refusal of the application.
The sign on the gym says "disabled...." but there aren't any disabled parking spaces or	The development provides services for the disabled but does not provide parking,

Summary of Issues	Response
toilets.	access and disabled amenities.

A summary of the submissions in support of the proposal are detailed in the table below.

Summary of Issues	Response
Why can't Kimnastix be beside the brothel?	Roseth SC in <i>Martyn v Hornsby Shire Council</i> [2004] NSWLEC 614 published a Planning Principle known as <i>brothels</i> . In part the Principle states "the exposure of impressionable groups like children and adolescents to the existence of brothels is undesirable" and "brothels should not adjoin, or be clearly visible from schools, educational institutions for young people or places where children and adolescents regularly gather."
The gymnasium provides a much needed service in the area. It builds self esteem and contributes to the health and wellbeing of children and caters for disabled children.	The benefits of the gymnasium are not in dispute. It is the location of the gymnasium which is not supported.
There are other businesses near the brothel that are child friendly including the Tumbi Indoor Sports Centre and Lighthouse Church, Kimnastix is no different.	There aren't any other child friendly businesses within the 100m buffer required by the Wyong DCP 2005, <i>Chapter 71 – Location Criteria for Brothels</i> . The Tumbi Indoor Sports Centre and Lighthouse Church also aren't within the 100m buffer.
Council's brothel DCP requires that brothels be located a certain distance from other businesses, not that other businesses have to be located a certain distance from a brothel.	The intent of the Wyong DCP 2005, <i>Chapter 71 – Location Criteria for Brothels</i> is to ensure brothels are not located in close proximity to incompatible uses, common sense would dictate that should an approved brothel already be situated in a certain location, it would not be considered appropriate to situate any business involving children close by.
The following gyms don't have much carparking. Why is Kimnastix required to have 28 spaces? Buritz Gymnastics at 389 The Entrance Road Long Jetty Arthurs Gym at Berkeley Vale Central Coast Gymnastics at 6 O'Hart Close, Charmhaven	At the time of assessment, the proposed businesses were considered to provide sufficient car parking. The premises at 389 The Entrance Road was approved as a skating rink (recreation facility) prior to Council's current car parking requirements. Any subsequent use of the premises as a recreation facility which does not increase the intensity of the operation is not required to provide further car parking. Arthurs Gym at Berkeley Vale was approved prior to Council's current car parking requirements.

Summary of Issues	Response
	The car parking provision for Central Coast Gymnastics caters was considered on its merits. A maximum of 21 students are permitted on site at one time and 17 car spaces are provided, approximately 1 space per student. Kimnastix caters for up to 40 students and provides only one (1) car space.
There are immediate plans to provide speed humps and extra parking at No. 7 Enterprise Drive.	No information has been submitted to Council in this regard.

Any Submission From Public Authorities

There were no submissions received from Public Authorities.

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

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

No issues to report.

OTHER MATTERS FOR CONSIDERATION

There are no other issues to report.

CONCLUSION

The proposal is contrary to the established Land & Environment Court Planning Principle in *Martyn v Hornsby Shire Council* 2004 NSW LEC 614.

The proposal has been assessed having regard to Section 79C of the EP&A Act, 1979, WLEP 1991 and DCP 2005 and is considered unsatisfactory.

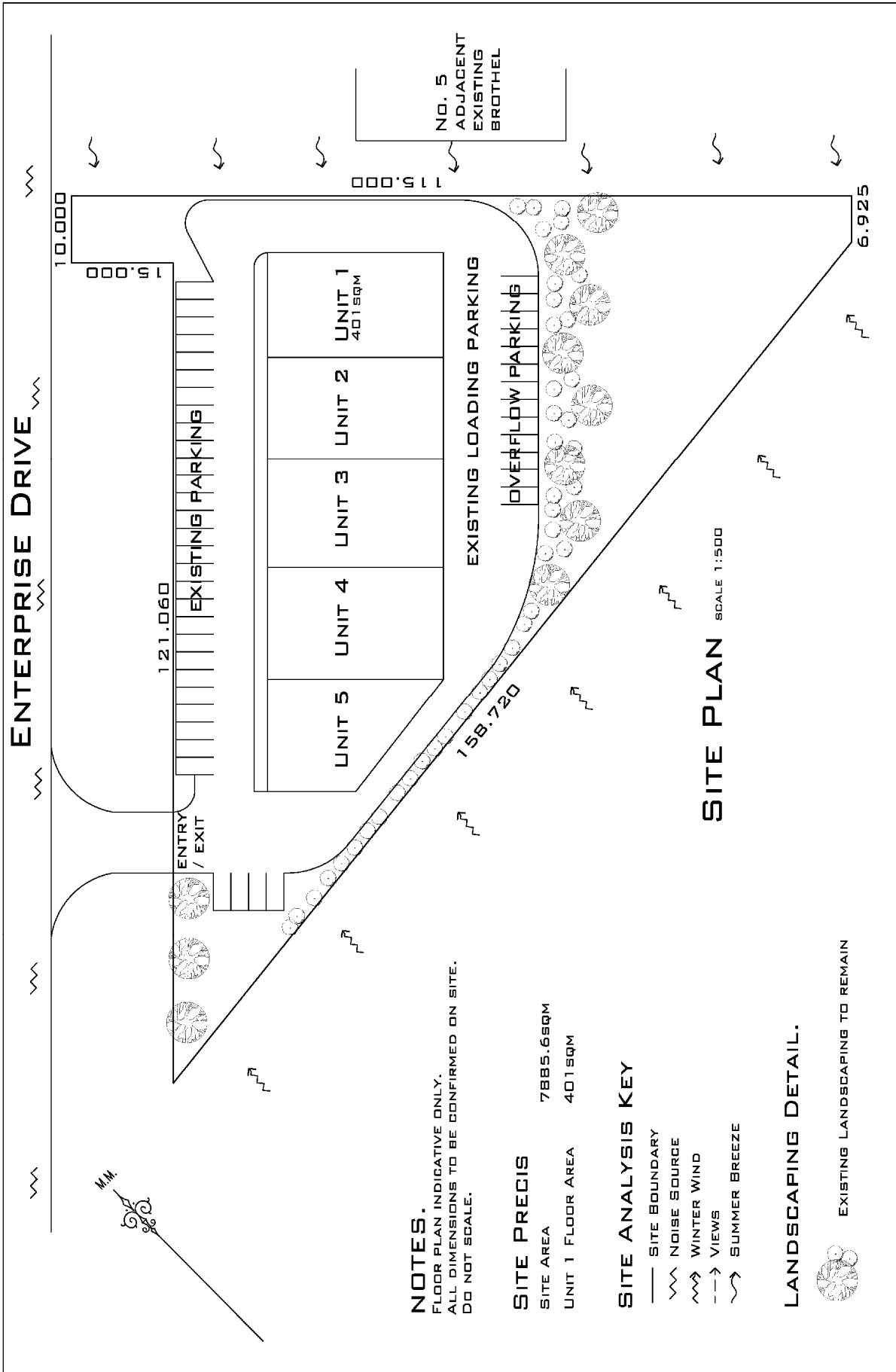
The proposal is incompatible with objective (b) of the 4 (b) (Light Industrial Zone) in that it does not help or support the business operations of any light industrial, service or storage use in the 4 (b) (Light Industrial Zone) in which it is located.

The proposal is deficient in terms of its description of activities proposed to be undertaken on site, plans provided, parking provision, pedestrian and motorist safety and proximity and economic impact upon an adjoining brothel.

In view of the above, it is recommended that the application be refused.

ATTACHMENTS

1	Site Plan	D02288600
2	Floor Plan	D02286818
3	Class Timetable Sourced from www.kimnastix.com.au website	D02230974
4	Draft Reasons for Refusal	D02297403



NOTES.

FLOOR PLAN INDICATIVE ONLY.
ALL DIMENSIONS TO BE CONFIRMED ON SITE.
DO NOT SCALE.

SITE PRECIS

SITE AREA 7885.65SQM
UNIT 1 FLOOR AREA 401 SQM

SITE ANALYSIS KEY

- SITE BOUNDARY
- ⋈ NOISE SOURCE
- ↖ WINTER WIND
- VIEWS
- ↘ SUMMER BREEZE

LANDSCAPING DETAIL.



EXISTING LANDSCAPING TO REMAIN

SITE PLAN SCALE 1:500

DATE: 17-05-10

DRAWN BY: C.WHITE

PROJECT NO: TEMP

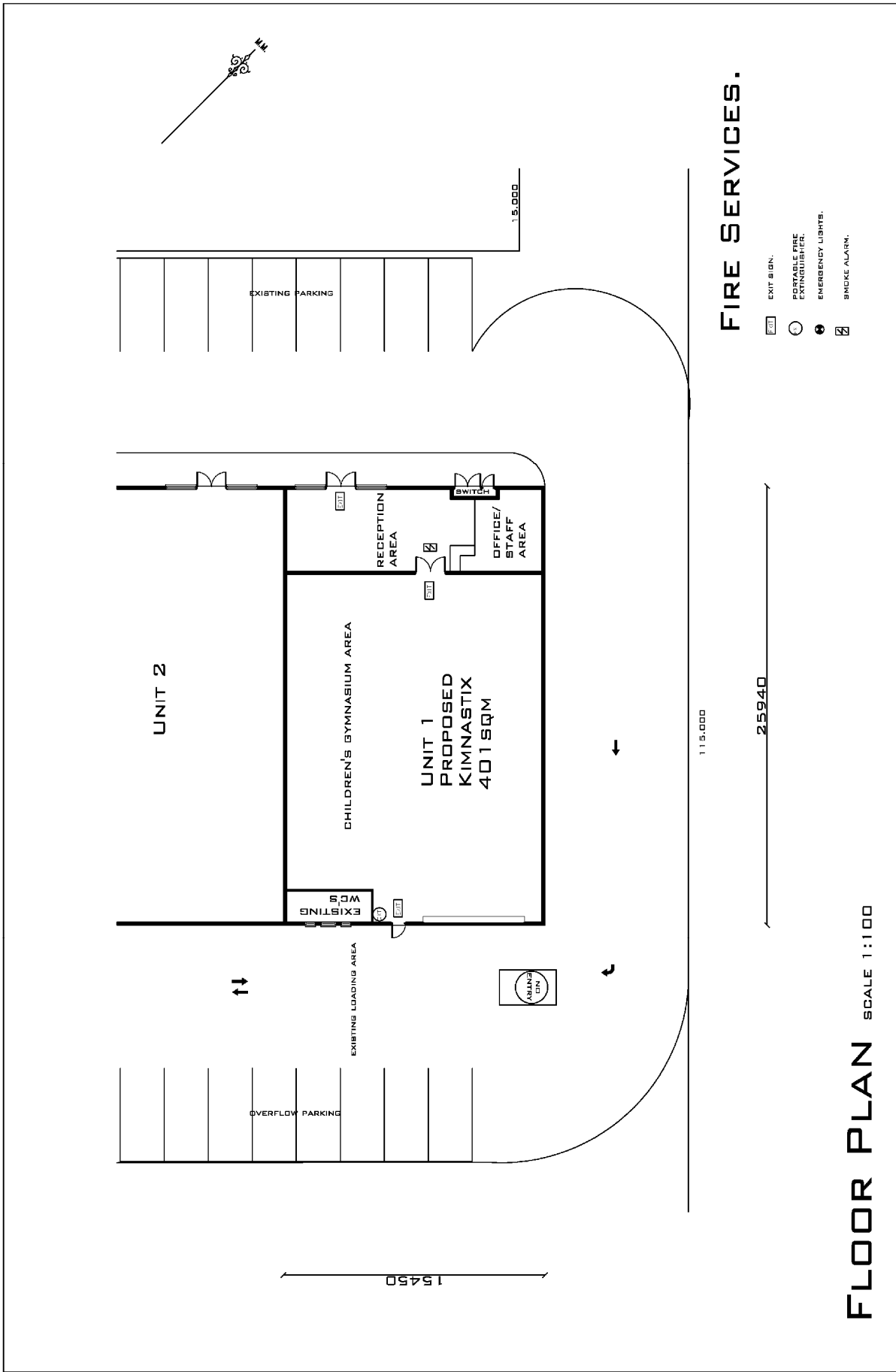
PROJECT: PROPOSED USE & OCCUPATION UNIT 1 LOT 41
D.P.790113 ENTERPRISE DRIVE, BERKELEY VALE

SHEET NO: 1/2

CLIENT: KIMNASTIX

SJH PLANNING & DESIGN

1 HODGKIN STREET, DAVENPORT, NEW ZEALAND PH: 06 43609111 FAX: 06 43609134
EMAIL: DESIGN@SJHPLANNINGDESIGN.CO.NZ



FIRE SERVICES.

- EXIT SIGN.
- PORTABLE FIRE EXTINGUISHER.
- EMERGENCY LIGHTS.
- SMOKE ALARM.

FLOOR PLAN SCALE 1:100

<p>PROJECT: PROPOSED USE & OCCUPATION UNIT 1 LOT 41 D.P.7901 13 ENTERPRISE DRIVE, BERKELEY VALE</p> <p>CLIENT: KIMNASTIX</p>	<p>DATE: 17-05-10</p> <p>DRAWN BY: G.WHITE</p> <p>SHEET NO: 2/2</p>	<p>SJH PLANNING & DESIGN</p> <p>1 McCauley Street, DARTMOUTH, N.S.W. 2251 Ph: 02 43068111 Fax: 02 43068122 Email: ds@sjhplanninganddesign.com.au</p>
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Class Timetable Sourced from www.kimnastix.com.au

<u>Class</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
Baby Movement (9mths-2yrs) This is truly the best age to start your child in an accredited movement program				9-9.45am		
KG Up growth (2-3 yrs) Saturday is a mixed Kindergym Class/ 0-5yrs, Suitable for families with multiple children.	10-10.45am	10-10.45am	10-10.45am	10-10.45am		9-9.45am
KG Up growth (3-4 yrs)	11-11.45am	11-11.45am	11-11.45am	11-11.45am		
Pre-Recreational (4-5 yrs) Children from this age group can make-up in any Jnr Recreational Class during the week	12-12.45pm		12-12.45pm			11.45-12.30am
Pre-School Development Squad 2 Hour State Prep Class for gifted children – invitation only – Leotard Required					10-11.30am	
Pre-School Development Squad						
School Groups Perhaps your school is interested in our curriculum based Progressive School Program - Endorsed by Gymnastics NSW	1-2.30pm	1-2.30pm	1-2.30pm	1-2.30pm	1-2.30pm	
Junior Progression 1 Hour Progression Class for children beyond Recreational Level	4.30-5.30pm	4.00-5pm	4.30-5.30pm	4.30-5.30pm		
Senior Progression 1 Hour Progression Class for children beyond Recreational Level	5.30-6.30pm	5.30-6.30pm	5.30-6.30pm	5.30-6.30pm		
Junior Advancement – Squad	4.00-6.00pm	4.00-6.00pm	4.00-6.00pm	4.00-6.00pm	10.00am-11.30am	

Senior Advancement – Squad	4.00-6.30pm	4.00-6.30pm	4.00-6.30pm	4.00-6.30pm		
Junior Recreational (5-9 yrs) Beginner Level – Pre Recreational Children are also allowed to attend this class	4.00-5pm	4.00-5pm	4.00-5pm	4.00-5pm		
Senior Recreational 10+ yrs Beginner Level	5.00-6pm	5.00-6pm	5.00-6pm	5.00-6pm		
Junior Progression 1 Hour Progression Class for children beyond Recreational Level	4.30-5.30pm	4.30-5.30pm	4.30-5.30pm	4.30-5.30pm		
Senior Progression 1 Hour Progression Class for Children beyond Recreational Level	5.30-6.30pm	5.30-6.30pm	5.30-6.30pm	5.30-6.30pm		
Junior Advancement - Squad 2 hour State Level Class by invitation only – Competition Optional – Club leotard/tracksuit required	4.00-6.00pm	4.00-6.00pm	4.00-6.00pm	4.00-6.00pm		
Senior Advancement - Squad 2 hour State Level Class by invitation only – Competition Optional – Club leotard/tracksuit required	4.00-6.30pm	4.00-6.30pm	4.00-6.30pm	4.00-6.30pm		
Advanced Boys Class Designed for boys who wish to learn more skills and have been in recreational gymnastics for at least one term	5.30-6.30pm					
Junior Dance/Gymnastics (7-12 yrs) This is not a beginner Class. For children attending Dance Lessons and wish to add another dimension to their abilities					4.00-5.00pm	
Senior Dance/Gymnastics (12+ yrs) This is not a beginner Class. For children attending Dance Lessons and wish to add another dimension to their abilities					5.00-6.00pm	
Advanced High School Class		6.00-7.00pm				
Advanced Recreation		6.00-7.00pm				

Children MUST be High School age and have attended 1 term of Senior Recreation						
Adults Gymnastics				6.00-7.00pm		
Women's Stretch & Core Regain <ul style="list-style-type: none"> - Women's Only Class - 30 minute stretch & abdominal targeted Class - Great for those Mum's 6 week post natal 		12-12.30pm		12-12.30pm		
Acrobatics/Tumbling/Tramp <ul style="list-style-type: none"> - 2 Hour Strength & Skills Class by invitation only. - Option to compete at State Level in Sports Acrobatics. - Once a stable class is established, 2011 season gymnasts will be coached by Kim & Chloe, alternating throughout the lesson 						11am-1pm
Birthday Parties <ul style="list-style-type: none"> - Min 10 booking for each party - Inc. supervised play, food & lolly bags - Welcome to bring a cake if cake is desired - 1 & ½ hour duration 						1.30pm - 3.00pm

Date: 14 July 2010
Responsible Officer: Adam Dean
Location: 1/7 Enterprise Dr, BERKELEY VALE NSW 2261
Lot 1 SP 57842
Application No: DA/127/2010
Proposed Development: Use of Unit 1 as a Gymnastics and Movement Centre

Draft Reasons for Refusal

- 1 Pursuant to Section 49 1(b) of the Environmental Planning and Assessment Act 1979 the development application is not accompanied by written owners consent from the Body Corporate for the Strata Plan No 57842 for the works proposed on common property.
- 2 Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 the development application does not contain sufficient information or documentation to permit a fair and accurate assessment of the application as required by clause 50(1)(a) of Environmental Planning and Assessment Regulation 2000. Full details of the proposed land use including hours and days of operation, participant and staff numbers, class frequency and the nature of all activities to be undertaken on site have not been provided.
- 3 Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the provisions of the Wyong Development Control Plan 2005 Chapter 61 – Parking, clauses 3.0 and 5.0 in that sufficient car parking has not been provided to meet the demand generated giving rise to child and pedestrian safety issues.
- 4 Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the intent of the Wyong Development Control Plan 2005 Chapter 71 – Location Criteria for Brothels, 2.3 – Separation Distances from Certain Land Uses, in that it is located in close proximity to an approved brothel on the adjoining site.
- 5 Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the Wyong Development Control Plan 2005 Chapter 75 – Industrial Development, clause 3.29 – Child Care Centres and Ancillary Uses in that it is not a component of a purpose built industrial development predominantly for the use of employees of a light industrial development at No 7 Enterprise Drive.
- 6 Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is having and is likely to continue to have a detrimental economic impact in the locality.
- 7 Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the development proposed having regard to the nature of the locality and the site's attributes.
- 8 Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it does not provide sufficient car parking, poses a pedestrian safety issue and is within close proximity to an approved brothel on the adjoining site.

3.1 Contract Variations and Finalisation - June 2010

TRIM REFERENCE: D02276592

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 June 2010.

RECOMMENDATION

- 1 That Council note the *Contract Variations and Finalisation June 2010 report (Attachment 1)*.
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:

<i>Contract Title</i>	<i>Contract No</i>	<i>Additional Expenditure</i>
<i>Mardi Dam Transfer System & Dam Raising – Design & Documentation</i>	<i>112242</i>	<i>150,000.00</i>
<i>Mardi Dam High Lift Pump Station – Design & Documentation</i>	<i>108619</i>	<i>105,000.00</i>
<i>Supply & Deliver Hydrated Lime to Mardi Water Treatment Plant</i>	<i>107738</i>	<i>25,000.00</i>
<i>Collection Mixed Waste & Recyclables – Holiday Parks</i>	<i>122066</i>	<i>56,000.00</i>

- 3 That Council note the additional expenditure requested is within approved program budgets.
- 4 That Council note the contracts that reached a finalised status in Attachment 2 of the *Contract Variations and Finalisation – June 2010 report*.

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 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

The value of a contract budget is the amount tendered by the recommended tenderer (including contingencies) and approved by Council or staff delegation, as the case may be.

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.

THE PROPOSAL

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 un-forecast (from the tender approval) changes occur in the works.

The June period has brought to light a number of changes that require Council's formal approval for compliance with s.55 but which are within previously approved budgets as resolved by Council.

Summary for June period.

Contracts reported for June 2010	12*
Contracts requiring increase to the contract budget estimate	4
Contract where current funds are sufficient to complete	7
Contracts finalised in period	2

*One contract was both a variation and finalised.

Variations this month

OPTIONS

Council may either approve or reject the additional expenditure above resolved estimates for the contracts. Rejecting the additional expenditure will affect the progress of the contracts as detailed for each contract in Attachment 1.

Approval of the additional expenditure above resolved estimates 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

Impact on WSC's Annual Plan is indicated in the table below:

Impact on Annual Plan

Contract No.	Description	Source of Funds	Annual Plan Budget Impact	Impact \$
112242	Mardi Dam Transfer System & Dam Raising – Design & Documentation	50/50 Gosford & Wyong Councils	Neutral – the programme budget for capital works for the Mardi Suite of Works project has sufficient funds to cover the increased expenditure.	Nil
108619	Mardi Dam High Lift Pump Station – Design & Documentation	50/50 Gosford & Wyong Councils	Neutral – the programme budget for capital works for the Mardi Suite of Works project has sufficient funds to cover the increased expenditure.	Nil
107738	Supply & Deliver Hydrated Lime to Mardi Water Treatment Plant	Water Treatment Plant Operational Budget	Neutral - Operational budget is sufficient funds for extended contract period	Nil
145091	Hire of Minor Plant & Equipment	Operational & Capital Budgets Requiring Plant Hire	Neutral – No specified budget. Operational & Capital budgets managed at programme level	Nil
122066	Collection Mixed Waste & Recyclables – Holiday Parks	Holiday Parks Operational Budget	Neutral - Operational budget is sufficient funds for extended contract period	Nil

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

Contract control is a discipline under continual improvement and scrutiny, particularly as new budget management systems are being put in place for 2010-2011. The issues raised in this report are demonstrative of the improved scrutiny in this area.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | OM 28-7-2010 Attachment 1 Contract Variations for June 2010 | D02277426 |
| 2 | OM 28-07-2010 Attachment 2 - Finalised Contracts June 2010 | D02277330 |

Mardi Dam Transfer System and Dam Raising Concept, Detailed Design and Documentation

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
			\$	\$	\$	\$	\$	\$		\$
112242	25-10-2006	Dept. of Commerce	840,318.18	993,671.00 (as reported to Council 26-11-08)	143,353.00	29,815.45	173,168.45	1,013,486.63	50/50 Wyong & Gosford Councils	946,703.64
Individual Variations For Reporting Period										
Description				Value \$	Description				Value \$	
Variation 13: Review of Contractor's Requests for Information (RFI), Tender documents and attendance at meetings				15,217.27	Variation 14: Construction Phase Support The variation is necessary to ensure the designer's requirements and intentions are met for the final product.				14,598.18	

Work under Variation 13 took place in late 2008/early 2009 and involved assistance with the tender and subsequent negotiation process for the construction contract that was eventually awarded to Baulderstone Pty Ltd (NSW). There have been extended negotiations with the Department since the claims were lodged to verify and confirm the variation value.

Variation 14 is for design advice from the Department during the initial stages of construction.

It has been necessary to extend the contract to provide design advice during the construction of the works to ensure that the construction contractor was not unduly delayed, and to ensure the final product meets Council's requirements. It was necessary to approve the variations above the approved budget as the contract proceeded to maintain good faith by meeting existing commitments and program timelines without incurring delay costs from the construction contractor.

Further variations are expected for advice and attendance through to completion of the project in September 2010, including the critical commissioning phase. Approval is therefore sought to increase the contract budget by \$150,000 to enable completion of work under this contract.

Mardi High Lift Pump Station – Concept, Documentation and Detailed Design.

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 Commerce	321,400.90	425,975.00 (as reported to Council 26-11-08)	94,574.00	Nil	94,574.00	415,974.90	50/50 Wyong & Gosford Councils	395,114.42
Individual Variations For Reporting Period										
Description				Value \$	Description				Value \$	
No Variations – Budget Increase										

The contract has been extended to provide design advice during the construction of the high lift pump station. It has been necessary to extend the contract to provide design advice during the construction of the works to ensure that the construction contractor was not unduly delayed, and to ensure the final product meets Council's requirements.

There are presently outstanding contractor claims totalling \$95,829.00, which are being reviewed and negotiated. Further claims are expected for advice and attendance through to completion of the project in September 2010, including the critical commissioning phase. Approval is therefore sought to increase the contract budget by \$105,000 to enable completion of work under this contract.

Construction of Mardi Dam Transfer & Highlift System

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value Actual Contract Value	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
127662	13/05/2009	Boulderstone Pty Ltd	41,464,576.36	45,664,576.36	284,558.43	187,472.53	272,030.96	41,936,607.32	50/50 Gosford & Wyong Councils	31,584,892.13
Individual Variations For Reporting Period										
Description					Value \$	Description			Value \$	
Variation 73: Supply only water pump to a local resident. Council directed the contractor to supply the water pump to a local resident as resident was affected from lowering the water level in the dam.					1,119.98	Variation 115: Scope change. To provide greater flexibility in the water delivery system during emergencies should the high lift pump station need to be isolated, two additional 1050mm gate valves are required. This variation is for the purchase of the valves to ensure project is not delayed. A further variation will be required for their later installation.			174,900.00	
Variation 93: Additional work. While Mardi Dam was at a low level, and in anticipation of assisting the Mardi to Mangrove Link contractor commence early works to install the pipeline from Wyong River into Mardi Dam, Boulderstone were directed to provide a 22 tonne excavator. The machine was to spread temporarily stockpiled material taken from the saddle dam at a spoil disposal site on Old Maitland Road. This variation covers transport and hire fees.					4,785.00	Variation 120: Replacement of specified RTA standard fencing at the head walls of the Old Maitland Road culverts with higher grade RTA guardrails. The upgrade is warranted due to close proximity of newly constructed headwalls at culvert adjacent to road shoulder.			1,991.85	
Variation 97: Scope change. Supply and installation of an additional 1.5 tonne reinforcement at T-junctions of the concrete encasement around inlet & outlet pipes of the HLPS. This redesign was required as the construction drawings did not show the detailed corner reinforcement at T-junctions.					4,675.70					

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.

Construction of Mannering Park Sewage Treatment Plant Inlet Works.

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value of Variations \$	(f) = (a) + (e) Actual Contract Value Actual Contract Value \$	Source of Funds	Expenditure to Date \$
159880	22/07/2009	Eire Contractors Pty Ltd	1,191,000.00	1,369,000.00	37,969.40	8,455.40	46,424.80	1,237,424.80	Loan Funds	1,099,274.00

Individual Variations For Reporting Period

Description	Value \$	Description	Value \$
Variation 4: Remove part of existing thrust block, fit new pipe and make up thrust block to suit. The excavation to fit the new pipe revealed a hidden concrete thrust block impeding installation of a new pipe that was not indicated on the design drawings. The restricted space to fit the new pipe required the adjustment to the concrete thrust block.	421.40	Variation 6: Supply and install a security system and float switch to alert staff to failure of sump pump and potential sewage surcharge into switchroom area. The automation of the security system and provision of float switch to link in with Council's existing telemetry system provides a higher level of protection to Council's assets in the case of such unforeseen events.	4,820.00
Variation 5: Supply and install additional fittings (taper, connectors, gaskets etc) to connect new pipework to the existing pipes. Although shown as a 300 mm diameter pipe on the as-constructed drawings, upon excavation this section of pipework was found to be 450 mm in diameter. Revised fittings were required to make the necessary connection.	3,214.00		

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.

Construction of Woongarra Sports Facility.

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value \$	(b) = (a) + contingency Total Approved Budget \$	(c) Value of Variations Previously Reported \$	(d) Value of Variations For Reporting Period \$	(e) = (c) + (d) Total Value of Variations \$	(f) = (a) + (e) Actual Contract Value Actual Contract Value \$	Source of Funds	Expenditure to Date \$
153228	08/04/2009	Maincon Pty Ltd	4,620,995.00	5,203,094.50	546,214.34	26,725.80	572,940.14	5,193,935.14	Section 94 Contributions	5,119,655.59
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 20C: Finalisation of the additional costs associated with upgrade works to intersection with Hakone Road. This variation finalises the works as previously reported in interim variations 20A and 20B. Road upgrade works were required to enable a permanent solution due to likely delay in future (major) Hakone Road widening and upgrade.					18,619.70	Variation 30: Final adjustment to the \$100,000 Provisional Sum allowance for the provision of power to the site. Total final cost was \$100,476.10.				476.10
Variation 29: Final adjustment to the \$200,000 Provisional Sum allowance for the provision of sportsfield lighting. Total final cost was \$207,630.00.					7,630.00					

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.

Investigation and Design Consultancy for Woongarra Sportsfields

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 \$
94559	09/11/2005	Northrop Engineers Pty Ltd	282,895.00	390,895.45	94,865.45	2,740.00	97,605.45	380,500.45	Section 94 Contributions	380,500.45
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
Variation 8: Final claim on the design contract, covering requested design work and advice over the latter part of the construction contract.					2,740.00					

The contract has been finalised.

Construction of the Mardi High Voltage Power Supply on to Site

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value of Variations	(f) = (a) + (e) Actual Contract Value	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
142295	10/12/2008	Poles & Underground Pty Ltd	3,659,139.09	4,025,053.00	126,344.55	34,080.00	160,424.55	3,819,563.64	50/50 Gosford & Wyong Councils	3,385,288.74
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
<p>Variation 12: Demolish and remove two (2) existing concrete driveways at Reliance Drive, Tuggerah and replace the driveways at completion of cable laying.</p> <p>Cable is generally run in an open trench when in close proximity to "live" high voltage cable or underbored at road crossings and driveways where other services are not an issue. In this case, the driveway crossings required the cable to be run in close proximity to water, telephone and a "live" high voltage cable. Underboring would pose an unacceptable OHS risk as well as a high risk of damage to the existing services. The removal of driveways and use of open trench construction minimised these risks.</p>					21,160.00	<p>Variation 13: Due to the proximity of water services, residential fencing and an embankment along the specified route at Yaldeeme Close, Tuggerah, an alternate route for the installation of underground cable was necessary. An EnergyAustralia conduit was available, but required the use of more expensive copper cable. This resulted in savings to Council that would have arisen through costs associated with adjustment to the water main, fencing and earthworks. Disruption to the water supply was also avoided.</p> <p>Tendered rates were used to price the variation.</p>				12,920.00

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.

Excavation and Lining of Cell 4.2B at Buttonderry 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	Source of Funds	Expenditure to Date
			\$	\$	\$	\$	\$	\$		\$
164633	14/10/2009	Robson Civil Projects Pty Ltd	4,198,468.64	5,000,000.00	(-162,157.70)	10,301.02	(-151,856.68)	4,046,611.96	Management Plan, Line item 4.5.13 Waste Facilities	3,214,402.04
Individual Variations For Reporting Period										
Description				Value \$	Description				Value \$	
Variation 5: Additional work to raise the height of perimeter bund walls at west end of cell. This work was undertaken to provide capacity within the new cell to temporarily store surplus leachate in circumstances of extended rainfall periods exceeding capacity of site leachate storage dams. Variation eliminates the need and cost of constructing an additional leachate storage dam and reduces the risk of leachate overflow from new cell in extreme rainfall events. Necessary to fulfil DECCW licence requirements for new cell.				10,301.02						

Work under the contract is estimated at 90% 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.

Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire

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
			\$	\$	\$	\$	\$	\$		\$
160330	27/01/2010	Smada electrical Services Pty Ltd	431,505.00	496,000.00	Nil	19,547.00	19,547.00	451,052.00	Management Plan Line 1.7.4 Floodlight Upgrading	373,142.00
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
<p>Variation 1: Scope change - electrical works.</p> <p>Alterations were required to electrical components in switchgear for floodlights as a result of changes to Council's standard electrical specification. These changes were not available until after the contract had been awarded, and hence it was not possible to amend the tender documents during the tender period.</p> <p>It was assessed to be more cost-effective to make these changes at the construction stage rather than upgrading the components after the floodlighting poles had been commissioned.</p> <p>These works are also in line with the variation of contract for the Upgrade to floodlighting at various Ovals in the Northern Region of Wyong Shire CPA/160331</p>					19,547.00					

Work under the contract is estimated at 75% 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.

Manufacture, Supply and Deliver Bulk Hydrated Lime for a 3 year period

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 \$
107738	13/12/2006	Unimim Australia Pty Ltd	159,000.00 (estimate)	159,000.00	Nil	Nil	Nil	159,000.00	Water Treatment Plant Operational Budget	152,453.65
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
No variation					-					

The contract was awarded for a three year period commencing January 2007 and was due to conclude December 2009. Lime is used to treat water leaving the Mardi Water Treatment Plant to reduce the pH content, thus reducing the corrosiveness of the water and prolonging the serviceable lifespan of Council's infrastructure.

Fresh tenders were called in November 2009. However, only two tenders were received. Of the two, only one (from the existing contractor) offered a conforming product that was, on face value, suitable for use.

The conforming tender however included a number of qualifications and departures that were not acceptable, specifically the certification of the product to relevant Australian Standards. The tenderer advised that it was reviewing its processes in light of similar concerns from other customers, including Sydney Water.

In the interim period, the current contract has been extended. It should be noted that the current contract was awarded on the basis that the tender was not qualified.

Fresh tenders will be called in the third quarter 2010. Until the results of that tender process are finalised, supply will continue to be sourced under the existing contract. The contractor has agreed to continue supply under the current arrangements.

At the present time, expenditure under the contract is still within the initial budget estimate. However, it is likely that expenditure will exceed this at some stage during the extended period of operation. To ensure supply can continue to be sourced, approval is sought to increase the estimate by \$25,000.

Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks for a 3 Year Period

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 \$
122066	12/09/2007	Thiess Services Pty Ltd	416,604.00 (estimate)	416,604.00	Nil	Nil	Nil	416,604.00	Holiday Parks Operational Budgets	407,792.29
Individual Variations For Reporting Period										
Description					Value \$	Description				Value \$
No variation					-					

The contract budget was based upon an estimate of requirements over the initial 3 year period of the contract which is due to conclude September 2010. Expenditure is projected to exceed the approved budget estimate prior to this point of time.

Expenditure will exceed the estimate due to:

- Annual adjustments to contract rates as provided for under the contract.
- Increases to disposal fees at the Buttonderry Waste Management facility over the contract period.
- Additional skip bins for long term casuals (storage van owners) to assist with clean up of long term casual sites to achieve the necessary presentation in the overall amenity of the park.
- Increase in occupancy, in particular tourist, resulting in increased servicing needs.

This report seeks Council's approval to formally increase the estimated contract budget by \$56,000.00.

Expenditure is funded from the Holiday Parks operational budgets which have the necessary funds to allow for the increase to the estimate. As a result there is no impact upon the Management Plan.

The contract has 2 x 1 year extension options. The Business Unit are presently evaluating options for these services, including actioning the first extension option or calling fresh tenders. A report to Council on this will be made in the 3rd quarter 2010.

Attachment 2 Significant Contracts Finalised

SIGNIFICANT CONTRACTS FINALISED – June 2010						
Contract Number	Date of Council Award	Name of Contract	Contract Price Type	Approved Budget / Estimate (incl. contingency)	Final Contract Value	Comments
				Ex. GST \$	Ex. GST \$	
94559	09/11/2005	Investigation & Design for Woongarra Sportsfields	Lump Sum	390,895.45	380,500.45	The design contractor's engagement was extended to cover the construction phase of the project to provide general advice and design clarifications / amendments as issues arose during construction. Final value of the contract is within the approved budget (as revised). Excess funds remain in the respective programme budget.
157279	25/02/2009	Development of the Tuggerah Lakes Hydrodynamic Modelling	Lump Sum	633,000.00	633,000.00	Work was completed at the value of the contract as awarded.

4.1 Warnervale Town Centre Project Team

TRIM REFERENCE: F2004/00535-07 - D02288496

AUTHOR: Kathryn Heintz, Strategic Planner

SUMMARY

This report examines different options and recommends a preferred management structure to facilitate the delivery of the Warnervale Town Centre (WTC) project.

RECOMMENDATION

- 1 ***That Council progress the Warnervale Town Centre Project in accordance with Option 2 outlined in this report.***
- 2 ***That Council continue to lobby the various State Government agencies to assist with infrastructure delivery and work with landowners to deliver this important project.***

BACKGROUND

At the Ordinary Meeting of Council dated 26 May 2010, Council RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor EATON:

"That further to recent funding announcements and Council's resolution of 28 April 2010 Report 7.3 Warnervale Road Commencement, staff now report recommending the most appropriate management structure that will assist Council in facilitating the delivery of the \$2b Warnervale city project.

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

Planning for the Warnervale Town Centre (WTC) has been ongoing since the late 1970's. On 26 June 2006, the Minister for Planning agreed to consider the WTC as a State Significant Site under the provisions of *State Environmental Planning Policy (SEPP) (Major Projects) 2005*. On 7 November 2008, the Minister gazetted the inclusion of the WTC under Schedule 3 (State Significant Sites) of *SEPP (Major Developments) 2005*, which included the incorporation of new zones and maximum building heights across the site. Since this time, a number of external factors (which mostly relate to factors controlled by the State Government) have contributed to the delays in delivering the WTC project. These are summarised below:

1 North Warnervale Railway Station

In February 2005, a Development Application (DA/261/2005) for a Railway Station and Interchange at the new WTC was submitted to Council. A significant number of issues soon arose, most significant of which was the likely significant impact of the proposal on the *Rutidosis heterogama* population. As a result, either a Species Impact Statement (SIS) or Biodiversity Certification of the site was required before approval could be granted.

The SIS was requested in March 2005 but not submitted until March 2008. In addition, in March 2008 it was also deemed necessary to create a *Rutidosia heterogama* reserve and prepare a Plan of Management (PoM), which is still being finalised after the PoM was submitted to Council in June 2009.

DA/261/2005 is yet to be determined and until the PoM is amended by RailCorp and concurrence is issued by DECCW, Council is unable to approve the DA for the railway station. Therefore, the timing of this project is unclear. RailCorp representatives have indicated to Council that construction of the Railway Station will commence in 2013 and that the Railway Station will be operating by the end of 2014. On 13 October 2009, Council received correspondence from the Minister for Transport confirming that "Railcorp is planning for the construction works to begin in 2013/14".

Regardless, to date the State Government has not committed to any funding for the construction of the railway station, which was valued at \$9,567,333 when the DA was submitted in 2005. This figure is likely to rise once RailCorp amends the plans for the railway station and revises the figures to take into account current construction costs.

2 Biodiversity Certification

Due to a legal challenge against the biodiversity certification process undertaken as part of the *SEPP (Sydney Region Growth Centres) 2006*, a number of biodiversity certification applications were placed on hold in NSW, including the WTC.

In May 2010, new legislation was introduced, debated and approved by the NSW Parliament to enable biodiversity certification to occur. However, before this can occur DECCW must finalise their biocertification methodology. This is not expected to occur until September 2010. Once the methodology is adopted and guidelines published, Council can formally apply to the Minister for Climate Change, Environment and Water (DCCEW) for biocertification to be conferred on the WTC site.

In the meantime, Council has been involved in a trial Biocertification process for both the WTC and the Wyong Employment Zone (WEZ). It is anticipated that this trial will result in a more streamlined and efficient formal biocertification process once the biocertification methodology is adopted by DECCW.

3 Section 94 Development Contributions

Up until recently, Council had been reviewing the *Draft Section 94 Development Contributions Plan - Warnervale Town Centre* with a view to reducing development contributions to enhance the viability of development of the area. However, on 4 June 2010 the Department of Planning (DoP) issued a press release announcing significant changes to the way Council's can levy development contributions, including a hard cap of \$20,000 per lot for Section 94 development contributions. In addition, the \$20,000 cap has been limited to "essential infrastructure". At the time of preparing this report, a definition of essential infrastructure has not been released by the DoP.

There was no consultation with Council staff on these changes, and as a result, Council will need to review the *Draft Section 94 Development Contributions Plan - Warnervale Town Centre*. Uncertainty over the rate of development contributions within the WTC has been a long-running issue for developers and this latest requirement has added further uncertainty and will delay finalisation of the draft plan. In the meantime, any development that goes ahead within the WTC will need to be subject to individually negotiated Voluntary Planning Agreements (VPA).

4 State Infrastructure Contributions

The State Government has imposed a State Infrastructure Contribution of approximately \$141,000 per hectare on residential development within the WTC (this is currently under review), adding to further concerns over the financial viability of certain types of development within the WTC.

5 Main Access Road funding

Due to Section 94 Development Contributions restrictions as described above, the Main Access Road into the WTC is not included in the current *Draft Section 94 Development Contributions Plan - Warnervale Town Centre*. As proposed within the WTC Development Control Plan (DCP), this road crosses land owned by Landcom, Council and Woolworths. As a result, since at least late 2008, Council has been in discussions with the both landowners in relation to sharing costs in relation to the design and construction of the Main Access Road. Since December 2009, negotiations have proceeded more rapidly and on 14 May 2010 an agreement was reached by the three parties, whereby each would fund one-third of the share of the full design costs (to tender documentation stage) for the Main Access Road.

On 6 July 2010, an estimated construction cost for the full design of the Main Access Road was finalised. The total estimated figure is \$5.6 million. On 7 July 2010, an agreement was reached for Landcom and Woolworths to each contribute \$1.3 million towards the final cost, with Council to contribute \$1 million towards the final cost. This \$1 million contribution will comprise \$288,000 of revenue as per the Annual Plan 2010/2011, plus \$712,000 of development contributions for the half-road component of the road that fronts the railway line. It is also worth noting that Council successfully obtained a \$2 million grant from the NSW Government's Local Infrastructure Support Fund, which was applied to the total cost of the Main Access Road to offset the total cost for each of the three landowners.

SUPPORTING ACTIONS THAT COUNCIL STAFF ARE CURRENTLY WORKING ON TO SUPPORT DELIVERY OF WARENVALE TOWN CENTRE

As can be seen from the above information, Council has faced a number of challenges in facilitating the timely delivery of the WTC project and has limited ability to influence some project processes. At the same time Council has a high degree of control over other items.

Items which Council has a high degree of control over are:

- Completion of the Stage 2 Environmental Site Assessment for the 'old tip' site on Council land and implementation of the recommendations in the Remediation Action Plan;
- Design and construction of water and sewer infrastructure to service the site;

- Preparation of a Public Domain Plan for the WTC, representing all urban and natural elements, structures and spaces that exist within the publicly-owned areas of the WTC – including but not limited to the open space, roadway, footpaths, paving, street trees, street furniture and signs – and the relationship between them.
- Implementation of the Regional Integrated Water Cycle Management program via the Porters Creek Regional Stormwater Harvesting Scheme;
- Applying for grants and lobbying for infrastructure;
- Investigating development options on Council's land holdings.

Other actions that Council can influence but not necessarily control include:

- Development applications expected to occur under Part 3A on different parts of the WTC;
- WTC DCP review (being co-ordinated by Council but still needs Department of Planning's (DoP) endorsement);
- Biodiversity Certification Application (being prepared by Council but waiting on Biodiversity Certification methodology to be finalised by State Government);
- Co-ordination of electricity connection to the site (Council has met with Energy Australia on a number of occasions in this regard);
- Section 94 Contribution Plan (being prepared by Council but cannot be finalised until new Section 94 Contribution Guidelines are released by the State Government);
- Resolving intersection design issues with the Roads and Traffic Authority off the main access road on Sparks Road.

MANAGEMENT STRUCTURE OPTIONS

Council currently has a number of roles in the development of the WTC. These include the following:

- Facilitator/coordinator of the WTC development;
- Consent authority for the majority of future development applications;
- Landowner;
- Infrastructure provider in terms of sewer infrastructure and water infrastructure as part of Gosford/Wyong Councils' Water Authority;
- Infrastructure and community service provider in terms of community facilities.
- Place Manager.

Staff have investigated whether alternative management structures might be required to better assist Council in facilitating the delivery of the WTC project. This is particularly important as there is likely to be a 'faster pace' of activity within the WTC, given the resolution of funding issues for the access road and indications that Woolworths and Landcom will lodge applications in the near future. As part of any proposed delivery structure it will be important for Council to ensure that its responsibilities as a regulator and a landowner are not compromised.

The five main options which were examined are detailed below.

Option 1 Current Project Arrangements

The current structure utilised to manage the WTC project involves a Strategic Planner as the main project officer coordinating the project, under the supervision of a Team Co-ordinator – Land Use Planning and Manager of Future Planning.

4.1 Warnervale Town Centre Project Team (contd)

Meetings are held with various specialist staff if and when required, however formalisation of a “project team” structure would be beneficial given the expected high level of work activity that is starting to occur on this project. High level meetings are also attended by the General Manager and Director Shire Planning when required. This structure is also supported by the Department of Premier and Cabinet and coordinated by a Project Steering Group involving major land owners and State Government Departments, which meets once a month.

Pros

No extra staff positions need to be funded.

The project is to be managed by the Future Planning Unit which has the background knowledge and project management experience for this type of work.

Cross-organisational involvement on issues.

High level involvement in the project by Senior Management.

Cons

Faster pace of activity means that the existing project management arrangements will not keep pace with events to properly manage the project.

Conflicting priorities for staff within operational areas of the organisation. Also, planning staff involved in the project are currently working on other planning projects.

Financial Implications

The retention of this option would have no additional financial implications as the current structure would be retained.

Option 2 Warnervale Town Centre Project Steering Group (Internal)

Establish an internal Project Steering Group (which includes the General Manager) comprising a dedicated position from within the existing staff establishment to this project. This option is similar to Option 1 but establishes a formal Project Team arrangement whereby different specialist staff who are currently working on the project continue to do so and project management arrangements are formalised. As part of this arrangement, full support and commitment of staff throughout the organisation would be given.

Pros

No extra staff positions need to be funded.

Cross-organisational involvement on issues.

High level involvement in the project by Senior Management.

Formalised Project Team established with project management arrangement in place to ensure priority is given to the project.

Cons

More time will need to be spent by specialist staff and the existing Strategic Planner working on the project to manage different aspects of the project. However, this would have been required in any case, as the WTC project has started moving into a more active phase which means that more staff resources are required and that information and communication flows need to flow in a more structured manner between different individuals working on the project.

Financial Implications

This option would have no additional financial implications as the current structure would be retained but formalised.

Option 3 Warnervale Town Centre Project Steering Group (External)

This structure already exists via the coordination of the Department of Premier and Cabinet Central Coast office. The group includes representatives from major landowners and Government Agencies (such as Department of Planning and RailCorp).

Pros

This structure is useful for trying to resolve issues where State Government agencies are responsible for any delays, but there are still a large number of tasks which Council needs to manage and influence to deliver the WTC development.

Cons

The NSW State Government is not responsible for delivering a large number of the actions on the WTC and therefore are only part of the solution to delivering the project to the community.

Financial Implications

This option would have no additional financial implications as the current structure would be retained.

Option 4 Warnervale Town Centre Coordinator / Project Manager

Establish a new position charged with the coordination role supported by staff in existing positions. This would be very similar to Option 2 however this option would require an additional position to be established.

Pros

A new position would mean that existing staff resources could be supplemented with the existing strategic planner currently working on the WTC being able to work on other planning projects.

Cons

No funding exists for a new position and extra funds would be required to employ a new Project Manager.

The new project manager would need to get up to speed with the project which may cause project delays (however, the position may be appointed from within existing staff).

Financial Implications

Establishment of a new Project Manager position would require additional funds. There is no funding allocated in the Annual Plan 2010/11 for a new position. If this option was chosen as the preferred option, and no additional funding is identified, a staff member could be seconded into this role from their substantive position, however this option would be reliant on there being no need to backfill this substantive position. It is also likely that this position would be a time-limited contract position, most likely for an initial 2-year time period, with scope to extend this time period if required. The new Project Manager would still require support from other specialist staff (as currently occurs now) e.g. traffic input, development contributions, development engineering input etc.

MANAGEMENT STRUCTURE OPTIONS - CONCLUSION

Both options 2 and 4 are very similar, with only difference being that option 2 can be resourced from within the existing staff establishment and option 4 would require an increase to the staff establishment to accommodate a new Project Manager.

Overall, it is considered that Option 2 is the most suitable option for the effective delivery of the WTC project. Option 2 acknowledges that Senior Management and the General Manager will be required for high level meetings and negotiations. Option 2 also acknowledges that the WTC project is about to enter a more active and busier phase and requires formalisation of existing project management arrangements.

Council has researched the management structure utilised by the Mardi-Mangrove Link project as it is understood that some Councillors were of the view that this project management structure might be suitable (see Attachment 1). It is apparent that a formal structure similar to the Mardi-Mangrove Link is not required to manage the WTC project. The Mardi-Mangrove Link Project consists of a devoted team of Council staff to deliver a large scale engineering project. The WTC project is a very different project which is primarily focussed on planning, regulating and influencing development outcomes on both Council and privately owned land.

Option 2 assumes that an existing staff member will be available to co-ordinate this project (Project Manager). This will be supported by other technical staff who are currently assisting with the delivery of this project. However, it is recognised that these technical staff need to give priority to work on the WTC.

It is considered that Option 2 would be able to achieve the same outcomes as Option 4 (employing a project coordinator/manager), without the need to hire any new staff and with the added benefit of permitting existing project officers to continue to be involved in the project. There are limited advantages in Option 4 and no funding exists to create this position in any case.

STRATEGIC LINKS
Annual Plan 2010/2011

Priority Objective	Key Issue(s) and Objective (s)	Financial Line Item No and Description
1 Communities	<p>Plan and deliver a new Town Centre at Warnervale including a new railway station and transport interchange</p> <p>Complete the Warnervale Town Centre – including construction of a Recreation & Aquatic Centre.</p>	<p>N/A</p> <p>2010/11 - \$150,000 Design of Warnervale Town Centre Knowledge Centre / Library</p>
2 Travel	Lobby the State Government for the adequate provision of commuter parking at the proposed North Warnervale Railway Station.	N/A
3 Facilities and Services	Work in partnership with landowners to commence the design of Community Facilities within Warnervale town Centre.	N/A
4 Education	<i>The community will be well educated, innovative and creative.</i> McKillop Catholic College currently operates within the Warnervale Town Centre and a new Knowledge Centre is proposed within the Civic Centre Precinct of the Warnervale Town Centre.	2010/11 - \$150,000 Design of Warnervale Town Centre Knowledge Centre / Library
5 Employment	<i>There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths.</i> Development of the Warnervale Town Centre is anticipated to create 1,200 ongoing FTE jobs. There will also be a substantial number of short-term construction jobs created.	N/A
6 Telecommunications	<i>Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</i> It is anticipated that telecommunications technology within the Warnervale Town Centre will be consistent with world's best practice.	N/A
7 Natural Areas	<i>Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</i> Natural areas will be provided at the Warnervale Town Centre as follows: <ul style="list-style-type: none"> • Local parks: 1.3ha • Heath Wrinklewort Reserve: 8.4ha • Riparian corridor: 5.7ha 	N/A
8 Environmental Programs	<i>There will be a sense of community ownership of the natural environment</i>	N/A

	<i>through direct public involvement with environmental programs.</i> N/A	
Infrastructure	Warnervale Town Centre Roads. This item is for Council's share of Stage 1 of the access road to the Warnervale Town Centre.	2010/11 - \$288,000
	Warnervale Town Centre Water	2010/11 - \$300,000 2011/12 - \$600,000
	Warnervale Town Centre Sewerage Scheme Trunk Mains	2011/12 - \$2,000,000 2012/13 - \$3,500,000
	Tip Rehabilitation	2012/13 - \$1,050,000
Organisation	Future planning operations and studies	The 2009/10 budget included \$50,000 for Warnervale Town Centre implementation.

Contribution of Proposal to the Priority Objective

See above table.

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.	Nil Impact
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.	Nil Impact
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil Impact
Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil Impact

Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil Impact
Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact
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.	Nil Impact
Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil Impact

Financial Implications

It is unlikely that Council will be able to fund any new positions through Section 94 development contributions as it is not considered to be "key community infrastructure". Option 2 is favoured and seeks to better use existing resources, but it will also mean that the WTC project will need to take precedence over other Council projects that the current Project Manager and other specialist staff are working on. There might also be opportunities for Council to seek funds from landowners within the WTC to assist in funding extra staff time that will need to be spent on this project (e.g. contribution from Landcom or Woolworths).

Principles of Sustainability

Nil impact.

Service Delivery Review

There is currently a review underway of the organisation structure to identify improvements to the delivery of services to the community. A report on this review is expected to be forwarded to Council in August for consideration. It is likely that the review will recommend the WTC project as a "Major Project" that will be sponsored by the General Manager's Unit to ensure that the project receives a high level "buy in" from the organisation. This is considered to be consistent with Option 2 that requires the establishment of a Project Steering Group which includes the General Manager.

CONSULTATION

Nil impact.

GOVERNANCE

Nil impact.

CORPORATE RISKS

Nil impact.

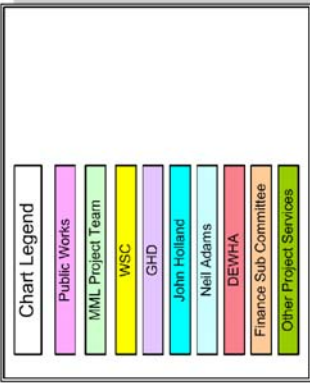
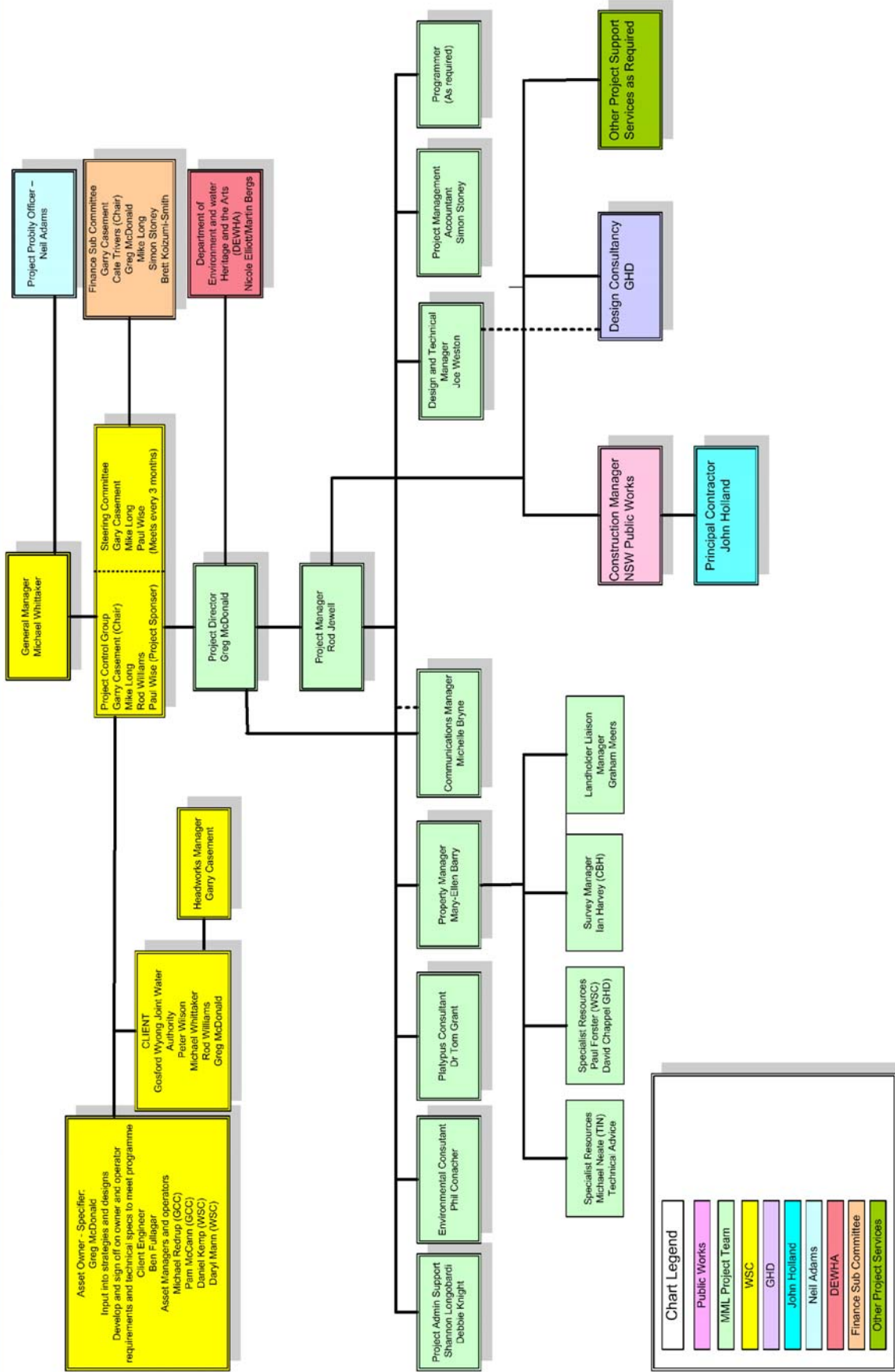
CONCLUSION

An examination of the options available to Council to effectively coordinate the WTC project has been undertaken, and it is recommended that Council adopt Option 2.

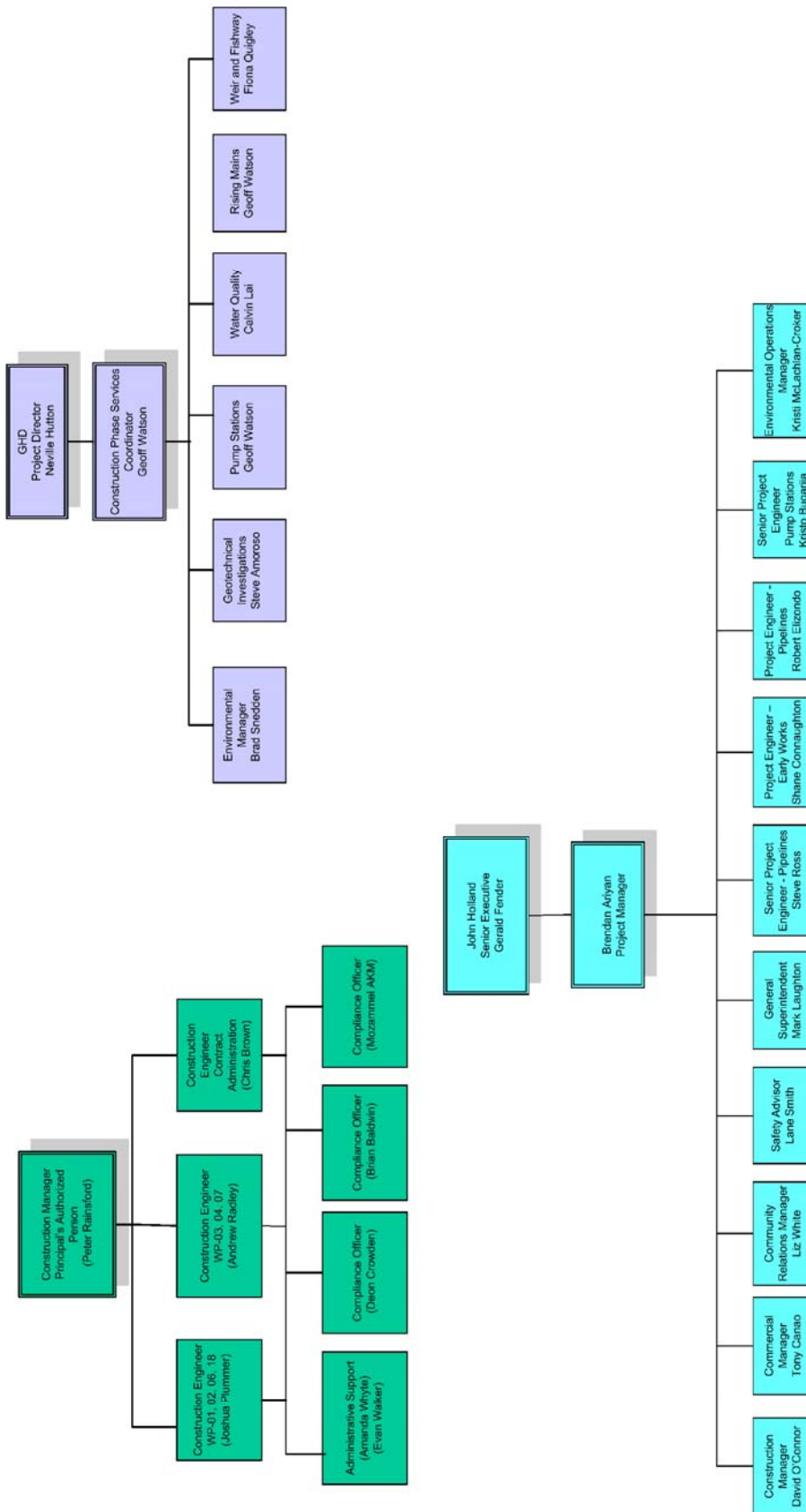
ATTACHMENTS

- 1 Attachment 1 - Mardi-Mangrove Organisational Chart (June 2010) D02292114

MARDI MANGROVE LINK
PROJECT GOVERNANCE AND ORGANISATION STRUCTURE
CONSTRUCTION PHASE
V33 – 21 JUNE 2010



OUTLINE OF EXTERNAL CONTRACT ORGANISATIONS
PUBLIC WORKS/GHD/JOHN HOLLAND
MONDAY, JULY 05, 2010



4.2 Proposed Councillors' Community Improvement Grants

TRIM REFERENCE: C2010/01723 - D02294189

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 \$3,600.00 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

4.2 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.

4.2 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 14/07/2010	1,700	1,800	0	149	0	650	0	0	500	1,000	5,799
Available allocation as at 14/07/2010	13,300	13,200	15,000	14,851	15,000	14,350	15,000	15,000	14,500	14,000	144,201
Proposed Allocations for 28 July 2010											
Glengara Seniors Computer Club (\$1,000)	100										100
Gwandalan Public School P&C Assoc (\$2,236)	100										100
Northlakes United Junior Rugby Union (\$2,901)	100										100
Paige Melville (Representing Central Coast in NSW Schools) (\$1,600)	100										100
Rotary Club of Wyong (\$1,000) (\$250 already allocated)				750							750
Tracey Maguire in conjunction with San Remo Neighbourhood Centre (\$2,254) (\$700 already allocated)				600	100	100	250	100			1,150
Vision Impairment Support Group (VIP) (\$500) (\$100 already allocated)				100							100
Warnervale Rugby Union Club (\$3,000) (\$2,584 already allocated)				500	100						600
Total Proposed Allocations for 28/07/2010	400	0	0	2,550	200	100	250	100	0	0	3,600
Total Accumulated Allocations as at 28/07/2010	2,100	1,800	0	2,699	200	750	250	100	500	1,000	9,399
Balance Uncommitted 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

ATTACHMENTS

Nil

4.3 Minutes - Wyong Shire Seniors Citizens Council meeting - 24 June 2010

TRIM REFERENCE: F2008/00407 - D02294898

AUTHOR: Susanna Gardiner, Administration Assistant

SUMMARY

A meeting of the Senior Citizens' Council was held on 24 June 2010.

RECOMMENDATION

- 1 That Council receive the report on Minutes – Wyong Shire Senior Citizens Council meeting - of 24 June 2010 and adopt the recommendations contained therein.**
- 2 That Council disband the Wyong Shire Senior Citizens Council and take no further action in regard to the proposed charter.**
- 3 That Council recognise the Wyong Shire Senior Citizens Reference Group as detailed within the minutes of the Wyong Shire Senior Citizens meeting held 24 June 2010.**

BACKGROUND

Council at its meeting held on 14 March 2007 considered a Notice of Motion – Senior Citizens Advisory Council. At that meeting it was resolved on the motion of Councillor Stevens and seconded by Councillor Rose as follows:

- “1 That further to Council's support for the formation of a Shire Youth Council, Council afford a similar opportunity to our senior citizens through formation of the Wyong Shire Senior Citizens Council with a view to facilitating and strengthening the important information flows on key issues affecting our senior citizens.*
- 2 That staff prepare a charter of committee for the Senior Citizens Council that includes:*
 - a Meetings held fortnightly on the 2nd and 4th Fridays of each month at 1.00pm*
 - b That the Mayor as per Council policy be the Chair with Councillor Best appointed as Deputy Chair with any other interested Councillors invited to attend.*
 - c That the minutes of the Senior Citizens Council be reported to Council.*
 - d The Charter to include a process of selecting a membership of the Seniors Council that represents the diversity of Seniors in Wyong Shire.”*

THE PROPOSAL

At the meeting of the Wyong Shire Senior Citizens Council held on 24 June 2010, the Committee considered the adoption of the charter in accordance with WSCs Code of Meeting Practice. The Committee rejected the charter in its presented form and recommended that they be disbanded. Further the Wyong Shire Senior Citizens Council requested that it be recognised in future as a Reference Group.

To confirm the minutes of the Wyong Shire Senior Citizens Council meeting held on 24 June 2010 and adopt the recommendations contained within.

OPTIONS

- 1 Disband the Wyong Shire Senior Citizens Council and reform as a Reference Group. The Reference Group would not formally operate as a Committee of Council and whilst minutes of the meeting would be circulated to Councillors for information, they would not be formally reported to Council.
- 2 Continue with the current Wyong Shire Senior Citizens Council.

STRATEGIC LINKS

Nil impact.

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.	<p>Create direct link between WSC and local Senior Citizens.</p> <p>Create an opportunity to facilitate and strengthen dialogue on key issues affecting Senior Citizens.</p> <p>Create an opportunity for improved communication between WSC and local senior residents.</p> <p>Promote collaboration and communication between the various groups and organisations that represent senior citizens across the Shire.</p>

Financial Implications

Nil impact.

Principles of Sustainability

Council is committed to building a better tomorrow through its efforts today - socially, environmentally and economically. Recognising the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity is a key component of all Council activity including Committees established by Council.

The Wyong Shire Senior Citizens Council shall ensure that its functions, activities and decision-making are conducted in accordance with Sustainability Principles and that outcomes demonstrate solutions that benefit present and future generations.

CONSULTATION

Members of the Wyong Shire Senior Citizens Council were consulted and resolved to reject the Charter and reform the Council as a Reference Group.

GOVERNANCE

In line with the local government election scheduled for September 2012, the Senior Citizens Council in its present form reports to the Council along with other formalised Council Committees and would cease operation on 1 September 2012.

CORPORATE RISKS

Nil impact.

CONCLUSION

The Wyong Shire Senior Citizens Council has proposed to change in that it become a reference group in lieu of being a Committee of Council. The group believe it would not be disadvantaged with this change and it would encourage members at the meetings to be more spontaneous with items for discussion and recommendations for improvements to WSC service delivery.

It is recommended that Council agree with the disbanding of the Wyong Shire Senior Citizens Council and that it be reformed as a reference group.

ATTACHMENTS

1 Minutes - Seniors Council D02277873

WYONG SHIRE COUNCIL
 MINUTES OF THE
SENIOR CITIZENS' COUNCIL
 HELD IN THE COUNCIL CHAMBER
 WYONG CIVIC CENTRE, HELY STREET, WYONG
 ON 24 JUNE 2010
 COMMENCING AT 1.07 PM

PRESENT

June Goss (Chairperson)	Older Women's Network, isolated neighbourhoods
Councillor Best	Wyong Shire Council (entered the meeting at 1.40 pm)
Bruce Kirkness	Toukley Senior Citizens Club
Luigi Bruni	Italian community
Maryann Housham	Aboriginal and Torres Strait Island Communities; grandparents groups
Dawn Thompson	National Serviceman's Association
Patricia Parperis	Long Jetty Seniors Choral Group

IN ATTENDANCE

Annette Evans	Wyong Shire Council
Paul Bowditch	Wyong Shire Council

APOLOGY

Councillor Eaton	Wyong Shire Council
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AT THE COMMENCEMENT OF THE MEETING THE COUNCIL CONSIDERED ITEMS 1.1, 2.1, 3.1 AND 4.2. THE REMAINING AGENDA WAS DEALT WITH IN THE CORRECT ORDER.

1.1 Disclosure of Interest**RECOMMENDATION**

That Members now disclose any conflicts of interest in matters under consideration at this meeting.

SENIOR CITIZENS COUNCIL RECOMMENDATION

That the report and the fact that no disclosure was made be noted.

2.1 Confirmation of Minutes of Previous Meeting - 27 May 2010**SENIOR CITIZENS' COUNCIL RECOMMENDATION**

That the Council receive the minutes of the previous Senior Citizens' Council Meeting held on 27 May 2010.

BUSINESS ARISING FROM THE MINUTES

Bruce Kirkness asked if a thank you letter had been issued to Bruce Pyke. A draft letter will be presented to the Council at the next meeting.

3.1 Review of Charter

The Chairperson, June Goss read out a prepared statement on the structure of the Senior Citizens' Council:

"I would like you to consider the following suggestions:

Following on from the discussion we had after our last meeting in relation to the format of our Wyong Shire Senior Council we inform the Shire Council that we do not agree with the proposed 'Charter for the Wyong Shire Senior Citizens Consultative Committee.'

If we accept it this would mean we would continue to be bound by the rules governing a committee or council of the Wyong Council. I think it is generally agreed that the present way the meetings are conducted they are far too formal and have taken away the spontaneity of the discussion and suggestions from the members.

I would like to suggest that the Seniors' be either named an Advisory Group or some other title but not 'Council' or 'Committee' and that it would remove us from our present situation of being bound by the Shire Councils structure and regulations.

There is no doubt whatsoever in my mind that having a 'Seniors Advisory Group' is of great benefit to the Shire Council. Each member of our group has a wealth of experience plus contacts through our various organisations to be able to advise Council on what will be of benefit to the Shire's Seniors and what help the Council can give to the seniors within its parameters.

Our recommendations could still be forwarded to Council in the correct form and manner for consideration and action. Our meetings could be held on a monthly basis and take place within the Council's Chambers.

We would continue to assist in Council's activities for the seniors, as we have in the past, in a practical way and with suggestions of the Shire's senior's needs/requirements. For example, as we did with the survey, International Women's Day, suggestions given to the various Council departments etc.

We realise that many of the seniors' pressing needs are not within the orbit of Council's responsibility, however, through our contacts in the Shire it may be possible we can assist the Council to raise the matters in a different place.

I feel sure we all agree that our group does require new members from organisations around our area. It is also my opinion that people would be happier to participate and give their time and energy to a far less formal group.

I hope that together with other members' suggestions we will be able to quickly solve this problem."

RECOMMENDATION

- 1 *That the Seniors Council adopt the suggested Charter.*
- 2 *That the Seniors Council endorse the change of name to the Wyong Shire Senior Citizens Consultative Committee.*

SENIOR CITIZENS' COUNCIL RECOMMENDATION

- 1 ***That the Seniors Citizens' Council reject the suggested Charter in its present form.***
- 2 ***That the Seniors Citizens' Council be developed into a Reference Group.***

3.2 Outdoor Seating and Age-Friendly Design Guidelines 2010

The Wyong Shire Senior Citizens Council believes that age-friendly outdoor seating is a basic facility that supports people of all ages and abilities out and about in their neighbourhoods for exercise, recreation, rehabilitation and social connection.

They said that people use seats as rest points for recovery; relaxation or to socialise with others.

They identified the following key features as age-friendly for seating:

- seating that incorporates a more elevated section to allow for greater ease when moving from the seated to a standing position
- seating that includes an armrest as a lever when changing position
- seating that incorporates an elevated section that is high enough to provide an opportunity to rest while standing.
- seating that is positioned in a way that accommodates wheel chair users
- a creative design that looks good and can withstand all weather and potential vandalism

SENIOR CITIZENS' COUNCIL RECOMMENDATION

That WSC consider the guidelines outlined when designing Outdoor Seating to accommodate the needs of people of all ages and abilities and use these as the basis on which to develop affordable alternatives to the current and standard outdoor seating.

4.1 Wyong Performing Arts Centre Committee

Juliet Axford gave an update to the Senior Citizens' Council on the Committee meeting that she attended.

SENIOR CITIZENS' COUNCIL RECOMMENDATION

That the Senior Citizens' Council receive the report on Wyong Performing Arts Centre Committee.

4.2 Speaker - Paul Bowditch, Future Planning Section

Paul Bowditch, Acting Manager of Future Planning spoke to the Council on the Future Planning Section and provided an organisational chart of the Section and a brief outline of the many projects his staff are working on.

RECOMMENDATION

That the Senior Citizens' Council receive the report on Speaker - Paul Bowditch, Future Planning Section.

SENIOR CITIZENS' COUNCIL RECOMMENDATION

- 1** *That the Senior Citizens' Council receive the report on Speaker - Paul Bowditch, Future Planning Section.*
- 2** *That the Manager of Future Planning be invited to a future meeting of the Senior Citizens' Council to speak on the Shire's community plans.*

Councillor Best left the meeting at 2.41 pm and did not return.

Maryann Housham left the meeting at 2.45 pm and did not return.

3.0 GENERAL BUSINESS

There was no general business.

THE MEETING closed at 3.10 pm.

4.4 Payment of Industrial Special Risk Insurance Policy

TRIM REFERENCE: F2010/00467 - D02288933

AUTHOR: David Secomb, Insurance Controller

SUMMARY

Approval is required to renew Council's Industrial Special Risk (ISR) insurance with Statewide Property Mutual.

RECOMMENDATION

- 1 That Council approve the renewal of Council's Industrial Special Risk insurance policy with Statewide Property Mutual for the period 30 June 2010 to 30 June 2011.**
- 2 That Council approve the premium payment of \$541,679.62 (ex GST).**

BACKGROUND

Council is a member of the Statewide Mutual program providing access to policies such as Property, Public Liability/Professional Indemnity, Council & Officers Liability and Fidelity Guarantee at very competitive prices and coverage, through Statewide Mutual.

Statewide Mutual is a fund made up of the majority of New South Wales' councils. The contributions made by councils by way of total premiums, provide significant buying power and enable Statewide to provide these classes of cover with the high limits Councils require.

The ceiling limits for both Property and Public/Professional Indemnity insurance are currently unobtainable in the Australian insurance market. In order for JLT to seek alternative terms for these risks an approach the Lloyd's and London insurance market would be required and such an exercise would be costly and time consuming.

WSC has been a contributor to this scheme for many years.

Council is required to give at least three months written notice prior to the end of the financial year.

THE PROPOSAL

Council's broker, Jardine Lloyd Thompson (JLT), has arranged renewal of Council's Industrial Special Risk (ISR) insurance with NSW Local Government (Jardine Lloyd Thompson) Property Mutual Scheme known as Statewide Property Mutual, for the period 30 June 2010 to 30 June 2011.

The premium applicable to Wyong Shire Council (WSC) for this insurance renewal is \$541,679.62 ex GST which is an increase of 2.07% on last year's premium. Limits of protection under this policy are direct physical loss or damage, as defined and limited in the wording, on Real Property, Personal Property, Business Interruption, including the Extensions of Coverage applying at the locations provided on Council's Assets Schedule.

Council shall bear the first \$10,000 as a result of any one occurrence.

OPTIONS

There is no advantage for Council to pursue its own tender process as there are no available competitive insurers within Australia to offer this insurance. Statewide Mutual arranges very competitive insurance through the overseas markets for NSW Councils.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
Infrastructure	Risk Management	5.1.3 This item includes insurance premiums including industrial special risk.

Contribution of Proposal to the Principal Activity

This approval will allow payment of the insurance premium.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Provides insurance cover to replace or repair damaged Council facilities

Financial Implications

Nil impact.

Principles of Sustainability

Nil impact.

CONSULTATION

Consultation was carried out with internal asset owners to update Council's Assets Schedule.

GOVERNANCE

Nil impact.

CORPORATE RISKS

Potential damage caused to Council assets.

CONCLUSION

Prospecting for international suppliers will be costly, difficult for WSC and has almost zero chance of success.

Cover is only available from a single Australian supplier and combining WSC buying power with NSW Councils provides the best deal possible.

ATTACHMENTS

Nil.

4.5 Community Twenty20 (T20) Cricket

TRIM REFERENCE: F2009/00243 - D02272688

AUTHOR: Tracy Southern, Sport and Recreation Development Manager

SUMMARY

This report outlines ways in which Council may be able to support the creation of a Community Twenty20 (T20) cricket competition as proposed by the Warnervale Wildcats Cricket Club for the 2010-11 summer sporting season.

RECOMMENDATION

- 1 ***That Council staff work to assist the Central Coast Cricket Association, the Warnervale Wildcats Cricket Club and other interested community members, to bring such a competition to fruition.***
- 2 ***That Council staff seek direct support of the Central Coast Cricket Association and Country Cricket NSW to investigate, manage and operate a Twenty20 competition on the Central Coast.***
- 3 ***That the sportsground fees for the initial year of this competition be waived to support the initiative,***
- 4 ***That a sponsorship agreement be executed between the parties prior to the waiving of fees.***

BACKGROUND

At its meeting held on 26 May 2010, Council resolved as follows:

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

That Council request a report on how it may be able to support the proposed creation of a Community Twenty20 (T20) cricket competition to be organised by the Warnervale Wildcats Cricket Club or other organisations in the 2010-11 summer season.

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

AGAINST: NIL”

Warnervale Wildcats Cricket Club have a proposal to advertise, recruit for and manage a new Twenty20 cricket competition, using their club volunteers, to be held on council sportsgrounds during the 2010/2011 summer sporting season. They will require extensive support to structure, initiate and organise and insure this competition, as well as ongoing support to manage and evaluate the operations of that competition. Various forms of support

will be required from Council, Country Cricket NSW, the Central Coast Cricket Association (CCCA) and the community in order for this competition to operate successfully.

The Twenty20 competition has been suggested, in part, due to the difficulties that the Warnervale Wildcats Cricket Club have experienced with entering the Central Coast cricket competition on a permanent basis. The Mayor and Council Staff have met with CCCA to encourage them to admit the Warnervale Wildcats Cricket Club to their association, the voting for the Wildcats admission is in the control of the existing Central Coast Cricket Clubs who are voting members and referred to as Delegate Members. The Delegate Members, on 1 July 2010, voted against a motion for the Warnervale Cricket Club to be invited to become affiliated to the CCCA. Council have been advised by CCCA that the matter of their application is expected to be resolved shortly.

The Warnervale Wildcats Cricket Club proposal for a Twenty20 competition would be an addition to the current CCCA operations. CCCA has also expressed interest in hosting a mid-week Twenty20 Competition. Consultations between Council and CCCA indicate that CCCA is willing to cooperate with Warnervale Wildcats Cricket Club to bring one such competition to fruition. To this end CCCA is forwarding a proposal to their Executive Committee and Board later this month. The proposal will include a Twenty20 competition. CCCA have expressed their willingness to work with Council and the Community in determining the parameters of such a competition. The Association are unable to provide a clear direction prior to this meeting however they are willing to accommodate and work with the Warnervale Wildcats Cricket Club suggestions.

The community will need to raise significant funds for capital equipment to use for cricket operations which would include a roller (\$40K) sightscreens (\$15K) and covers (\$8K). All user groups of Council turf wickets are responsible for providing a roller for use on their allocated sportsground. This Twenty20 competition is likely to generate no more than \$36K per annum before costs for ground hire, insurance and other essentials are paid for. Subject to affiliation Country Cricket NSW grants may be applied for by Warnervale Wildcats Cricket Club for the purchase of some essential equipment, including a roller. Council is proposing to assist by waiving the \$790.00 (minimum amount based on use of one sportsground, one day per week) seasonal hire fee to assist in the establishment of the competition. Council also provided the club with \$418.00 in Sports Equipment and Recreational Grant funding in 2009/2010. Further funding under this grant in 2010/2011 may be provided subject to approval by the Grants Committee.

Strengths of the proposal:

The proposal for the Warnervale Wildcats Cricket Club to develop a competition, under the guidance of and in cooperation with CCCA, empowers the club to be active in the development of cricket participation. It works towards the strategy of ensuring sport and recreation services are initiated and managed by the local community and for the local community, with Council support. In addition, it represents a good opportunity to increase cricket participation by introducing a game that is similar in length to other competing sport and recreation activities; that is, 75 minutes as opposed to two-day competitions often taking place over more than one weekend.

Weaknesses:

The likely participation gain is unable to be estimated at this stage as an official scope of interested participants has not yet been created. CCCA have indicated that such a competition may be aimed at younger, skilled players, new cricket players as well as current participants. The club in consultation with CCCA and Country Cricket NSW will need to gain and investigate expressions of interest.

Such a competition may create sportsground resourcing issues. The majority of Council's Cricket sports grounds are allocated to the CCCA for use on weekends during the summer sporting season and Council has no sportsgrounds with suitable lighting for night cricket. Subject to other summer 2010/2011 bookings, the Twenty20 Competition may be conducted during daylight hours on a weekday afternoons and/or Sundays at available sportsgrounds. Sports grounds for this competition will need to be sourced in addition to the current local cricket competition requirements, in consultation with CCCA.

The Warnervale Wildcats Cricket Club do not currently possess all the required equipment to operate this competition. Grant opportunities may be explored to overcome this. The club has in the past successfully obtained funding through Council under the Sports Equipment and Recreational Grant and may be able to do so this year also. CCCA and Country Cricket may be approached by the club in relation to grant funding opportunities which may be available, these grants are able to be applied for if/when the club becomes affiliated.

Opportunities:

The provision of a shorter cricket competition may increase cricket participation in the local community due to the reduction in the number of hours required to commit to participate in this form of cricket. The only other option is currently one or two days cricket competition operated by the CCCA.

This type of competition has proven successful in other regional areas and therefore could develop into a larger competition, with women and junior divisions added in following years, thereby significantly diversifying and increasing participation. Country Cricket NSW has developed a model for this type of competition which is operational in Tamworth and CCCA are keen to create a Twenty20 competition in the region, although various models are being explored.

Threats:

CCCA have communicated to Council that they will support an application by the Warnervale Wildcats Cricket Club to Country Cricket NSW for affiliation into the Central Coast competition. The result of such an appeal is at the discretion of Country Cricket NSW however a positive outcome is expected.

Council is able to assist the CCCA and Warnervale Wildcats Cricket Club, as it does all sporting clubs and associations in the Shire. However, the responsibility for the delivery of such a competition is the responsibility of CCCA and the community, the likelihood of this competition being operation in summer 2010/2011 is heavily dependent on these groups working together with the support of Council.

THE PROPOSAL

The Warnervale Wildcats Cricket Club in partnership with Country Cricket NSW and CCCA need to determine the structure the proposed Twenty20 competition in order to establish the roles played by each sporting organisation.

Council is able to provide direct support in the following ways:

- promotion of the competition through the Communications Section, with advertising being arranged in various mediums;
- the waiving of sportsground fees for the initial year of the competition;
- assistance with sourcing opportunities for grant funding;
- the provision of sportsgrounds subject to availability;
- operational assistance in relation to sportsground used;
- maintenance of sportsgrounds in accordance with turf management practices and management of amenities and services provided at sportsgrounds allocated for this use.

Council is also able to support and offer guidance to those involved in relation to the competition. The delivery of such a competition is the role and responsibility of CCCA, Country Cricket NSW, the Warnervale Wildcats Cricket Club and the community. To operate sustainably in the long term, such a competition would demand facilitation from governing bodies also, namely CCCA and Cricket NSW. To this end, CCCA will work with Council in determining the number of teams and proposed locations.

Currently Council has staff responsible for the facilitation of Sport and Recreation Development on a broad scale as well as providing operational support to sporting associations and clubs. The role of the Sport and Recreation Development Manager is to mentor and support associations and clubs to increase participation and the active use of Council's parks, reserves and sportsgrounds.

OPTIONS

- 1 That Warnervale Wildcats Cricket Club seek CCCA and Country Cricket NSW's direct support to manage and operate the Twenty20 competition on the Central Coast in a similar manner to the competition operated in Tamworth (see attached article for further clarification). Preliminary discussions have been undertaken however further developments are dependent on the meeting to be held later this month.
- 2 Council officers to directly support and help the community plan the development of the Twenty20 competition this year, with implementation in the 2011-12 cricket season, assuming that appropriate approvals from sporting governing bodies are secured.

STRATEGIC LINKS

In delivering the Shire Strategic Vision, the Sport and Recreation Section are focused on the following key outcomes:

4.5 Community Twenty20 (T20) Cricket (contd)

Community connectedness - Use sport as the means to build community connectedness and a sense of belonging and pride in the community.

Increase sport and recreation participation - Empower the community's participation in a diverse range of recreation and sports tourism opportunities through growing sporting groups' capability and sustainability.

Equity and access - Encouraging equitable and broad utilisation of the community's assets by ensuring they have up to date and accessible information on both programs and facilities that are available for their use.

This proposal supports this strategic direction.

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	3 Facilities and services: Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Sport and Recreation Development have no financial line number or funds to support this service currently.

Contribution of Proposal to the Principal Activity

The purpose of Sport and Recreation Development is to improve the community connectedness and healthy outcomes through the purposeful provision of opportunities for people to participate in sport and recreation activities.

We will achieve this by rationalising and planning a fair and accessible provision of leisure opportunities in order to increase participation, improve quality of life (and health in particular), ensure equity and access for all, and develop community connectedness.

Our key driver is to increase participation. This proposal supports this strategic direction.

Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Supports the development of programs and services at sports grounds.

Financial Implications

Estimated fees for the seasonal use (24 weeks) of one sportsground, for one half day or night per week during the Summer 2010/2011 sporting season are \$790.00. It is anticipated that more than one location may be required.

Principles of Sustainability

Nil Impact.

CONSULTATION

Warnervale Wildcats Cricket Club representatives, NSW Country Cricket and Central Coast Cricket Association were consulted in the preparation for this report.

The Warnervale Wildcats Cricket Club is very keen to introduce the competition this coming season, though their experience will require much support from Council, CCCA and Country Cricket NSW. CCCA, dependent on the outcome of discussion with it's Board, is confident they will be able to facilitate a Twenty20 competition this coming season. CCCA have also been proactive towards the development of cricket on the Central Coast. CCCA has informed Council that a Development Officer will commence working solely in the Central Coast region within the next two months. The Development Officer will be responsible for working with Wyong Shire and Gosford City Council's as well as schools and clubs in the region.

GOVERNANCE

Nil Impact.

CORPORATE RISKS

Nil Impact.

CONCLUSION

To conclude, it is recommended that Council Officers facilitate preliminary interactions between Warnervale Wildcats Cricket Club, CCCA and Country Cricket NSW. Warnervale Wildcats Cricket Club has contacted CCCA and Cricket NSW in regards to this proposal, further discussion between these groups is required so as to establish a clear direction and outcome for the establishment of such a competition.

Council is willing to be actively involved in the establishment of such a competition through: advertising; waiving of fees, assistance with sourcing grant funding and the provision and maintenance of sportsgrounds and associated facilities.

This represents to best value for funds within given service levels, at current personnel levels, and gives the Wildcats Club the effective support currently available.

ATTACHMENTS

- 1 Bush T20 is music to Tamworth ears - Council report D02272711

Bush T20 is music to Tamworth ears

SMH: <http://www.smh.com.au/news/sport/cricket/bush-t20-is-music-to-tamworth-ears/2009/11/21/1258220007340.html?page=2>

FAR from the frantic money-dripping rock star world of the Indian Premier League, a secret Twenty20 revolution is taking place. There are no movie stars or business mogul owners, or players on million-dollar contracts.

Instead, this revolution is being led by cricketers you've never heard of, playing in a competition you'd never have known about, at a ground you're likely never to have been to. And while, at the glitzy elite level, the debate continues over whether Twenty20 is good for the game or will tear it apart, the benefits of this secret revolution are already clearly positive. It could be the best example of how the newest form of the game could save the game itself.

On Friday night, the final of the Tamworth Premier League Twenty20 competition was played at Tamworth No.1 Oval under new floodlights. A relatively big crowd of all-comers from the town and surrounds turned up. Sponsors enjoyed the action from VIP marquees. Media swarmed about, kids played on a jumping castle and dads tried to take crowd catches for a laugh and a few bucks. The players wore coloured clothing, and music boomed across the PA system as each came out to bat, backdropped by black sight-screens and advertising adorning the boundary fence. Kids from the Tamworth and Quirindi in 2 Cricket centres played a quick game on the oval between matches. Many supporters had never been to cricket before and used the three-hour games for third and fourth, and first and second, to catch up with friends. In vast, drought-stricken areas of NSW - where cricket registration numbers have been stagnant - this was an event that turned imagination into reality. And the word is spreading.

"People in the bush have a lot of considerations these days, which are putting some off spending a whole Saturday playing cricket," says former NSW country player Jeff Cook, the instigator of the competition, which is in its second year.

"People are concerned about droughts, petrol prices, harvesting times and things like the financial crisis, which hit the bush a lot harder than the cities. But country people are resilient. Sport will never die in country areas. And Twenty20 seems to be the perfect compromise. The concept is new, people across the region enjoy it and it's breathing new life into the game."

Cook, Cricket NSW's regional manager for the central north, played in England and saw the effect Twenty20 had on clubs and communities. He believed that if it could work in that staid environment, it could work in regional Australia. He ambitiously sought to incorporate the best aspects of the Indian Premier League, including franchised teams, marquee players, a selection gala evening and prize money. But, unlike the IPL, many would say, this was not about lining pockets at the expense of the game, it was about reinvigorating the game and having a beneficial effect on the area.

"I look at the IPL and how it has taken the world by storm," Cook says. "Obviously we don't have that sort of money, but the process and idea was something that, on a much smaller scale, would be good for cricket and good for the people around these parts. If competitions like this can get more players involved and progressing to state level or even higher, then it can only be a good thing."

The inaugural TPL last season vindicated Cook's hunch.

"The most surprising thing was that we found the sponsors within a week - and there's quite a few of them," he says. "McDonald's East Tamworth came on as a major sponsor as well as franchise owner, and there are three other franchises. It kicked off a lot quicker than I thought it would."

"It's generated about \$18,000 so far this time around - and all the money generated goes straight back into the local competition."

The winning team on Friday night received \$4000 in prize money. The rest will go towards clothing and playing equipment. The competition donated \$250 to Ronald McDonald House in Tamworth and \$250 to the McGrath Foundation (the match for third and fourth was played with a pink ball). A bucket going around the crowd raised more money to donate. Although the sums are relatively small, the effect on the sport and the community could be priceless.

"Last year we found that a lot of wives, girlfriends and kids came to watch these games because they're only three hours," Cook says. "More kids want to play now, and a lot of older guys, who were retiring, have come back. It's brought together a lot of families, and others have become friends through coming to Twenty20 matches. It's created a real harmonious effect around the town.

"The fact it's on a Friday night after work is attractive to people. Many still have to travel quite a way, but we're finding that people finish work and come straight to the ground to watch. The competition is only six weeks long, which is perfect. And we wanted it at the start of the season to kick things off and breathe life into the [cricket] season over the summer."

CNSW is in the late stages of analysing a census of the state's regions, and results should be available next month. But there is a common acceptance that this is a critical time in the sport's evolution, and country areas - which have a proud history of producing top-class cricketers - are particularly vulnerable. Twenty20 might be the medicine the game needs, not only at the big-money level.

"Over the past three or four seasons, our numbers have held reasonably constant," says John Sullivan, Cricket NSW's executive officer for country cricket.

"There are some areas where the trend has been increasing, while in others it's been downward. But what we're noticing is that Twenty20 is evolving and gaining in prominence in country areas. Quite a few regional competitions are running with a T20 agenda, and it's also becoming clear that most associations see it as a social event on a Friday evening and, where possible, they're playing under lights.

"It's fantastic for country cricket. It's attracting new players to the game, and we're finding that it's also attracting past players back because they don't have to commit as much time to playing."

Sullivan is thrilled that the Tamworth model is being copied in other NSW regional centres.

"The Tamworth competition is very successful," he says. "The franchise model has got many local businesses involved, and that appears to be being followed by some of the other regional T20 competitions that are being set up now in places like Cobar, Inverell and Gunnedah. Sponsors obviously see benefit in promoting their businesses in this way, and ultimately cricket benefits. Last week at Gunnedah, more than 300 people turned up for a T20 game."

It might not sound like a lot to city people - and the big wigs at the IPL might chuckle - but it's a sure sign momentum in cricket's secret revolution is growing.

5.1 Provision of Temporary Cleaning Services for The Entrance Town Centre

TRIM REFERENCE: f2004/07982 - D02303221

AUTHOR: Garry McLachlan, Manager Business Development

SUMMARY

This report provides information regarding the provision of temporary cleaning services for The Entrance Town Centre prior to award of a new cleaning contract.

RECOMMENDATION

That Council endorse the extension of the existing cleaning contract for three months to allow the tender process to be completed.

BACKGROUND

The current contract for the provision of cleaning services for The Entrance Town Centre expires on 31 July 2010 and is to be re-tendered. In the past The Entrance Town Centre Management were responsible for the preparation of tenders and appointment of the successful operator. The Town Centre began the process to seek tenders for a contractor to provide cleaning services for the Town Centre in early April. However, Council asked that they suspend the process until legal advice was obtained as to whether recent changes to the Local Government Act impacted upon the Town Centres ability to manage the tender process.

After completion of these documentation changes tenders for a new cleaning contract were called on 20 July 2010. Following the normal tendering and assessment procedures, it is anticipated that a tender report will be submitted for approval to Council's Ordinary Meeting on 13 October 2010.

Assuming there are no difficulties with the tender assessment, this timetable will result in a period of approximately three months from 1 August until 30 October 2010 (i.e. between the expiry of the old contract and the commencement of the new contract) when no cleaning contract will be in place.

To cover cleaning requirements for the Town Centre during this period the existing contractor Amazon Cleaning & Security P/L has been engaged to continue providing the cleaning service for a 3 month period commencing on the 1 August 2010 and terminating on 31 October 2010 when the successful tender operator is expected to commence the new contract.

5.1 Provision of Temporary Cleaning Services for The Entrance Town Centre (contd)

THE PROPOSAL

To provide the provision of temporary cleaning services for The Entrance Town Centre for approximately three months from 1 August 2010 until 31 October 2010.

OPTIONS

- 1 To decline the temporary provision of cleaning services until a successful tenderer is appointed would result in non compliance with OH&S requirements.
- 2 To accept the provision of temporary cleaning services would result in compliance of OH&S requirements.

STRATEGIC LINKS

Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Economy	Town Centre Budgets	2.1.2 The Entrance Town Centre Management

Contribution of Proposal to the Principal Activity

Fosters tourism and creates business opportunities within the Shire.

Link to Shire Strategic Vision

Integrate with Council's vision on ecologically sustainable development, business and employment.

Financial Implications

Nil impact as this item has already been budgeted in the annual plan.

Principles of Sustainability

- Improve and maintain safety, wellbeing and sense of community.
- Build and strengthen partnerships and alliances.

CONSULTATION

The Entrance Town Centre Management has consulted with the existing contractors Amazon Cleaning & Security P/L to continue the cleaning service for approximately three months to cover until the successful tender is expected to commence the new contract.

GOVERNANCE

The terms of engagement are in accordance with the requirements of section 55 of the Local Government Act. This report is provided for Council's notation.

CORPORATE RISKS

The legal advice from Council's solicitors, HWL confirmed that recent amendments to Section 55 of the Local Government Act governing tendering procedures now require any corporation or other body established to undertake certain activities on behalf of a Council, to conduct tender processes in accordance with the Local Government Act. As a consequence, Council staff has been assisting The Entrance Town Centre Management team to conduct tendering arrangements for a new cleaning tender in accordance with Council's procurement procedures. This has required an extensive review of the existing contract with amendments to ensure the revised documentation incorporates recent changes such as the Local Procurement Policy.

CONCLUSION

That Council endorse the extension of the existing cleaning contract for three months to allow the tender process to be completed and the new contractor to be appointed.

ATTACHMENTS

Nil.

6.1 Information Reports

TRIM REFERENCE: F2010/00009 - D02298581

AUTHOR: Sonia Witt, Team Leader

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

6.2 Exhibition Periods for Policies and Strategies

TRIM REFERENCE: F2004/00040 - D02281539

AUTHOR: Paul Bowditch, Acting Manager Future Planning

SUMMARY

Reporting on the viability of exhibiting significant policies and strategies for a minimum of two months.

RECOMMENDATION

That Council endorse the current processes for determining the length of exhibition periods.

BACKGROUND

At its meeting held on 26 May 2010, Council considered a Notice of Motion on the exhibition periods for policies and strategies and resolved as follows:

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

That Council staff prepare a report on the viability of the exhibition period for significant policies and strategies (excluding development applications) be for a minimum of two months.

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

AGAINST: NIL”

Many policies and strategies prepared by Council are subject to certain legislation that prescribes an exhibition period. These legislated exhibition periods are normally less than two months. Council also prepares and exhibits a broader range of documents that may not be defined as a policy or strategy document but they have been included in the discussion for this report.

WHAT IS A SIGNIFICANT POLICY OR STRATEGY

There are a number of factors to be considered before defining a policy or strategy as significant.

Affected Area

Policies and strategies that affect a large area may be considered to be significant. These would normally range from across the whole Shire to across a whole suburb. There may be exceptions to this definition. For example, a plan of management for a local park may be considered significant if the park plays a significant role in the provision of open space to that particular suburb.

Subject or Topic

Some policies and strategies are subject or topic based (eg. Carparking DCP, Bicycle and Shared Pathway Strategy, etc). These topics affect many aspects of development or life within the Shire and therefore may be considered to be significant.

Organisationally Significant

Some policies and strategies have significance to the operation of the organisation such as the Annual Plan. However, it needs to be recognised that the timing of preparation of the Annual Plan may not permit its exhibition for a two month period prior to it being reported to Council for adoption each year.

SUGGESTED POLICIES AND STRATEGIES TO BE CONSIDERED FOR A MINIMUM TWO MONTH EXHIBITION PERIOD

The table below provides a suggested list of policies and strategies that Council may consider should be exhibited for a minimum two month period.

Type	Example	Current Practice	Legislative Requirement	Suitable for two month Exhibition?	Issues/ Comment
Annual Plan	Wyong Shire Annual Plan	Exhibit for 28 days	Yes – Local Government Act	No – Limited time available for the exhibition	Few submissions received
Planning Strategies	Toukley Planning Strategy	Exhibited for 6 weeks – Requests for extensions for submissions granted	None	Yes	Timeframe needs to be accounted for in project program
Rezoning Applications (pre-gateway process)	Woolworths Rezoning at Lake Munmorah	Exhibit for 28 days	Yes – Environmental Planning and Assessment Act	Yes – Although additional period would impact on timing of the development	Impact on timing of development
Planning Proposals (gateway process)	Rezoning of Land for a Plant Hire Business at Berkeley Vale	To be determined by the Gateway (Minister for Planning)	Determined by Gateway	No – Timeframe determined by the Gateway	
Development Contribution	Warnervale Town Centre	Exhibit for 28 days	Yes – Environmental	Yes – Although additional	Generally no submissions

Type	Example	Current Practice	Legislative Requirement	Suitable for two month Exhibition?	Issues/ Comment
Plans	Contributions Plan		Planning and Assessment Act	period would impact on timing of the development	received
Development Control Plans (Chapters)	Various	Exhibit for 28 days	Yes – Environmental Planning and Assessment Act	Yes – Although additional period would impact on timing of the development	Generally no submissions received
Voluntary Planning Agreements	GP Super Clinic VPA	Exhibit for 28 days	Yes – Environmental Planning and Assessment Act	No – Linked to DA statutory period	Exhibition normally linked to DA
Local Area Traffic Schemes (LATMS)	Gorokan LATMS	Exhibit for 28 days	Yes – Roads Act (in some circumstances)	In some circumstances	Limited number of submissions received
Plans of Management	Jubilee/Baden Powell Park	Exhibit for 28 days and 14 days for submissions	Yes – Local Government Act, total period 42 days	In some circumstances	Timeframe needs to be accounted for in project program
Masterplans	Baker Park and Active River Foreshore Masterplan	Exhibit for 28 days	None	Yes	Timeframe needs to be accounted for in project program
Policies	Keeping of Animals, Hoarding Policy, Erosion and Sediment Controls, Bonding.	Exhibit for 28 days	No – However legal advice recommends Council adopt standard process	In some circumstances	Few submissions received.

CURRENT PRACTICE

Exhibition periods for policies and strategies vary due to legislation requirements or decisions made during the project planning phase. In general terms, most documents that are considered to be significant are exhibited for a 6 week period (eg. Draft Toukley Planning Strategy). However, it should also be noted that requests from the community for additional time to prepare submissions to these documents are generally endorsed which effectively 'extends' the exhibition period. It has been Council's experience that in some circumstances, the exhibition of significant policies has generated little if any community interest. Extension of the exhibition period in these instances would achieve little, only adding additional time to the policy review.

COMMUNITY PRECINCT COMMITTEES

Community Precinct Committees (CPC) are utilised as an avenue for presentation and consultation of policies and strategies. Whilst the CPC's have a standard monthly meeting cycle which may not co-incide with an exhibition period, CPC's may call extraordinary meetings to consider these documents and/or host a presentation. There is also an opportunity for several CPC's to meet as a group to have input to shirewide or regional matters. Members of CPC's may also attend any public meetings as part of an exhibition process and then report back to the CPC to enable a co-ordinated response from its membership.

Councillors also have the ability to request an extension of time to various exhibitions.

COMMUNITY ENGAGEMENT STRATEGY

Staff are currently preparing a Community Engagement Strategy that aims to educate staff on the most appropriate and effective method of engaging the community on Council issues. It is considered that by ensuring a high quality engagement process is undertaken, the need to extend exhibition periods (for a minimum of two months) will be negated.

VIABILITY OF EXHIBITION PERIODS BEING FOR A MINIMUM OF TWO MONTHS

As mentioned above, exhibition periods for significant policies and strategies normally run for less than two months. Extending this period to be a minimum of two months would obviously increase the time for community engagement on certain projects, although this additional time would not guarantee a greater response. In fact, the majority of exhibitions receive minimal response from the community. The greatest impact on projects of an extended public exhibition period would be on the time required and the possibility of subsequent deadlines and milestones not being met. However, if this extended exhibition period was considered as part of the planning phase of a project then these deadlines/milestones could be factored into the project plan before proceeding.

Another factor for Council to consider in determining the exhibition period for policy or strategy is the impact that this additional time period could have on the timing of subsequent approvals. For example, there is a requirement for draft Voluntary Planning Agreements (VPAs) to be exhibited for a period of 28 days. However, if VPA's were to be exhibited for two months, this may impact on the timing of issuing of a development consent or proceeding with a rezoning of land. In the case of delaying a development consent, Council could be challenged on a legal basis for exceeding the statutory period to determine a DA. It is unlikely that the development industry would support a proposal to extend exhibition periods due to the delays to development proposals that would occur.

CONCLUSION

In summary Council needs to consider the following points in determining whether to amend the current policy regarding exhibition periods:

- * It is difficult to set a 'blanket rule' that sets the exhibition period for significant policies and strategies due to the range of documents that are exhibited and the impact this timeframe may have on associated approvals.

6.2 Exhibition Periods for Policies and Strategies (contd)

- * The exhibition time of certain documents is limited by legislation.
- * Any changes to exhibition periods that Council may want to make should be placed on public exhibition and consultation would need to occur with the Development Industry.
- * Taking into account the Priority Objectives of the SSV Council's focus should be on the quality of community engagement rather than the length of exhibition period.
- * The current process operates such that any request for extension of time for receipt of submissions is generally approved.
- * The community also has a responsibility to meet reasonable time limits.
- * The current process is working appropriately – it is considered that there is no need to change it.

ATTACHMENTS

Nil.

6.3 Proposed Liquor Outlet Norah Head and Toukley

TRIM REFERENCE: F2008/03390 - D02279286
AUTHOR: Jane Doyle, Senior Administration Officer

SUMMARY

Submitting a response from The Hon Tony Kelly MLC, Minister for Planning in relation to a proposed Liquor Outlets at Norah Head and Toukley.

RECOMMENDATION

That Council receive the report on Proposed Liquor Outlet Norah Head and Toukley.

BACKGROUND

Council's at it's meeting held on 26 May 2010 resolved unanimously on the motion of Councillor Best and seconded by Councillor Eaton:

- 1 *That Council receive the report on Proposed Liquor Outlet Norah Head and Toukley.*
- 2 *That Council thank the Member for Wyong, Mr David Harris MP for his support for this important community issue and request that any feedback from the Minister is reported.*

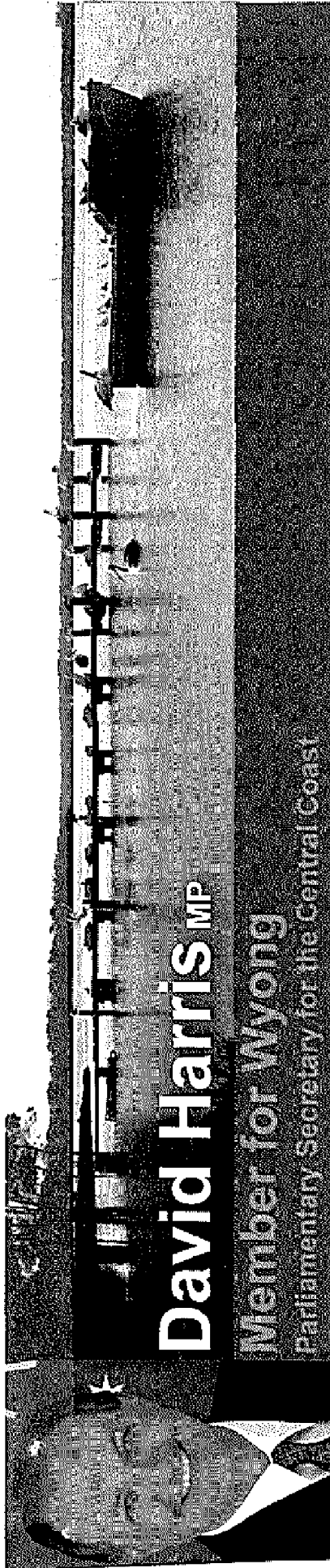
FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Correspondence has now been received from The Hon Tony Kelly MLC, Minister for Planning which is attached.

ATTACHMENTS

- 1 Response from Hon Tony Kelly D02274342



China Reseter.
With Compliments

Electorate office: 243 Main Road, Toukley

Mail: PO Box 31, Toukley NSW 2263

Phone: 4397 1000

Fax: 4397 1012

Email: wyong@parliament.nsw.gov.au





Hon 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

Mr D R Harris MP
Member for Wyong
PO Box 31
TOUKLEY NSW 2263

10/09490

15 JUN 2010

Dear Mr Harris

I refer to your representations on behalf of Wyong Shire Council regarding change of use of retail premises to a liquor retail premises under the exempt development provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Codes SEPP.

The Codes SEPP is an important policy initiative put in place by the Government to remove red tape for low risk and low impact development. The SEPP directly results in significant time and cost savings for home owners and small business.

A number of exempt development types are covered in the Codes SEPP including change of use of a retail premises to another retail premises. Liquor outlets where no alcohol is served on the premises are defined as retail premises. If a change of use proposal complies with the relevant standards for exempt development, there is no requirement to obtain further consent from a council.

The Department of Planning is undertaking a review of the exempt development provisions within the Codes SEPP. I have asked the Department to take this matter into consideration as part of that review.

Should the Council have any further enquiries about this matter, I have arranged for Mr Andrew Abbey, Acting Director - Assessment Systems and Strategies, of the Department of Planning, to assist. He can be contacted on telephone number (02) 9228 6187.

Yours sincerely

Tony Kelly MLC
Minister for Planning

17 JUN 2010

6.4 Bicycle Racks on Buses

TRIM REFERENCE: F2004/06706 - D02273280

AUTHOR: Stephen Prince, Recreation Planner

SUMMARY

Reporting on the investigation of bicycle racks on buses.

RECOMMENDATION

That Council receive the report on *Bicycle Racks on Buses*.

BACKGROUND

Council at its meeting held on 14 April 2010 resolved the following:

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

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

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

BACKGROUND INVESTIGATION

Bicycle racks attached to buses have been used extensively throughout North American and European cities for the past 20 years.

Motivational forces behind the use of bicycle racks have varied from city to city but have included assisting cyclists to reach their destination more quickly; reducing traffic congestion; easing the lack of public transport available in suburbs, encouraging more environmentally friendly means of transport and integration of bicycles and public transport.

In Australia, the installation of bicycle racks on buses has been trialled in Brisbane and Canberra. Brisbane suspended its trial in 2008 after five years citing the high costs associated with infrastructure provision and ongoing maintenance.

In 2007, ACT Internal Omnibus Network (ACTION) in partnership with the ACT Government initiated a trial as part of the ACT Government's Climate Change Strategy. The trial proved extremely successful and this initiative has continued following the conclusion of the trial in March 2009.

ACTION currently has 151 buses fitted with racks which are dedicated to servicing the "Intertown" route. This was expected to increase to 205 by June 2010. The Intertown route is a high frequency bus corridor linking the four main town centres across Canberra. Buses on the Intertown route depart every 5 minutes on weekdays and every 15 minutes on weekends providing a very high frequency service.

CENTRAL COAST BUS COMPANIES

Bus services within the Wyong Shire are provided predominantly by Busways and Red Bus Services. Coastal Liner Coaches also operate within the Shire through sub-contracting to Busways. Yarramalong Bus Service provides a school bus service.

Council staff have discussed the proposition of trialling the installation of bike racks on buses with both Busways and Red Bus Services. The two organisations have not previously considered the provision of such a service. Whilst neither has a formal policy or adopted position relating to this concept, they are unaware of any public demand for this service and have advised they have no real interest in undertaking a trial at this time.

A number of concerns were also identified by each of the bus company operators regarding a trial, which are summarised below:

- Busways regularly rotate buses from one bus depot to another throughout the State. Accordingly, some buses fitted with bike racks would not be permanently located within the Shire.
- Buses have not been designed to accommodate this infrastructure and their ability to be retro-fitted is questionable.
- In some locations, adjustments may be required to road and/or road infrastructure to accommodate the additional front overhang.

NSW TRANSPORT

Busways and Red Bus Services are both contracted by NSW Transport to provide bus services throughout the Shire. Both organisations were unaware of any current regulations regarding the operation of bicycle racks on buses but advised that it was highly probable that they would be guided by NSW Transport.

Staff subsequently discussed the proposition of trialling the installation of bike racks on local buses with NSW Transport. NSW Transport advised it does not have a formal policy or adopted position relating to this concept.

The greatest concern raised by NSW Transport was its understanding that the Australian Road Regulations stipulate that buses cannot exceed 12.5m in length. All new buses currently being constructed for the NSW State Government are 12.5m long and as such would be incapable of accommodating bike racks which were approximately 1.5m long when engaged.

While NSW Transport have not had any direct experience with the planning or installation of bike racks on buses, a number of perceived challenges were suggested including:

- The rotation of buses from one bus route to another and the difficulty in ensuring a consistent service.
- The cost of installing bike racks. It is estimated that it would cost approximately \$10,000 per bus due to the likely need to remove the front plate/grill and lights to install bike racks (this, however is not the case and is discussed further in the following section).
- Insufficient depot capacity to accommodate the longer buses.

Council staff have also identified the possibility that some bus zones may be insufficient in length to accommodate longer buses. At some transport interchanges this could result in a reduction in the number of buses that can be accommodated.

NSW Transport believes the trial of such an initiative would be logistically easier in a region such as the Central Coast as compared to the Sydney CBD. Should local bus companies be able to comply with all necessary regulations, NSW Transport may be supportive of a trial.

NSW ROAD AND TRAFFIC AUTHORITY REGULATIONS

A review of the NSW Road and Traffic Authority (RTA) regulations identifies that buses/coaches longer than 12.5 metres but not longer than 14.5 metres are classified as a “*controlled access bus*”. A controlled access bus is more difficult to manoeuvre than a standard bus and hence may not be accommodated on all roads. These buses may only travel on roads that have been assessed by the RTA and Council as suitable for them. Buses/coaches that are up to 12.5 metres long may travel on any road, unless there is a load restriction (RTA, 2003).

Based upon this advice, the installation of bicycle racks to the front of a standard 12.5 metre length bus would not exceed current RTA road use regulations.

FEASIBILITY AND COSTS OF TRIALLING THE INSTALLATION OF BIKE RACKS ON BUSES

At this time, both Busways and Red Bus Services have advised they have no interest in installing bicycle racks on buses and/or undertaking a trial.

Should the local bus companies agree to undertake a trial in the future, it is likely that they would require the support of NSW Transport and be expected to comply with its requirements. Furthermore, support from the RTA would also be required to determine the appropriate travel routes for these controlled access buses.

Based upon the experience of ACTION, existing buses should have the structural ability to accommodate bike racks. The racks, imported directly from the US, attach to the bus frame via a mounting bracket (supplied with the racks). Attachment of the bracket and racks takes approximately 2-4 hours and does not require the removal of the front grill and/or lights. An assessment of the frames of local buses would be necessary to identify whether there are any structural differences or potential variations.

6.4 Bicycle Racks on Buses (contd)

Due to the simplicity of the rack, minimal annual maintenance is anticipated. Subject to the racks not being abused or significantly damaged, ACTION estimate an asset life per rack of between 6-10 years.

The costs associated with undertaking such a trial will vary significantly. ACTION invests approximately \$50,000 per annum on bicycle bus racks which provides 60 racks (including shipping costs from the United States). This equates to a unit price of approximately \$830 per bicycle rack. Lower volume orders would increase the per unit costs whilst still incurring the same shipping costs. An additional \$30,000 per annum is invested by ACTION in promotional and education awareness programs.

As local bus service operators have expressed no real interest in undertaking such a trial, any costs associated with a future program/trial would need to be borne by the NSW State Government or Council. Due to the high costs involved in importing the bicycle racks, should Council be unsuccessful in obtaining grant funding, this initiative would significantly impact on future works programs and would require a reallocation of funds from currently identified future works.

While a preliminary assessment did not identify any current Commonwealth or State Government transport related funding programs for the installation of bike racks on buses, there may be opportunities to secure funding through future health and/or environmental related grant programs.

Options

Should Council wish to investigate this proposal further, it is considered that the next steps would be:

- 1 Explore in more detail the potential for grant funding by raising the issue with Local, State and Federal members of Parliament.
- 2 Engage/consult relevant community groups to ascertain the level of demand or otherwise.

CONCLUSION

Bicycle racks attached to buses have been used extensively throughout various parts of the world for the past 20 years. Their use and success within Australia has varied, with the ACT the best current example of a successfully operating program.

Both Busways and Red Bus Services have advised they have no interest in installing bicycle racks on buses and/or undertaking such a trial. A number of challenges in delivering such a trial/service have been identified which would require resolution prior to implementing any such program. While these challenges appear to have been overcome in Canberra, the costs associated with undertaking such a trial are high and, without external grant funding, would require a reallocation of funds from future work programs should Council wish to fund such a trial.

Staff have not undertaken any community consultation during the preparation of this report to identify the demand for such a service and are unaware of any expressed demand.

6.4 Bicycle Racks on Buses (contd)

Although there may be opportunities to obtain funding for a trial through future health and/or environmental related grant programs, without the support from local Bus Service operators and NSW Transport, no such trial is considered feasible at this time.

REFERENCES

NSW Road and Traffic Authority Regulations, June 2003, *Controlled Access Bus Information Sheet*, Cat No. 4507081 3A.

ATTACHMENTS

Nil.

6.5 Results of Water Quality Testing for Beaches and Lake Locations

TRIM REFERENCE: F2004/06822 - D02290086

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 months of March, April, May and June 2010.

RECOMMENDATION

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.

INTRODUCTION

Council at its meeting held on 9 June 2010 resolved as follows:

“RESOLVED on the motion of Councillor Graham and seconded by Councillor Webster:

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.*

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

AGAINST: COUNCILLORS BEST AND EATON”

In accordance with the above resolution, this is the final report which includes the water quality results of all lake sampling sites that are not designated lake swimming locations.

Primary Recreation Water Quality Monitoring Program

Wyong beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water (2008)*. These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage

and stormwater contamination. These star ratings are awarded as detailed in the table attached *Table 1: NHMRC Star Rating Interpretation*.

Wyong 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. This involves the sampling of 26 monitoring locations, once a week as required by the NHMRC Guidelines and the Beachwatch program. These monitoring locations include 17 ocean beaches and nine coastal lake sites in the Tuggerah Lakes catchment.

However, Beachwatch have now updated their program to bring it in line with NHMRC (2008), which are based on the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments*, 2003. The new guidelines, NHMRC (2008), have led 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 is 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. An example of the signage can be seen in Figure 2.

Summary of results for March, April, May and June 2010

For the months of March, April, May and June a total of 336 samples were taken from across the 26 sites. During this period only two instances of a site being unsuitable for swimming were recorded. At all other times the 26 estuary and ocean beach sites recorded a Beachwatch Star rating of 3 or higher.

As seen in Figure 1 below on two separate occasions the Cabbage Tree Bay site recorded a Beachwatch Star rating of 2. A Beachwatch Star Rating of 2 means that the water quality is unsuitable for swimming at those times (Table 1). Very heavy rainfall and high turbidity were recorded in the field notes on both of these sampling dates, indicating that the water quality of the site was affected by stormwater. Beachwatch star ratings of 4 were recorded each side of the failed ratings demonstrating that water quality at the site is not consistently poor and recovered quickly to background levels.

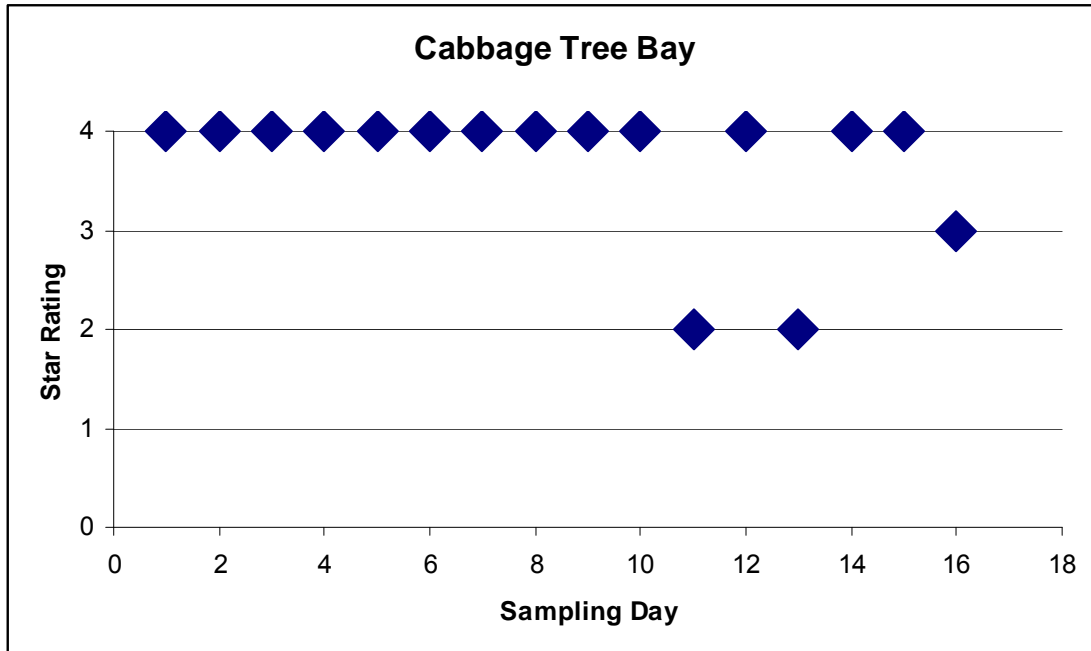


Figure 1: Cabbage Tree Bay Beachwatch results for March, April, May and June 2010

Table 1: NHMRC Star Rating Interpretation

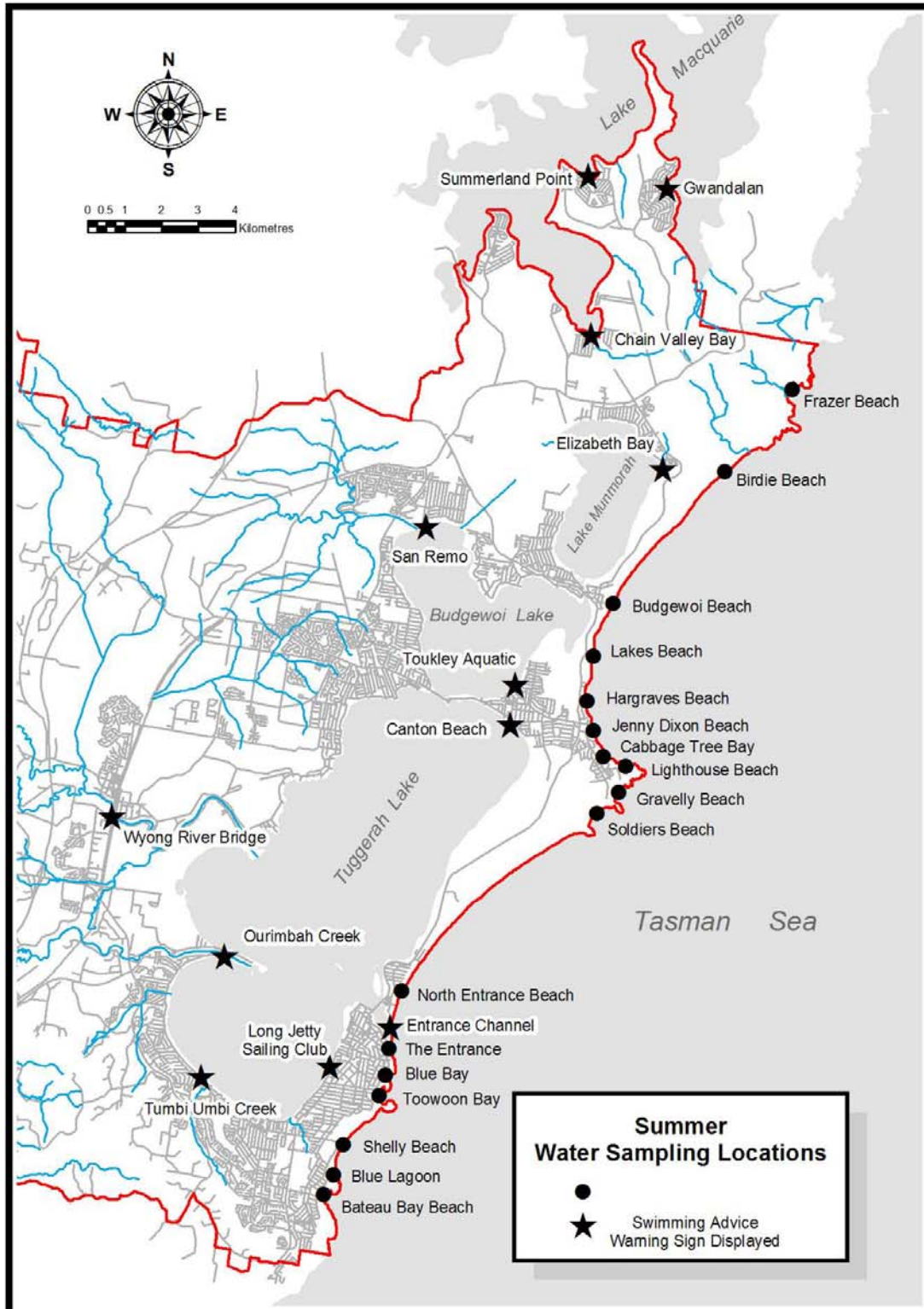
Star Rating		Enterococci (cfu/100mL)	Interpretation
****	Good	≤ 40	NHMRC indicates site suitable for swimming
***	Fair	41 – 200	NHMRC indicates site is suitable for swimming
**	Poor	201- 500	NHMRC indicates swimming at site is not recommended.
*	Bad	>500	NHMRC indicates swimming at site is not recommended.

Figure 2: An example of the advisory signs that have been placed at the lake sampling locations



ATTACHMENTS

- 1 Summer Water Sampling Locations D02290083



6.6 Activities of the Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02293859
AUTHOR: Jane Doyle, Senior Administration Officer

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 June 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	17	3,591,100	19	6,665,750
Industrial	2	516,290	1	5,000
Residential	79	25,145,368	110	12,797,312
Other	22	1,605,650	28	3,854,914
Total	120	30,858,408	158	23,322,976

Note: Included in the number of development applications received in the "Residential" category was an application for a residential flat development for \$15m. Included in the number of development applications determined within the "Commercial" category was an application for 40 Residential units at Woongarra valued at \$5m.

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	-	-	-	-
Industrial	-	-	-	-
Residential	4	6	3	8
Rural	-	-	-	-
Total	4	6	3	8

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 was no priority applications determined during the month.

Other Approvals and Certificates

Type:	Number Determined:
Trees	25
Building Certificates	17
Construction Certificates	91
Complying Development Certificates	16

State Environmental Planning Policy No 1

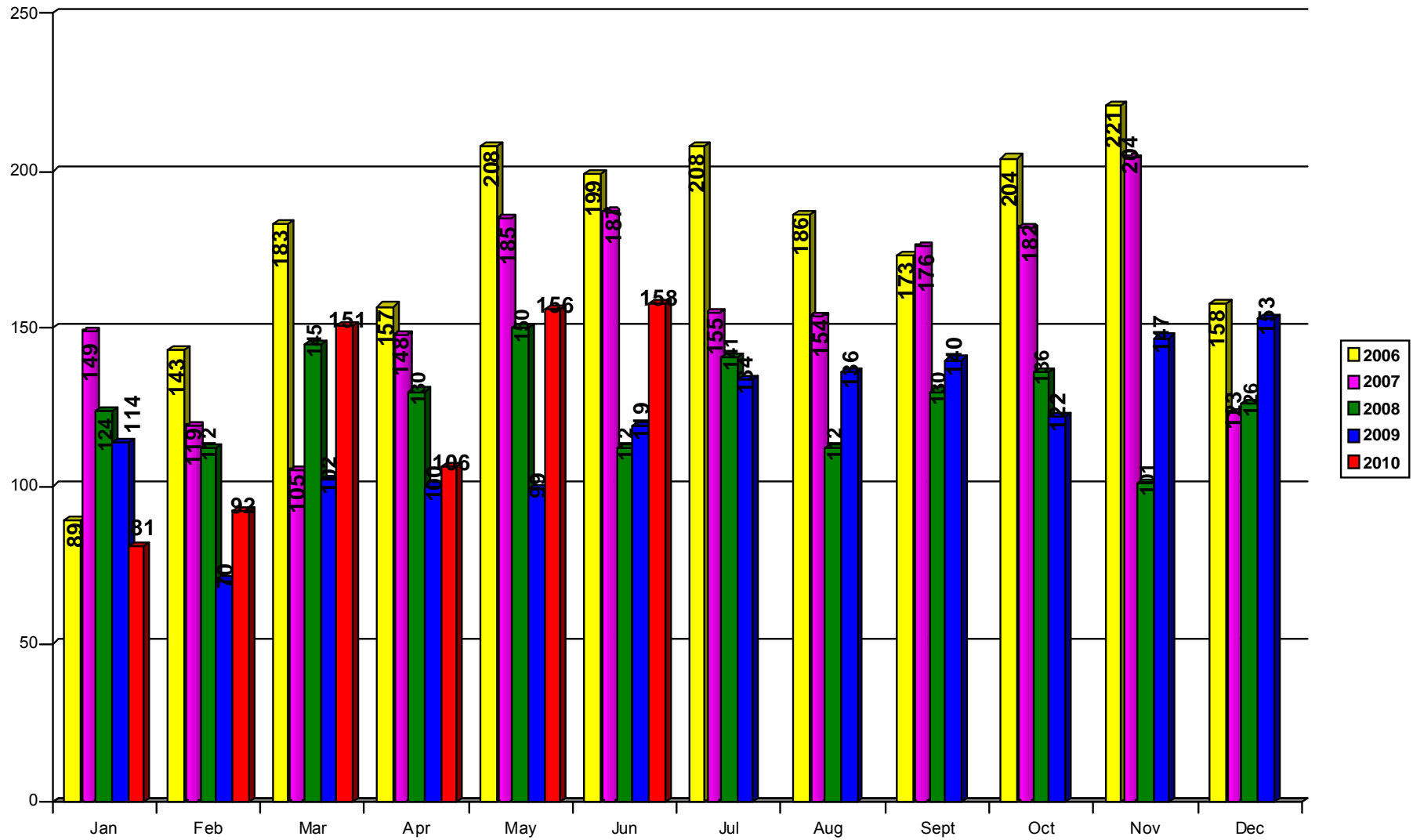
There was one application that relied on a SEPP 1 variation for the month of June which was less than 10%. This application was for the construction of external water and sewer mains over various properties at Bluehaven, Charmhaven and Wallarah to service an approved industrial subdivision at Bushells Ridge.

ATTACHMENTS

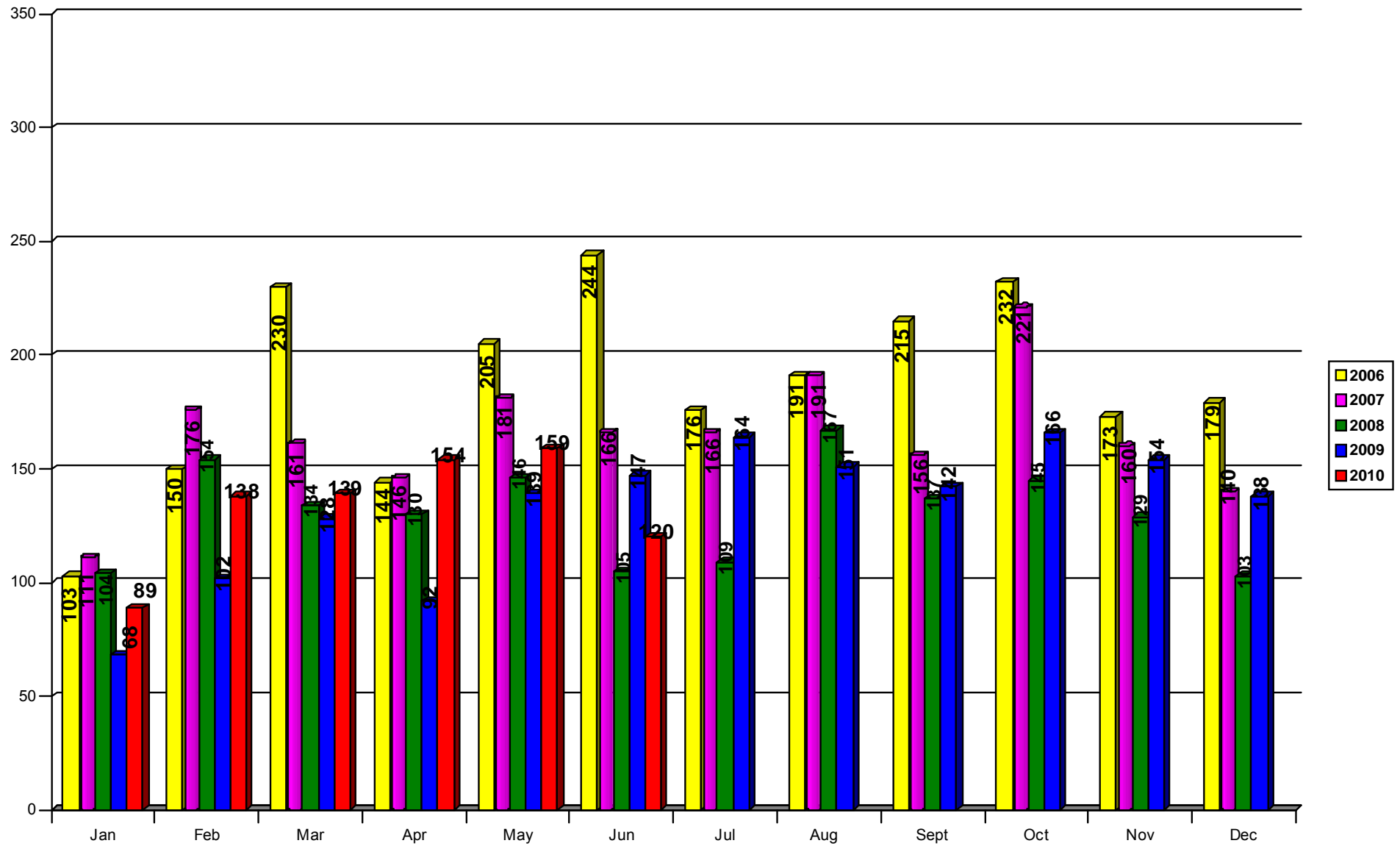
- 1 Graphs - Development Applications Lodged, Determined and Construction Certificates Determined

D02293924

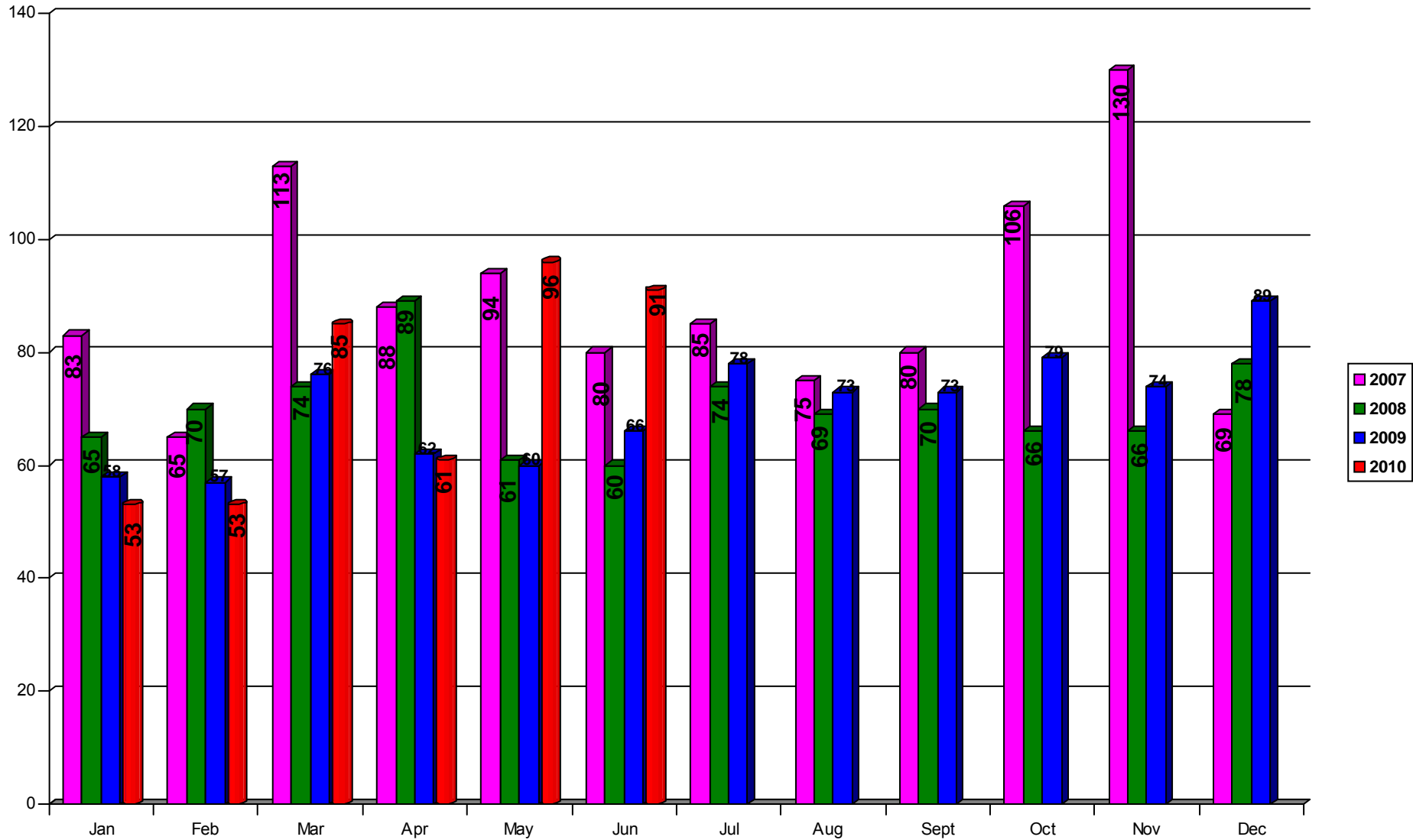
DAs DETERMINED



DAs LODGED



CCs DETERMINED



6.7 Investments for June 2010

TRIM REFERENCE: f2004/06604 - D02288374

AUTHOR: Hannah Pulham, Finance Officer

SUMMARY

The following report details Council's investments as at 30 June 2010.

RECOMMENDATION

That Council receive the report on Investments for June 2010.

BACKGROUND

Conservative management of Wyong Shire Council's (WSC) investment portfolio throughout the last financial year provided a sound defence against the world financial crisis. The "hold to maturity" strategy adopt in 2008-2009 has proven to be appropriate and successful.

Investment in the ING managed fund has been largely redeemed due to fund closure, however WSC still has a significant holding in the Blackrock Care and Maintenance Fund, Macquarie Income Cash Plus fund, and LGFS Fixed Out-Performance Fund.

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

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy and the Minister for Local Government's Investment Order issued in August 2008.

CURRENT STATUS

In June 2010, the total net return was \$0.34 million consisting of interest earnings \$0.39 million and unrealised capital losses of \$0.05 million. Council's total investments as at June 2010 are summarised in Table 1 and detailed in Attachment 1.

Table 1 Investment Portfolio by Risk Category

	June 2010 \$ '000	Year-to-Date Returns		
		Total %	Interest Only \$ '000	Interest Only %
Cash at Call	14,261	4.84	870	4.84
Term Deposits	86,060	4.80	2,657	4.80
Cash Plus Funds	16	12.12	45	0.87
Cash Management Funds	11,765	9.17	1,354	6.22
Enhanced Income Funds	14,299	10.17	524	3.79
Total Investments	126,401	6.62	5,450	4.78

Year-to-date returns of 6.62% (total) reflect WSC's capital recovery and compare favourably with the year-to-date UBSA Bank Bill Index of 3.89%.

WSC's investments have regained \$2.11 million in value from the 2008-09 year end position – the recovery being equivalent to 53% of the paper losses in the previous financial year. Further substantial recovery is forecast based on the nature of assets retained in the managed funds portfolio.

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

Table 2 Portfolio Performance

	July - Dec 2009 \$m	Jan - Mar 2010 \$m	Apr - May 2010 \$m	June 2010 \$m	Year to Date 2009-10 \$m
<i>Movement in Assets</i>					
Opening Balance	99.22	118.03	92.40	92.36	99.22
Capital Gain/Loss – (see below)	1.86	0.69	-0.39	-0.05	2.11
Net Cash/Investments(Withdrawals)	16.95	-26.32	0.35	34.09	25.07
Closing Balance	118.03	92.40	92.36	126.40	126.40
<i>Trading Position</i>					
Capital Gain/(Loss) Realised	-	-	-	-	-
Capital Gain/(Loss) Unrealised	1.86	0.69	-0.39	-0.05	2.11
Interest Earnings	2.75	1.26	1.05	0.39	5.45
Total Return for Period	4.61	1.95	0.66	0.34	7.56

Interest Returns

Interest returns (year to date) continue above original budget by \$0.85 million reflecting the general recovery of the financial markets and \$0.39 million.

Table 3 Interest Only Performance at 30 June 2010

Investment Source	YTD Revised Budget \$ '000	YTD Estimated \$ '000	Var. \$ '000
General Fund	2,453	3,350	897
Water	1,380	830	(550)
Sewerage	1,231	1,272	41
Total	5,064	5,452	388

Workcover require that Council deposit \$9.89 million with TCorp. The return from this investment of 4.70% in June is below WSC's general investment rates achieved, 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 June which was 4.91%.

Black Rock Care and Maintenance Fund

The estimated return for the month of June is an overall loss of \$0.11 million. Total capital gains continue to be positive for the year to date being \$0.64 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.

Aberdeen Cash Plus Fund

At 1 July 2009 WSC's holding was \$10.66 million and \$0.58 million has been the amount of capital gains since then. On 8 January 2009, Aberdeen declared the fund closed, and stated that it would be selling off the fund assets in an orderly fashion.

Under advice from CPG, as at April WSC had redeemed \$9.60 million of the investment which reflected the sale (by Aberdeen) of the fund's more liquid assets. The fund officially terminated in May with Council now retaining no holdings in the fund.

Our advisors will report to us the amount of any crystallised capital loss in July, but it is expected that the amount will be less than \$0.20 million.

LGFS Fixed Out-performance Cash Fund

Council held \$12.19m in this fund at 31 May 2010. CPG has advised that the Local Government Superannuation Fund (LGFS) investment service is likely to suffer a downgrading in its credit rating, and recommended a reduction in WSC's exposure to this institution. Accordingly, \$8.00 million was redeemed in early June bringing the total investment back to \$4.19 million. CPG recommend to continue a holding of not more than 5% of the total portfolio.

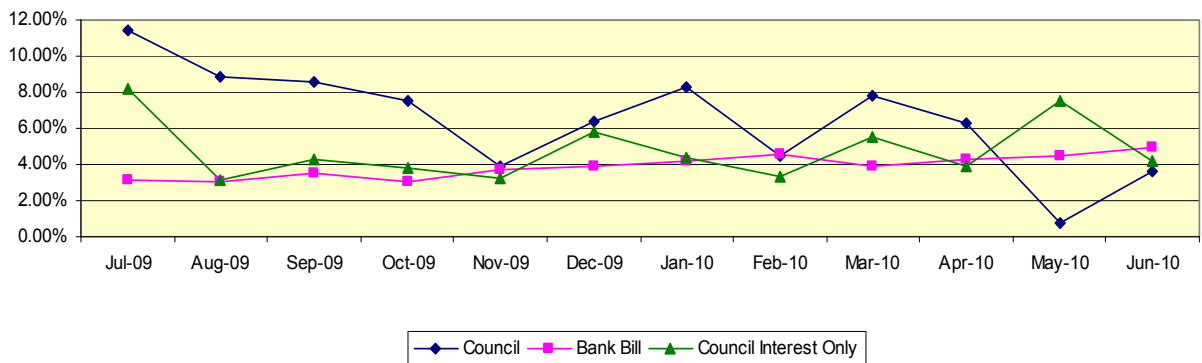
Benchmark - Monthly Returns (Annualised)

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

CONCLUSION

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

ATTACHMENTS

- 1 Summary of Investments by Type as at 30 June 2010 D02288703

Wyong Shire Council
Summary of Investments - By Type
As at 30 June 2010

FUND MANAGER	MATURITY	ESTIMATED PORTFOLIO BALANCE \$	ESTIMATED INCOME FOR MONTH \$	INTEREST RATES % p.a.
CASH AT CALL:				
ANZ High Yield Cash Account (AA)	Daily	14,261,064	65,260	
Total Cash At Call		14,261,064	65,260	
TERM DEPOSITS & BONDS				
T-Corp (WorkCover NSW)	02/09/2010	9,896,000	37,876	4.70
NAB Term Deposit	05/07/2010	5,000,000	24,658	6.00
Bank of Qld Term Deposit	12/07/2010	5,000,000	25,890	6.30
SunCorp Term Deposit	19/07/2010	5,000,000	26,712	6.50
CitiBank Term Deposit	24/08/2010	5,000,000	25,808	6.28
BankWest Term Deposit	06/09/2010	4,000,000	14,493	5.75
BankWest Term Deposit	20/09/2010	5,000,000	6,247	5.70
CitiBank Term Deposit	22/09/2010	5,000,000	4,693	5.71
BankWest Term Deposit	12/10/2010	5,000,000	24,658	6.00
ANZ Term Deposit	19/11/2010	5,000,000	6,575	6.00
SunCorp Term Deposit	26/11/2010	2,000,000	10,356	6.30
SunCorp Term Deposit	06/12/2010	3,000,000	11,626	6.15
ANZ Term Deposit	06/12/2010	3,000,000	11,248	5.95
Westpac Term Deposit	21/12/2010	5,000,000	4,833	5.88
BankWest Term Deposit	20/01/2011	5,000,000	4,890	5.95
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	26,301	6.40
SunCorp Term Deposit	22/06/2011	5,000,000	6,959	6.35
Westpac Deposit Bond	24/09/2012	4,163,677	23,641	5.13
Total Term Deposit & Bonds:		86,059,677	297,465	
CASH PLUS:				
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	16,321	(4,262)	
Total Cash Plus		16,321	(4,262)	
CASH MANAGEMENT FUNDS:				
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,558,607	(108,070)	
LGFS Fixed Out-Performance Cash Fund (AA-f)	Open Ended	4,206,021	20,708	
Total Cash Management Funds		11,764,628	(87,362)	
ENHANCED INCOME:				
Macquarie Income Cash Plus (A)	Open Ended	14,299,299	61,407	
Total Enhanced Income		14,299,299	61,407	
TOTAL		126,400,989	332,508	

6.8 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02275061

AUTHOR: Vanessa Trzcinka, Engineer

SUMMARY

Water supply and sewerage works in progress and completed for July 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
Ithome St, Wyong	8,000	28/6/10	75	75	2/7/10	<p>Work has commenced at Wyong Pool to replace valves and pipe work from the chlorine building to the Olympic swimming pool and children's pool. This work is being done to improve the operations of the system.</p> <p>The work is being funded by Contracts and Special Projects.</p>
Elizabeth Bay Dve, Lake Munmorah	10,000	13/7/10	50	50	15/7/10	<p>Work has commenced for 2 water main connections to service the new development at Lake Munmorah Resort, Pacific Lakes.</p> <p>This work is being funded by the Developer.</p>

Item Description	Est Cost \$	Start Date	% Spent	% Comp	Est Comp Date	Comments
Toowoomba Bay Rd, Nirvana St & Archbold Rd Long Jetty	200,000	8/2/10	66	75	30/7/10	<p>Work is under way to divert the 375mm water trunk main over a stormwater box culvert as part of the intersection upgrade for Roads and Drainage.</p> <p>The work has been intermittent to co-operate with Roads and Drainage requirements. W&S work to date has included relocating a 100mm water main, replacing various fittings and water services and contractors completing a hydra stop connection work.</p> <p>The work is being partly funded by Water and Sewerage Capital Works Program (fitting replacements) and Roads and Drainage Capital Works Program.</p> <p>All works were to be completed by June 2010; however this has been extended due to wet weather and Roads & Drainage work requirements.</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	10	10	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>
Tenth Ave Budgewoi	18,000	5/7/10	50	50	9/7/10	<p>Work has commenced to extend approximately 40m of 150mm PVC sewer main to service a new amenities block at Coles Budgewoi.</p> <p>This work forms part of Contracts and Special Projects to construct a new amenities facility in Budgewoi and is being funded by Water and Sewerage Capital Works Program.</p>

PROCESS**Water Treatment**

All water produced by the Water Treatment Plant, for the period 1 to 28 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 28 July 2010 has met Environmental Protection Authority Licence requirements.

WATER STORAGE

Monday, 19 July 2010				
STORAGES				
Storage	Capacity Full [MI]	Volume in Storage [MI]	Percent Full [%]	Storage Change over last Week
Mangrove Dam	190000	52,642	27.7	Down 187 ML
Mardi Dam	7400	2,862	38.7	Up 293 ML
Mooney Dam	4600	3,109	67.6	Down 104 ML
Total	202000	58,613	29.0	Up 2 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. The work is on schedule for the new outlet tower. 				
STORAGE:				
<ul style="list-style-type: none"> Total stored water volume has increased by 0.2% since last month. Mardi Dam filling has commenced and its storage level is increasing. This day last year the volume stored as a percentage of total capacity was 2.9% higher. 				
HUNTER TRANSFERS:				
<ul style="list-style-type: none"> Hunter Water Corporation supplied 0.0ML last week keeping this years supply at 904 ML. Gosford/Wyong supplied 0.0ML to Hunter Water last week keeping this year's supply to 0ML. 				
GROUND WATER BORES				
<ul style="list-style-type: none"> Groundwater Bores supplied 1.3ML last week increasing this years supply to 120ML. 				
WATER USAGE & RAINFALL				
Period	Water Usage [MI]	Rainfall [mm]		
		Somersby WTP	Mardi WTP	Mangrove Dam
Week to date	490	2	2	4
Previous week	446	25	27	7
Current week last year	462	10	14	4
This year to date	14,226	704	676	577
Same period last year	13,788	850	566	472
<p style="text-align: center;">Week to date consumption was 490 ML, 6.1% more than the same week last year and 9.9% more than the previous week.</p> <p style="text-align: center;">Consumption this year to date is 14,226 ML, 3.2% more than the same period last year.</p> <p style="text-align: center;">Level 3 Water Consumption Target for the week ending Monday, 26 July 2010 is 517 ML</p>				

ATTACHMENTS

Nil.

6.9 Update Report on Future Directions for Body Hire Services for Wyong Shire Council

TRIM REFERENCE: F2006/01523 - D02291736
AUTHOR: Mike Long, Manager Contracts

SUMMARY

This report provides an update on actions taken to implement the Resolutions in Council's Report on "Body Hire" services tabled at the Ordinary Meeting held 26 May 2010.

RECOMMENDATION

- 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.**

BACKGROUND

At the Council meeting held 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"

This report provides an update on progress to date in implementing Council's Resolutions as required by Resolution 4 above.

CURRENT STATUS

Action has been taken in response to the above Resolutions as detailed below.

Resolution 1a – PHASING OUT

The phasing out of current "Body Hire" arrangements has commenced, with workloads re-adjusted to maintain sufficient control on key projects and ensure Council's interests are protected.

The services of one consultant were terminated on 3 June 2010. The services of two other consultants who were previous staff members were terminated on 10 and 11 June 2010. The shared leadership program delivered by two other consultants has not been exercised since 2 June 2010 and no contract exists.

No further temporary staff have been sought from the State Contract Control Board or Local Government Procurement (or any other source) at this time to manage workload requirements.

Resolution 1b – ADVERTISING FOR STAFF

Advertisements for specialist Projects Managers and Project Directors as temporary and fixed term contract Council staff closed on 5 July 2010 for work in the Shire Services Department. Approximately 164 applications have been received and interviews are scheduled for July. Further advertisements are being called internally and externally for specialist positions on the Mardi Mangrove Link Project.

Resolution 1c – PROJECT MANAGEMENT SERVICES CONTRACTS

Action is being taken to prepare suitable project management contract documents to be used for calling tenders for management of larger construction projects as these projects become available and exercised once the outcome of the current recruitment process is known.

Resolution 2 – CANCEL CPA/166101

Tenderers for contract CPA/166101 have been advised that this contract has been cancelled.

Resolution 3 – ADVICE TO DEPARTMENT OF LOCAL GOVERNMENT

The Department of Local Government (DLG) has been advised of Council's actions to date in correspondence and discussions with the General Manager, Internal Ombudsman and Internal Auditor.

Resolution 4 – This report is in response to Resolution 4.

Resolution 5 – Noted.

As a further improvement to Council's current contracting and tendering arrangements a review of Council's procedures will be undertaken by an independent external consultant. This consultant is being sourced through the NSW Government Pre-Qualification Scheme; Performance and Management Services. This Scheme provides a panel of expert service providers skilled in undertaking organisational performance reviews. The scope of services requested is to:

- Identify the most appropriate Government best practice guidelines to benchmark Council's performance.
- Undertake a gap analysis of Council's present organisational competency.
- Where appropriate, to liaise with and work collaboratively with the DLG, to identify complimentary work to ensure the most positive outcome possible for improvements to Council's policies and procedures.
- Undertake a "top-down" strategic overview of the governance needed and the control mechanisms needed to ensure best practice and continuous improvement.

Proposals were requested from three service providers from the panel. The final report from the successful consultant is expected by September 2010.

The required changes to current procedures are being implemented in a timely fashion to provide an appropriate level of risk management to existing projects.

ATTACHMENTS

Nil.

6.10 Mardi to Mangrove Link Project Status

TRIM REFERENCE: f2007/01120 - D02290749

AUTHOR: Claire Cam, Engineer

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

\$46.4m

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		25%
Work Package 2 – Wyong River Pump Station	19 February 2010		20%
Work Package 3 – Wyong Mardi Rising Main 3	16 February 2010		7%
Work Package 4 – Wyong Mardi Inlet	6 May 2010		60%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		15%
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		8%
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

- Individual Property Management Plans (PMP) have been prepared for each property and include all items agreed between each landowner and Council. Fifty four (54) out of fifty five (55) PMPs have been finalised and agreed with property owners.
- 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 is currently negotiating with a number of landholders to secure additional work areas for John Holland and to agree minor variations to the pipeline route.

Stakeholder Liaison**Community**

- Plans are underway to deliver a John Holland safety presentation to Wyong Creek Public School and Wyong Christian Community School to encourage local primary students to be safe and aware around construction sites.
- 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.

6.10 Mardi to Mangrove Link Project Status (contd)

- 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

- Traffic updates were issued to landholders each week who have signed up to receive regular traffic updates. Other landholders have been invited to join this email list.
- Direct landholder liaison is continuing as required.

Government

- A site inspection and project update is being planned for Mr Craig Thomson MP, Member for Dobell.

Incidents

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

Major Achievements / Issues

- Horizontal Directional Drilling (HDD) is being considered as an alternate to micro tunnelling in Work Package 7. An HDD pilot hole has been completed at approximate Chainage (Ch)15100 and results were positive. John Holland Group has now ordered the necessary pipe for HDD.
- Construction of McPherson's access bridge at Ch 16000 is well underway. Construction of the Gates/Meridith access bridge at Ch 7500 has also commenced.
- Approximately 2.1km of pipeline for the Mardi-Mangrove Transfer Main (Work Package 7) has been laid as of 19 June 2010.
- Work is continuing on the new Mardi Dam inlet structure located at the saddle dam (northern end of the Mardi Dam facility). The inlet pipework has commenced, and pouring is continuing for the break tank.
- Excavations have commenced for the pump wet well and transformer substation at Wyong River Pumping Station. The high voltage power is currently being relocated.

ATTACHMENTS

Nil.

6.11 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02276794

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 June 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
Quinalup Street, Gwandalan Stage 1A Drainage	\$690K	01/02/10	98	100	May 2010	Drainage system upgrade involving new pipes and pits, a Gross Pollutant Trap, minor road reconstruction, and kerb and gutter in from the east side of Winbin Cres to the outlet on the corner of Koowong Rd and Noamunga Cres. Works completed.
Perouse Avenue, San Remo Proposed Drainage Improvements - Stage 2	\$975K	05/05/2010	40	50	August 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.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Goorama Avenue / Emu Dr Intersection and Goorama Ave (near Callen Ave), San Remo – Proposed Traffic calming	\$168K	31/05/2010	100	100	June 2010	Works involve constructing an asphalt raised intersection at the Goorama Ave/Emu Dr intersection and construction of new kerb on the eastern side of the intersection. Four road cushions have been installed in Goorama Ave, near the Callen Ave intersection, for traffic calming purposes. Works completed.
Chittaway Rd, Chittaway Bay Pavement renewal	\$470K	12/04/10	100	100	June 2010	Pavement renewal works between Burragah Road and Kauai Avenue. Works completed.
Roslyn Place, Noraville Drainage	\$102K	26/04/10	95	100	May 2010	Stormwater drainage system upgrade to alleviate localised flooding. Works completed.
Brush Road Ourimbah Road Reconstruction	\$1.3M	11/01/10	100	100	May 2010	Widening, re-alignment, reconstruction and sealing of existing 1 km unsealed road. Works completed.
Bush Street Norah Head Stage 1 Drainage and Roadworks	\$656K	26/11/09	100	100	June 2010	Road rehabilitation and drainage upgrade works. Works completed.
Toowoan Bay Rd and Nirvana St Long Jetty Drainage	\$1.5M	23/03/10	80	85	July 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. Drainage works continue across Nirvana and along Toowoan Bay Road.
Northumberland Drive, Tumbi Umbi Road Pavement Renewal Works.	\$230K	28/6/10	100	100	30/6/10	Pavement renewal works between Roberta and Hamilton Streets, Tumbi Umbi. Works completed.

General Maintenance Work

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

	North	South
Drainage Maintenance	Tuggerawong Budgewoi	Killarney Vale Long Jetty Berkeley Vale Bateau Bay Chittaway Bay
Replacement of Damaged Foot paving	Wyong Blue Haven	The Entrance Berkeley Vale 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	Wadalba Jilliby	Nil
Table Drain Maintenance	Charmhaven Budgewoi Toukley Gwandalan San Remo Wyongah	Long Jetty Bateau Bay Killarney Vale Tumbi Umbi Berkeley Vale
Rural Road Grading	Dooralong Yarramalong Ravensdale Jilliby Kiar	Ourimbah Palmdale
Carpark Maintenance	Nil	Nil
Fencing	Nil	Nil

	North	South
Vegetation control	Jilliby Woongarra Halloran Hamlyn Terrace Toukley Mannering Park Yarramalong Dooralong	Tuggerah Berkeley Vale Tumbi Umbi Ourimbah Watanobbi Wyong The Entrance Killarney Vale Long Jetty Tumbi Umbi

CONTRACTS AND SPECIAL PROJECTS SECTION

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

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
Mardi Suite of Works	\$ 59M	Apr 2006	85	85	December 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	85	85	November 2010	
CPA/142295 Construction of High Voltage Power Supply to Mardi	\$4.026	Jan 2009	90	90	September 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. Softball fencing to be erected.
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.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
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	Sep 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 beginning in Spring 2010. Work to be undertaken on northern section with future funding.
CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only	\$290K	Nov 2007	60	75	Nov 2010 (RAP & concept design)	Preliminary site investigation and detailed site investigation completed. (cost \$162K). Tenders invited for remedial action plan (RAP) & concept design. Anticipated completion November 2010.

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only	\$190K	Nov 2007	55	75	Dec 2010 (RAP & concept design)	Preliminary site investigation and detailed site investigation completed (cost \$77K). Tenders being prepared for remedial action plan (RAP) & concept design. Anticipated completion 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. Construction has commenced. 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	May 2010	Earthworks complete on all sites except Reach 36 which has minor works to complete. Bush regeneration works yet to be completed on 2 sites. Works will be completed under budget.
CPA/138216 Streambank Rehabilitation Ourimbah Creek Reaches 41 & 45	\$800K	Feb 2010	60	98	May 2010	Earthworks are complete. Bush regeneration works are yet to be completed on one site. Works will be completed under budget.
CPA/142750 (complete) and CPA/173290 Shelly Beach Landfill Remediation – Investigations only	\$185K	Nov 2007	50	70	Jul 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.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi	\$120K	Nov 2008	40	80	Jul 2010	Contract awarded to Cardno (NSW) Pty Ltd. Completion of design and tender documentation expected by end of July 2010. Predicted Project construction cost \$2.43M, with this consultancy costing approximately \$120K.
CPA/145543 CPA/145982 CPA/150515 CPA/156188 F2008/02699 (Kemp Close) F2007/01457 (eastern section). Construction of Buff Point Shared Pathway (includes Kemp Close section which has attracted a Federal grant)	\$250K per year x 3 years (EMP funds – holiday parks)+ \$250K Federal grant = \$1m + future \$300K for completion to Sonoma Road.	Nov 2007	70	80	August 2010 (current funds)	Construction complete from Edgewater Park to opposite Nacooma Road – approx. 1.9km of total 3km of pathway. Estimated overall cost of construction for all Buff Point pathways is \$1.3M. Construction for next (100m) portion at eastern end commenced in June 2010.
CPA/145814 Design and Tender Documentation for No 3 Aeration Tank – Charmhaven STP	\$190K	Oct 2008	80	98	August 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.
CPA/147230 – 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.

Item Description	Est Cost	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	50	95	Aug 2010	Contract awarded to Cardno (NSW) Pty Ltd. Completion of design and tender documentation expected by mid Aug 2010. Predicted Project construction cost \$1.32M, with this consultancy costing approximately \$118K.
CPA/152818 Consultancy for Investigation, Design and Documentation for B9 Sewer Rising Main Extension to B1 Pump Station	\$148K	Jan 2009	88	99	Jul 2010	Contract awarded to GHD Pty Ltd. Detail design nearing completion. Construction expected to commence November 2010 and be completed June 2011. Estimated project cost \$3M, with this consultancy costing \$148K.
CPA/153228 Construction of Woongarra Sports Facility	\$6.1M	Apr 2009	99	99	July 2010	Contract awarded to Maincon Pty Ltd. Facility opened by Mayor on 27 June. Minor finishing works expected to be completed by end July.
CPA/154562 Toukley Sewage Treatment Plant Inlet Works Upgrade	\$2.05M	Oct 2009	30	55	Aug 2010	Contract awarded to Process Engineering Technologies Pty Ltd. Pre-commencement documents accepted. 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	15	85	Jul 2010	Contract awarded to SMEC Australia Pty Ltd. Completion of design and tender documentation expected by end of July 2010. Predicted Project construction cost \$1.72M, with this consultancy costing approximately \$180K.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
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/159880 Construction of Mannering Park Sewage Treatment Plant Inlet Works	\$1.5M	Jul 2009	70	98	Jun 2010	Contract awarded to Eire Contractors Pty Ltd. Work reached practical completion 25 June 2010. Contractor attending to defects and clean up.
CPA/159848 Reservoir Lining – Tuggerah 1 and Ridgeway	\$350K	Oct 2009	8	20	Sep 2010	Construction tenders reviewed, with recommendations be tabled at 14/7/2010 Council Meeting.
CPA/159872 CPA/172606 CPA/172609 Surf Clubs Upgrade Works Needs analysis & concept/DA Design - Investigation	\$150K	Mar 2009	99	99	Jun 2010	Design complete, DA approved. Federal Government grant funding of \$5.0M announced in June 2010.
CPA/160330 Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire	\$452K	Feb 2010	80	90	Jul 2010	Contract awarded to Smada Electrical Services Pty Ltd. All poles placed cables laid, electrical switchboards installed. Commissioning of all lights to take place early July.
CPA/160331 Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire	\$785K	Feb 2010	80	80	Jul 2010	Contract awarded to Master Electrical Contractors Pty Ltd. Four of five ovals completed and operational. Floodlighting at Watanobbi football oval under construction.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale	\$95K	Mar 2009	60	60	Jul 2010	Contract let to Trehy Ingold Neate Pty Ltd. Vegetation clearing to commence July 2010. Target date for cleared land to be available for sale is August 2010. Consultancy value \$95K.
CPA/160794 Construction of the Northern Section of the Link Road	Construction cost \$9.2M	Mar 2009	55	55	Nov 2010	Repairs to Hunter pipeline link completed. Relocation of gas main on Sparks Road completed. Robsons progressing with earthworks, pavement and kerb and gutter.
CPA/164633 Excavation & Lining of Cell 4.2B at Buttonderry Waste Management Facility (BWMF)	\$6M	Oct 2009	80	90	Jul 2010	Construction by contractor Robson Civil Projects Pty Ltd. Contract progressing on revised schedule following significant wet weather extensions. Further wet weather delays incurred during June. Earthworks complete. Installation of cell lining system and drainage layer 90% complete. Completion expected end July 2010.
CPA/164637 (awarded) Toukley Landfill (Sewage Treatment Plant and Transfer site) Remediation – Investigations only	\$250K (two contracts)	Dec 2009	16	45	May 2010 (Preliminary works) Nov 2010 (Detailed site investigation)	Draft report on preliminary investigations has been submitted for review by EPA Auditor. Tenders for detailed site investigation to be called in July 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	July 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.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/170570 – Toowoomb Bay Holiday Park Resort Pool	\$521K	April 2010	32	35	Sep 2010	Pool shell works now well advanced.
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	5	August 2010	Contract awarded to Newcastle Earthmoving. Works expected to commence mid July following final approvals.
CPA/172474 Construction of 300mm diameter by- pass Gravity Sewer main, Gavenlock Rd, Tuggerah	\$470K	Feb 2010	2	100	Jul 2010	Contract discontinued. Currently reviewing cost effective alternative options. Further report to be provided to Council.
CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility	\$8.3M	Apr 2010	4	5	Apr 2011	Site excavation now underway. Works have been significantly affected by recent wet weather.
CPA/173286 (complete) CPA/181554 Remediation of Mardi Landfill – Design only	\$300K	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.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
CPA/177219 Amenities Block at Tenth Avenue, Budgewoi	\$100K	Dec 2009	5	50	Aug 2010	Building fabrication in progress. Sewer and water connection to commence early July. Contractor to commence installation mid July.
CPA/177377 – Shelly Beach SLSC Documentation & CPA/177378 – Soldiers Beach SLSC Documentation	\$180K	Mar 2009	95	95	Jul 2010	Documentation for both new surf clubs now being finalised by Andrews Neil. Construction tenders for new buildings due to close mid Aug 2010
CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre	\$240K	Jan 2010	5	20	Sep 2010	Recommendation on award of contract to be submitted to 28 July council meeting.
F2008/01053 Saltmarsh Rehabilitation – construction of LM7 & LM8 in Lake Munmorah	\$380K	May 2010	70	65	August 2010	Earthworks almost complete. High lake levels and wet weather are delaying completion of earthworks. Planting will commence immediately after civil works.
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 to be submitted in July with construction to commence once approvals obtained.
F2009/01909 Mannering Park Footpath – Cheryl St & Warwick Ave Shared Pathway – reserve	\$140K (previous \$105K)	Sep 2009	90	90	Target Jun 2010	Construction of 1.2m wide path in Warwick Ave (160m) and 80m in Cheryl St complete. Commenced (using in-house resources) early June, with completion by mid July due to wet weather delays.

6.11

General Works in Progress (contd)

Item Description	Est Cost	Start Date	% Spent	% Comp	Est Comp Date	Comments
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	50	75	Target Jun 2010 – due to rain delays revised target Aug 2010.	Work commenced in May but wet weather delays have been significant.
Design, Documentation and Investigative works for Streambank Rehabilitation of Ourimbah Creek and Wyong River	\$240K	Oct 2009	95	95	Jul 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	Jul 2010	First funding milestone for works completed at 31 March 2010 achieved. Part 5 Applications have been lodged with Council.
Design, Documentation and Investigative works for Stormwater Treatment Projects (2007) - various	\$100K	Dec 2009	90	90	Jul 2010	Part 5 Applications have been lodged with Council.
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	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 1–80 Portion 2-70 Portion 3- 60
CPA/153765 to CPA/153784	Year 3 Upgrade Works to all Holiday Parks	Practical Completion for all contracts was approx 30 September 2009.	76
CPA/157278	Replacement of 600 metre length of 250mm water main – McDonagh Rd	Practical completion 22 January 2010	50

ATTACHMENTS*Nil.*

6.12 Drug and Alcohol Clinic, Canton Beach

TRIM REFERENCE: f2010/00500 - D02300885

AUTHOR: Peter Fryar, Manager Development Assessment

SUMMARY

This Report is in response to Council's Resolution of 14 July 2010 in regard to the potential unauthorised occupancy/use of the premises at Canton Beach for a Drug and Alcohol Clinic.

RECOMMENDATION

That Council receive the report on Drug and Alcohol Clinic, Canton Beach.

BACKGROUND

Council at its meeting held on 14 July 2010 resolved as follows:

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

- 1 That further to Council's resolution 9 June 2010 Item 9.6, Council now as a matter of urgency and in response to local rate payers' concerns investigate reports by local residents that the premises are being readied for occupancy/use by the proposed Drug and Alcohol Clinic.***
- 2 That Council, subject to staff confirming the above and the intention of the applicant regarding occupation, staff move expeditiously to commence legal action to prevent any occupancy/use without the appropriate DA application and due processes.***
- 3 That Council consider a report on their findings to the next round of Council.***
- 4 That, if the investigation by staff provides evidence of an unauthorised occupancy/use of the premises, then Council take immediate action to stop this illegal use.***

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

AGAINST: NIL

An inspection of the subject site was undertaken on 15 and 20 July 2010. It was noted that the existing hostel was currently undergoing minor renovation works including painting and minor repair to the hostel building. The two inspections of the premises revealed that all of the hostel rooms were vacant and there was no evidence of any use being conducted from the premises.

The minor non-structural renovation works are deemed to be exempt development under the State Environmental Planning Policy (Exempt and Complying Development) 2008. Therefore, the works do not require the Development Consent of Council. There was no evidence of any structural works being undertaken to the premises.

A representative from the Australian Council of Alcoholism and Drug Dependence (ACADD) was present on the site on the date of both inspections. The representative advised that it was proposed to establish an operation within the existing premises as a hostel in accordance with the terms and conditions of a 1986 approval granted under State Environmental Planning Policy No 5 (Seniors Living), Housing for Older People or People with a Disability.

As there is currently no unauthorised activity being conducted from the subject premises, there is no ability to instigate any action against the operator of the premises. The subject site will be monitored over future weeks to ascertain whether any future use of the premises requires prior development consent from Council. Should it be determined that any future use of the premises is being conducted in an unauthorised manner, legal action will be commenced to prevent any continuation of an unauthorised use in accordance with the above Resolution of Council.

ATTACHMENTS

Nil.

6.13 Outstanding Questions Without Notice and Notices of Motion

TRIM REFERENCE: F2010/00009 - D02298585

AUTHOR: Sonia Witt, Team Leader

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
Q88/10 Management of Fox Infestation at Lake Munmorah and North of Doyalson	Shire Services	14 July 2010 Cr Wynn	A response will be submitted to Council's meeting of 25 August 2010.
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.
Q90/10 Council's Call Centre Activities	Shire Services	14 July 2010 Cr Wynn	A response will be submitted to Council's meeting of 25 August 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.

6.13 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 draft Policy has been incorporated within the Legal and Policy Unit Work Program to be developed in the third quarter of 2009-10.
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 finalised in August.
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.

6.13 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
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. DOP have requested an Adequacy Review be undertaken by Council. A letter of response has been prepared incorporating Council's comments.
9.4 - Notice of Motion – Costs of the Survey and Preliminary Design to the Entry Road and Intersection at Warnervale Town Centre	Shire Planning	24 March 2010 Cr Graham / Cr Vincent	Ongoing discussions being held with all relevant stakeholders to reach an outcome on the sharing of costs for the construction of the entry road.
8.2 - Notice of Motion – Access to Council Information – Anywhere, Anyhow, Anytime	Corporate Services	14 April 2010 Cr McNamara / Cr Graham	A report will be submitted to Council on 11 August 2010.
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.
7.1 Notice of Motion - Traffic Jams Priority List	Shire Planning	28 April 2010 Cr Eaton / Cr Best	A report will be submitted to Council in August 2010.
7.2 Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)	Shire Services	12 May 2010 Cr Wynn / Cr Vincent	In reference to Resolution 4, draft guidelines will be prepared for a briefing of Councillors in July with the aim to report the guidelines to Council in August 2010.

6.13 Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
7.3 Notice of Motion – Proposed Closure – Tristram Close and Renee Close Laneway, Lakehaven	Shire Services	12 May 2010 Cr Best / Cr McNamara	Staff have initiated investigations. Actions to date include research into the purpose of the laneway and its existing condition, the mailout of a survey to residents, requests for information from NSW Police. Investigations completed June 2010 and report to be submitted to Council on 11 August 2010.
7.6 Notice of Motion – Warnervale Town Centre Viability	Shire Planning	12 May 2010 Cr Eaton / Cr Best	A report will be submitted to Council in August 2010.
9.1 Notice of Motion – Department of Housing Expansion	Shire Planning	9 June 2010 Cr Best / Eaton	The Department of Housing has been contacted.
9.2 Notice of Motion – Installation of Disabled Beach Access at the Lakes Beach Surf Club	Shire Services	26 May 2010 Cr Vincent / Matthews	A response will be submitted to Council's meeting of 11 August 2010.
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.
U20/10 Proposed Drug and Alcohol Clinic at Canton Beach	Shire Planning	14 July 2010 Cr Best / Eaton	A response will be submitted to Council's meeting of 11 August 2010.

Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
Q87/10 Fees payable by Central Coast Triathlon and Multi Sports Club for use of Council facilities	23 June 2010 Cr Best	Response included in this business paper
8.1 - Notice of Motion – Bike Racks on buses	14 April 2010 Cr Best / Cr Wynn	Report included in this business paper
9.1 Notice of Motion – Warnervale City project Team	26 May 2010 Cr Best / Eaton	Report included in this business paper

6.13 Outstanding Questions Without Notice and Notices of Motion (contd)

Question without Notice / Notice of Motion	Date Asked / Resolved	Outcome
9.4 Notice of Motion – Exhibition Period of Policies and Strategies	26 May 2010 Cr Wynn / Eaton	Report included in this business paper
9.5 Notice of Motion – Community Twenty20 (T20) Cricket	26 May 2010 Cr McNamara / Graham	Report included in this business paper

ATTACHMENTS

Nil.

7.1 Answers to Question Without Notice

TRIM REFERENCE: C2010/01723 - D02282619
AUTHOR: Cynthia Manickum, Project Officer

7.1 Q87/10 Fees payable by Central Coast Triathlon and Multi Sports Club for use of Council facilities

The following question was asked by Councillor Best at the Ordinary Meeting on 23 June 2010:

"I table a letter from Central Coast Triathlon and Multi Sports Club seeking review of fees charged by Council to a not for profit community organisation to hold an event. Could the currently outstanding amount be held in abeyance pending review by staff?"

All sporting and recreational groups which utilise Council reserves and sportsgrounds are liable to pay fees. These fees offset, in part, Councils costs in maintaining these facilities.

The Central Coast Triathlon and Multi Sports Club have been invoiced fees, in accordance with Council's Revenue Policy 2009/2010, for the use of Council reserves. Use of these reserves has been booked for the proposed Triathlon and Duathlon events. In recognition of the community benefit, the group has been charged the Not for Profit Groups rate, which is substantially less than the rates charged to both commercial and private groups.

Fees for the use of Council Reserves for Events as per Management Plan 2009/2010:

Description	Commercial Rate	Private Rate	Not For Profit Groups Rate
Event/Function Administration Fee	\$60.00 per event	\$60.00 per event	\$60.00 per event
Event Fee	\$440.00 per day, per location, per event	\$180.00 per day, per location, per event	\$90.00 per day, per location, per event
Event Bond	\$550.00 per event	\$550.00 per event	N/A

As detailed in the above table, substantial subsidies are given to Not for Profit groups when utilising Council Reserves.

Central Coast Triathlon and Multi Sports Club were invoiced during the 2009/10 financial year. It should be noted however, that fees for 2010/11 have been increased to reflect the annual Consumer Price Index.

Total usage for Central Coast Triathlon and Multi Sport Club events is for three separate events and equates to a total of eighteen dates. An Event Fee for Not for Profit Groups totalling \$90.00 is charged per day and a \$60.00 Event/Function Administration Fee is applicable per event. The Central Coast Triathlon and Multi Sports Club is liable for a total of \$1800.00 for these events, as opposed to \$8,100 for the Commercial Rate or \$3,420 for the Private Rate. The club has requested that the fees be waived.

7.1 Q87/10 Fees payable by Central Coast Triathlon and Multi Sports Club for use of Council facilities (contd)

Council practice has been that staff waive fees for those events that are run by not for profit or charitable organisations who are experiencing hardship or where funds raised are directed to a charitable cause. These requests are endorsed by the General Manager. In this case the event is community run but the club will retain any additional funds generated.

The Club has applied for a Councillor Community Improvement Grant to assist in the payment of these costs.

These fees have been held in abeyance to date as requested.

ATTACHMENTS

Nil.

28 July 2010

To the Ordinary Meeting

Councillor

8.1 Notice of Motion - Priority Region for NBN - National Broadband Network

TRIM REFERENCE: F2010/00218 - D02299088

AUTHORS: Councillors Best and Eaton

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

- "1 That Council in partnership with Gosford City Council, the RDA and our local Federal Members, take a lead role in campaigning for the Central Coast Region to receive priority status in the rollout scheduling of the Federal Government's \$40 billion NBN.*

- 2 That Council recognises the extraordinary benefits that will flow to almost every facet of our community as outlined in the attached speech by former Prime Minister Rudd on 10th December 2009 quoting,*

"This will revolutionise teaching in our classrooms, revolutionise health care in our medical centres and our hospitals and will plug our nation into the global economy. It will link together communities and people all across Australia so that Australians in regional areas are not left out."

- 3 That Council recognises the Central Coast as a region is significantly challenged through a wide range of social, educational and economic demographics. Also we are recognised federally as a priority employment region, these issues alone are compelling arguments to prioritise a local rollout of the NBN on the Central Coast.*

- 4 That staff report on activities to date regarding the regional preparation for the NBN highlighting the significant benefits and the most appropriate way forward to facilitate our priority campaign."*

”

COUNCILLORS NOTE

Such is the significance of this issue, we have attached to this Motion the full extract of former Prime Minister Rudd's speech to the University of New South Wales "Realising our Broadband's Future" outlining the overall benefits of the NBN Program.

- 1** Speech made by Kevin Rudd - "Realising our Broadband's Future" D02299094

Prime Minister of Australia

Published on *Prime Minister of Australia* (<http://pmrudd.archive.dpmc.gov.au>)

Speech

10 December 2009

Prime Minister
Realising our broadband future
University of New South Wales
Sydney
10 December 2009

I am delighted to be here today at this important forum, joining both those gathered here in person, and those

Thank you to Paul Twomey for his warm introduction, and my thanks to Stephen Conroy for organising this event, and all those who have assisted.

Stephen and others have brought together people with both vision and the capacity to turn vision into reality - and experts, pragmatists and digital warriors.

Earlier this year the Australian Government made a historic commitment to the future of broadband, jobs and the Australian economy, the commitment to build the National Broadband Network.

We are committed to building the NBN because we believe broadband is essential to building a stronger Australia, creating jobs and the economy of the future.

As I said in launching our plan for the NBN, broadband is the infrastructure of the 21st century. Just as railway and electricity laid the future for the 19th century, and electricity grids and highways laid the future in the 20th century, so broadband is the core infrastructure of the new century.

It is critical if Australia is to compete successfully in the global digital economy and create the jobs and industry of the future. It is also essential for many of the technologies that will help us reduce carbon emissions, improve health care, create a world class education system, and improve opportunities for all Australians no matter where they live.

High speed broadband is, in short, at the heart of building a stronger, fairer Australia ready for the challenges of the 21st century.

That is why the Government has taken the step of establishing the NBN Co.

The reality is that Australia's current broadband infrastructure is not up to scratch. Slow broadband is holding us back:

- Average broadband speeds in Australia are 40 times slower than the world leader, Japan.
- Out of 30 leading countries, we are behind all but three countries. We're behind Turkey. We're behind the Slovak Republic.
- Australians want high-speed broadband, but we are in the bottom half of OECD countries for broadband take-up (16 out of 30 in 2008)

Before the Government came to office two years ago, we had seen a series of failed promises for better broadband plans in a period of 12 years, while Australia fell behind.

When the Government came to office, we began the work to assess how we can best deliver a national broadband network, and earlier this year, I announced that the Australian Government will be investing up to \$43 billion over 10 years to build and operate a National Broadband Network, delivering world leading super-fast broadband to all homes and businesses.

As I said at the time, this is like the building of the Snowy River scheme, the Sydney Harbour Bridge, and the Trans-Australian highway network. It is an historic act of nation building, and it demonstrates our great confidence in Australia's future industries, future jobs and future prosperity.

Delivering the NBN is a massive national task, and we are delighted to have someone with Mike Quigley's experience leading the NBN. His work is critically important nation-building work, because delivering high speed broadband

Australians requires national leadership from the government, and the best technical and commercial leadership from the business community.

History teaches us the need for national leadership on major nation-building infrastructure - and that is why the Government is delivering the NBN.

The work has already begun. We began laying down the first 'track' of the NBN in Tasmania in July this year. It is a historic milestone in our nation building calendar.

As I said at the time, though it was a small beginning this has the potential to transform our economy, and the way we transform many aspects of our lives.

If you are living in the bush and you need to see a doctor without leaving your house -- fast broadband is the answer.

If you live in Brisbane and you want to talk regularly face-to-face with a friend or loved one in London - fast broadband is the answer.

If you are running a business in Broome that needs to operate 24 hours, seven days a week - fast broadband is the answer.

If you are a teacher in Geelong wanting to bring the world to the classroom -- fast broadband is the answer.

And if you are a small business in Campbelltown wanting to tender for a government contract and meet the deadline - fast broadband is the answer.

Faster broadband through the NBN will see optical fibre to homes, schools and businesses deliver superfast speeds of up to 100 megabits per second - 50 times faster than what most people use now. In conjunction with next generation wireless and satellite technologies we will make sure every household, school and business has access to fast broadband.

This will revolutionise teaching in our classrooms, revolutionise health care in our medical centres and our hospitals, and will plug our nation into the global economy. It will link together communities and people all across Australia, and ensure that Australians in regional areas are not left out. Significantly it has the potential to help Australia address many of the challenges of the future, challenges such as the need to reduce greenhouse gas emissions, dealing with the consequences of an ageing population and arresting the trend towards increased levels of congestion in our major cities.

In other words, our national broadband policy is not about communications policy. It is about health policy; education policy; transport policy; and the whole way that governments meet the needs of our people.

Consider the role of the NBN in tackling climate change: it has been estimated that broadband can help reduce annual emissions of greenhouse gases by five per cent.

For example, video conferencing can remove the need to travel for face-to-face meetings. The Australian division of Microsoft claims that it achieved a 16 per cent reduction in air travel in a single year since adopting videoconferencing and telepresence facilities.

In 2008 Microsoft Australia saved \$18,000 on a single quarterly management meeting of 130 people using its videoconferencing products Live Meeting and Roundtable.

In February 2009, the Australian Government announced that telepresence technology would be deployed across all Australian Government and state government locations for use in intergovernmental meetings such as Ministerial meetings. This will lower government travel costs and associated greenhouse emissions by reducing the need for face-to-face meetings.

Another example of the benefits is smart meters. Widespread deployment of smart meters, combined with in-home energy displays has the potential to improve operational efficiency and significantly reduce the amount of energy used in Australian households. In addition, studies show that greater consumer awareness of energy consumption assists in reducing greenhouse gas emissions.

Smart meters demonstrate the benefits of having a price for energy and an ability for households to be able to monitor their energy usage.

Finally, smart grids will see the electricity transmission and distribution network equipped with digital sensors; controls; integration of renewable energy sources such as solar and wind; and smart meters communicating in and from the household. Such a self-aware energy network will enable greater energy efficiency, reduced emissions and better utilisation of renewable energy sources such as solar.

In all these examples it demonstrates the benefits of having both information networks and market signals to help the Australian economy adjust to lower levels of carbon emissions. It is why we need a National Broadband Network in communicating vast amounts of information.

And it is why we need a price on carbon - that's why we need a Carbon Pollution Reduction Scheme. Together, the NBN and CPRS are critical to Australia's efforts to address climate change.

The NBN will also have enormous long-term productivity benefits. Access Economics estimates that across all key sectors - energy, water, health and transport - the adoption of smart technologies and the roll-out of high-speed broadband will add 70,000 jobs to the Australian economy, and add 1.5 per cent to Australia's GDP within a few years.

This is why, as we emerge from the global financial crisis, it is absolutely critical that we get on with the job of building critical infrastructure, and that is what we intend to do.

We recognise that long-term infrastructure investments are an essential part of driving productivity and securing prosperity in the years to come. Investments in education and innovation and infrastructure are critical for the long-term productivity growth.

Investment in broadband infrastructure will boost short-term employment opportunities while creating a foundation for a future economy.

- It will create a platform for future innovation.
- It will drive new business efficiencies.
- It will support new smart infrastructure.
- It will open new trade opportunities.
- It will contribute to productivity growth across the economy.

Building a national high speed broadband network will create jobs now, and into the future: 25,000 jobs every year on average, during the rollout of the network. At its peak, the rollout will support 37,000 jobs.

High speed broadband will also generate additional economic activity. The NBN is expected to generate additional economic activity worth some \$37 billion over the life of the project - an additional quarter per cent of GDP every year over the life of the project.

Most importantly, high speed broadband, once built, has the potential to underpin innovation and job creation in a key part of our economy. The former Commonwealth Department of Communications estimated that innovation from information and communications technology is the single biggest driver of business productivity, driving 78 per cent of productivity gains in service businesses and 85 per cent in manufacturing businesses.

Broadband allows the rapid transfer of information and saves business time and money and reduces paperwork. E-commerce, marketing and sales means access to global markets of consumers without the traditional costs of expansion, and creates new opportunities for new businesses developing new broadband applications.

The Australian business community increasingly recognises the importance of high speed broadband to our future. A survey by the Australian Industry Group last year reported overwhelming support from business for the National Broadband Network, with more than 85 per cent of CEOs saying that internet access was highly important to their business. More than 93 per cent said the internet was driving productivity and 70 per cent said high-speed broadband had created a strategic advantage.

Broadband is also having a transformative effect on the delivery of services and interaction with government, and bringing benefits to communities across the country.

Australia's population is set to increase to 35 million people over the next 40 years. Ubiquitous broadband, through the NBN, will reduce the pressure on our current population centres by making regional communities both attractive and viable - even the most remote communities.

Consider the experience of the Yorke Peninsula - with a population of just over 11,000 people and a higher than the proportion of people aged over 50. 35 per cent of those employed are primarily in agriculture.

In 2005, broadband arrived on the Yorke Peninsula. In 2008, a report commissioned by the South Australian Government estimated total economic benefits of \$21.4 million to the Yorke Peninsula region from the broadband rollout.

Local businesses are now collaborating and trading with partners in distant locations, while doctors are using broadband to transfer medical files and access records. That is why it can never be good enough just to roll out high-speed broadband to the suburbs of our major cities - we must adopt a national approach, as we have done with the plan for the NBN.

This year's Budget recognised the importance of keeping our regional communities connected. We established the \$1 billion Digital Regions Initiative for digital education, health and emergency services projects in regional, rural and remote communities.

Today I am pleased to announce the first seven successful Digital Regions Initiative projects - a \$26.5 million investment that will benefit regional communities across Australia.

In South Australia, we will invest \$2.3 million in Ambulance Mobile Connect. Under this scheme, South Australian Ambulance Service vehicles will be equipped with mobile computing terminals connected to a variety of emergency response and medical information systems via a high speed mobile broadband network.

This will give paramedics real-time access to details of an emergency incident and critical patient information. It will also provide a variety of information systems that will improve ambulance response times and support the delivery of care by paramedics.

In the Northern Territory, we will invest \$7 million for Health e-Towns to deliver improvements in health and education outcomes for 17 remote towns. This investment will support the development of local networks and ICT enabled education and training services.

The health services delivered under this proposal will extend clinical consulting and diagnostic services through telehealth solutions. This project is estimated to reach approximately 30,000 predominantly Indigenous users across the Northern Territory.

In North East Victoria, we will invest \$500,000 in Bushfire Spotting and Response technologies. Using remote camera telemetry and video conferencing devices connected by a wireless network, this project will help reduce the risk of bushfires through enhanced fire detection, management and response capability. Importantly, this proposal is one of the priorities identified as a result of the Victorian Bushfires Royal Commission.

The Government will also partner with Hunter New England Health by investing \$5 million in Chronic Disease Management systems to provide more effective and equitable health care for consumers in remote and regional areas. These systems will increase the coverage of facility based telehealth services and link chronic disease sufferers in their homes to monitoring, educational and support services. This project will also provide increased network capacity services at remote sites and improve the reporting and delivery of medical imaging tests.

In Western Australia, we will invest \$2.8 million in bushfire prediction technology. This will provide families, community organisations and emergency services agencies in rural, regional and remote Australia with bushfire alerts (via email), access to bushfire simulation maps, fire fighting technique testing, a bushfire planning tool, and the implementation of bushfire resilient infrastructure.

In Tasmania, we will invest \$4.9 million in the *Connected - Any Student, Any School* project. This will enable Tasmanian schools to use technologies to offer exciting and innovative personalised learning opportunities - using practical and local, national and global e-learning programs and services. In the short term, the focus will be on service delivery pilot towns of Scottsdale and Smithton, while in the longer term services will be delivered across the whole of Tasmania as the NBN is deployed.

And finally, I am pleased to announce a \$4 million investment to the CDM-Net health project, which stretches across different states. It will assist health practitioners, hospitals, and allied health workers to develop and manage a coordinated disease care plan for patients. This project will be led by Barwon Health in Victoria and is very well supported nationally, including by the key partner of Queensland Health.

These are all worthy projects that will co-fund digitally enabled applications to improve services in the key sectors health, education and emergency services in regional, rural and remote communities across Australia in partnership with state, territory and local governments.

I know some communities are already asking when the NBN will reach them. I am pleased today to be able to report important progress on the NBN.

The NBN Co has been established to build and operate the network.

We have begun a detailed implementation study by a consortium of McKinsey and KPMG to provide information on optimal market structure and competition regime, access models, technology impacts on policy issues and funding arrangements.

In Tasmania construction on the rollout has begun and the first 10 Tasmanian communities to receive superfast broadband have been announced.

Activities are also beginning on the mainland.

Last week, the Government announced Nextgen Networks had been selected to roll out almost 6,000km of new backbone links.

As part of its broader investment in the National Broadband Network, the Government will invest \$250 million in infrastructure that will connect over 100 regional communities and ultimately benefit over 395,000 people across all states and the Northern Territory.

These links will encourage more competition and better broadband services across regional Australia, and serve as important building blocks to support the requirements of the National Broadband Network. We have also introduced legislation to deliver structural reform for the telecommunications industry so that it is more competitive and it has stronger protections for consumers.

The Government recognises that the digital future requires change in the way that government communicates with Australian citizens and delivers services across the country. That is why we established the Government 2.0 Taskforce to investigate and report on how we can use information technology to strengthen the relationship between government and the Australian public.

While the Internet is the citizen's most common point of contact with government, it is still largely passive content seeking information or filling in forms. The taskforce has been examining the larger potential of the Internet to allow departments and officials directly hear the views and ideas of citizens, to personalise public services, and to allow for ongoing review and improvement of public services.

A competition which the [Government 2.0 Taskforce](#) [1] hosted last month invited exponents of "data mash-ups" to transform government information into [data bases](#) [2] that could benefit citizens. From this government data, 8 mash-ups were created in just two weeks.

The competition winner, *LobbyLens*, combined a range of business and electoral data to produce visual representations of links between government organisations, lobbyists and businesses.

Another entry, *In their Honour - Mapping Anzac Graves*, will, once it is fully developed, help Australians find the locations of relatives who died in overseas conflicts.

Another entry created a service to report damaged amenities and public facilities to local governments around Australia. The service is known - in a classic case of public service jargon - as *It's Bugged Mate*.

And it points to a future in which information not only keeps government accountable, it can be fed back to government to help it deliver better services.

Governments and the public service should not fear the digital revolution, but welcome it. That is why my own government is now providing the opportunity for Australians to post comments to my blog and participate virtually in real time directly with me through the PM's Web Chat.

Since the website's relaunch on 15 July this year, we've run four online forums gathering over 1,500 comments through a variety of email and twitter updates.

I have also hosted two live web chats with around 45 members of the community. The first web chat on Climate was held on 10 August, the second web chat for Young Australians was held on 22 October. These events are the first that an Australian Prime Minister has hosted live, real-time online engagement, and they are just the start.

Like Community Cabinet, they are part of the Government's commitment to a more accessible, open and transparent way of governing.

Our Nation Building - Economic Stimulus Plan website which went live on 25 March this year set a new benchmark for transparency and interactivity by Government. The website provides information and regular updates on all components of the \$42 billion Economic Stimulus Package.

The unique My Community interactive Google map allows visitors to track about 50,000 approved projects across the nation. Users can search by suburb, town or postcode to see what projects are underway in their community, and how they fit into the elements of the Economic Stimulus Plan. As of 12 November, the website had attracted 279,405 unique visitors and more than 1.1 million total page views.

The [yourHealth](#) [3] website is another Australian Government innovation that provides a wide range of ways for the community to contribute to the national health reform conversation. Since its launch on 27 July this year, [yourHealth.gov.au](#) has attracted more than 150,000 visitors and has received more than 1,150 submissions from the community, and its video submission system is an Australian Government first. It provides an alternative to a traditional submission by allowing the community to film their views and submit them online as a movie.

To date, 78 videos have been published, featuring a wide range of personal reflections and experiences of the system. This new website allows the Government to listen to the community and lets community members express their views and respond to comments from other community members, a process which will be further improved with the introduction of a new commenting system.

As part of our investment in the NBN, the Government has announced an \$80 million Rural and Regional National Broadband Network Initiative. Australia has one of the lowest population densities on the planet and this initiative is designed to ensure digital inclusion across rural and remote areas through three measures:

- expansion of the ABC's Local Regional Broadband Hubs;
- boosting funding to the Digital Regions Initiative to encourage innovative projects in regional, rural and remote communities; and
- establishing a network of Rural NBN Coordinators to help drive broadband take-up and use in regional Australia.

Beyond the NBN, we are continuing to build digital confidence through related government programs and initiatives. I mention just a few.

As part of the Super Science initiative, we are funding ICT infrastructure for research organisations.

To address global challenges, such as climate change, we are funding the development of Smart Grid, Smart Cities and Smart Communities in partnership with the energy sector. This demonstration project will deliver a fully integrated, commercial-scale smart grid and will inform the business case for broader industry investment in smart grids in Australia.

As part of the Digital Education Revolution, we have created a National Secondary School Computer Fund to provide and upgrade ICT for secondary students in Years 9 to 12.

In April this year, we announced funding for the Vocational Education Broadband Network to allow the Tertiary Education sector to access a high quality broadband network tailored to their specific requirements.

The importance of e-Health is recognised around the world as an opportunity to fundamentally reshape and improve service delivery. The National E-Health Transition Authority was established by the Australian Government and state and territory governments to progress e-Health in Australia.

As business analysts Deloitte reported in September this year, the NBN has the potential to rival the impact of technology milestones such as the widespread adoption of personal computers in the 1980s and the mass market for mobile phones during the 1990s and 2000s, and as Deloitte's report says, the wider business community should be starting now to plan for the impact of the NBN on 'traditional' operations - which brings me to the purpose of this forum for today and tomorrow.

The challenge at this forum is to help map out the applications, services and business models which will thrive in a high-speed broadband environment in Australia. It is to ask the question 'what is possible?', to identify the next steps to maximise the growth of Australia's digital economy, and specifically, to identify what measures need to be undertaken by governments, business and community participants, and how do we make sure that all Australians can benefit from the potential of high-speed broadband - so that we use this technology to build a fairer Australia.

We need to hear ideas across all the Forum streams - Smart Infrastructure, e-Health, Digital Education, e-Business and Community. These are the content, service and application streams with the greatest need and immediate potential for productivity and social benefit.

With the National Broadband Network, we are literally building our nation's future.

The Government is working to deploy smart technologies, promote digital inclusion and review Australia's regulatory framework to support and exploit the opportunities born of the digital revolution and all that will follow.

With these commitments, it then turns to industry to take the lead to ensure that Australia realises the full potential of a digital economy. Your task at this forum is to identify the first level of applications, services and business models and the steps required to make them happen.

Today marks the beginning of a nation-wide conversation of how we turn the digital vision to reality.

We have never pretended this mammoth project is easy. We need your input, your support and your vision. This is important work and I look forward to the results of the time you spend together.



This is an archived version of the former PM's website as at 24 June 2010.

Interactive functions have been disabled on this site - please refer to the [Prime Minister's website](#).

Source URL: <http://pmrudd.archive.dpmc.gov.au/node/6389>

Links:

- [1] <http://gov2.net.au/>
- [2] <http://mashupastralia.org/>
- [3] <http://www.yourhealth.gov.au>